

2009-2010 Regular Sessions

I N   S E N A T E

January 21, 2009

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Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to commodities and services contracts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subparagraph (iv) of paragraph a of subdivision 3 of  
2     section 163 of the state finance law, as amended by chapter 430 of the  
3     laws of 1997, is amended to read as follows:  
4     (iv) The commissioner is authorized to permit any officer, body or  
5     agency of the state or of a political subdivision or a district therein,  
6     or fire company or volunteer ambulance service as such are defined in  
7     section one hundred of the general municipal law, to make purchases of  
8     commodities through the office of general services' centralized  
9     contracts, pursuant to the provisions of section one hundred four of the  
10    general municipal law. The commissioner is authorized to permit any  
11    county extension service association as authorized under subdivision  
12    eight of section two hundred twenty-four of the county law, or any asso-  
13    ciation or other entity as specified in and in accordance with section  
14    one hundred nine-a of the general municipal law, OR ANY NON-PROFIT  
15    CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE  
16    STATE UNIVERSITY OF NEW YORK, or any other association or entity as  
17    specified in state law, to make purchases of commodities through the  
18    office of general services' centralized contracts; provided, however,  
19    that such entity so empowered shall accept sole responsibility for any  
20    payment due with respect to such purchase; AND PROVIDED FURTHER, HOWEV-  
21    ER, THAT COMMODITIES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED  
22    IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF  
23    NEW YORK SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPO-  
24    RATION OR OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT CORPORATION,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 NOR SHALL SUCH COMMODITIES SO PURCHASED BY SUCH NON-PROFIT CORPORATION  
2 BE OFFERED FOR RESALE.

3 S 2. Paragraph e of subdivision 4 of section 163 of the state finance  
4 law, as amended by chapter 95 of the laws of 2000, is amended to read as  
5 follows:

6 e. Any officer, body or agency of a political subdivision as defined  
7 in section one hundred of the general municipal law or a district there-  
8 in, may make purchases of services through the office of general  
9 services' centralized contracts for services, subject to the provisions  
10 of section one hundred four of the general municipal law. The commis-  
11 sioner may permit and prescribe the conditions for the purchase of  
12 services through the office of general services' centralized contracts  
13 for services by any public authority or public benefit corporation of  
14 the state including the port authority of New York and New Jersey, OR  
15 ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND  
16 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK; PROVIDED, HOWEVER, THAT  
17 SERVICES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED IN FURTHER-  
18 ANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK  
19 SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR  
20 OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT ORGANIZATION. The  
21 commissioner is authorized to permit any public library, association  
22 library, library system, cooperative library system, the New York  
23 Library Association, and the New York State Association of Library  
24 Boards or any other library except those which are operated by for  
25 profit entities, to make purchases of services through the office of  
26 general services' centralized contracts; provided, however, that such  
27 entity so empowered shall accept sole responsibility for any payment due  
28 with respect to such purchase.

29 S 3. This act shall take effect immediately; provided, however, that  
30 the amendments to section 163 of the state finance law made by sections  
31 one and two of this act shall not affect the repeal of such section and  
32 shall be deemed repealed therewith.