S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

Introduced by Sens. BRESLIN, ADAMS, DUANE, HASSELL-THOMPSON, KRUEGER, SAMPSON, SMITH, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to training of employees with procurement authority and responsibilities

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

Section 1. The economic development law is amended by adding a new section 147 to read as follows:

S 147. TRAINING AND CERTIFICATION OF STATE AGENCY PURCHASING PERSONNEL. 1. THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A SYSTEM OF TRAINING, CONTINUING EDUCATION AND CERTIFICATION FOR STATE AGENCY PURCHASING PERSONNEL. THE DEPARTMENT MAY ADOPT RULES TO ADMINISTER THE PROVISIONS OF THIS SECTION. THE TERM "STATE AGENCY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION ONE OF SECTION ONE HUNDRED FORTY-ONE OF THIS ARTICLE.

2. ALL STATE AGENCY PURCHASING PERSONNEL, INCLUDING AGENCIES EXEMPTED FROM THE PURCHASING AUTHORITY OF THE DEPARTMENT, MUST RECEIVE THE TRAINING AND CONTINUING EDUCATION TO THE EXTENT REQUIRED BY RULES OF THE DEPARTMENT. A STATE AGENCY EMPLOYEE WHO IS REQUIRED TO RECEIVE THE TRAINING MAY NOT PARTICIPATE IN PURCHASES BY THE EMPLOYING AGENCY UNLESS THE EMPLOYEE HAS RECEIVED THE REQUIRED TRAINING OR RECEIVED EQUIVALENT TRAINING FROM A NATIONAL ASSOCIATION RECOGNIZED BY THE DEPARTMENT.

3. THE DEPARTMENT SHALL SET AND COLLECT A FEE FROM STATE AGENCIES THAT EMPLOY PURCHASING PERSONNEL. THE DEPARTMENT SHALL SET THE FEE IN AN AMOUNT THAT RECOVERS THE DEPARTMENT'S COSTS UNDER THIS SECTION.

4. THE DEPARTMENT MAY PROVIDE TRAINING, CONTINUING EDUCATION AND CERTIFICATION UNDER THIS SECTION TO PURCHASING PERSONNEL EMPLOYED BY A POLITICAL SUBDIVISION OR OTHER PUBLIC ENTITY OF THE STATE. POLITICAL SUBDIVISION PURCHASING PERSONNEL MAY RECEIVE, BUT ARE NOT REQUIRED TO

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

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RECEIVE, THE TRAINING, CONTINUING EDUCATION OR CERTIFICATION PROVIDED UNDER THIS SECTION. THE DEPARTMENT SHALL COLLECT THE FEES DESCRIBED IN SUBDIVISION THREE OF THIS SECTION FOR TRAINING, EDUCATION OR CERTIFICATION PROVIDED IN THIS SUBDIVISION. "POLITICAL SUBDIVISION", AS USED IN THIS SECTION, SHALL MEAN A MUNICIPAL CORPORATION, DISTRICT CORPORATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

5. THE DEPARTMENT MAY PROVIDE TRAINING AND CONTINUING EDUCATION UNDER THIS SECTION USING ITS OWN PERSONNEL OR THROUGH CONTRACTS WITH PRIVATE ENTITIES. THE DEPARTMENT MAY ALSO, BY AGREEMENT WITH A PUBLIC ENTITY, USE THE SERVICES OF PERSONS EMPLOYED BY THE PUBLIC ENTITY TO PROVIDE TRAINING AND CONTINUING EDUCATION UNDER THIS SECTION.

6. THE DEPARTMENT SHALL PRESCRIBE THE CONTINUING EDUCATION REQUIREMENTS FOR AFFECTED PURCHASING PERSONNEL; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL SUCH REQUIREMENTS BE LESS THAN A MINIMUM OF TWENTY-FOUR HOURS OF CONTINUING EDUCATION EVERY TWO YEARS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become law. Effective immediately the commissioner of the department of economic development is authorized to promulgate rules and regulations necessary for the implementation of this act on its effective date.