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

4761

2011-2012 Regular Sessions

I N A S S E M B L Y

February 7, 2011

Introduced by M. of A. CASTELLI, PAULIN, P. RIVERA, TOBACCO, GIGLIO, MURRAY, BURLING, RAIA, McKEVITT, CALHOUN, COLTON, FITZPATRICK, JORDAN, McDONOUGH, MONTESANO, FINCH, AMEDORE, KATZ -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CROUCH, GALEF, HAWLEY, P. LOPEZ, J. MILLER, MOLINARO, OAKS, ORTIZ, RABBITT, SAYWARD, SPANO, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the general municipal law, in relation to authorizing the department of environmental conservation to engage in cooperative purchasing and authorizing intergovernmental agreements

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

Section 1. Section 3-0117 of the environmental conservation law is amended by adding a new subdivision 5 to read as follows:

5. THE DEPARTMENT MAY, WITH WRITTEN APPROVAL OF THE COMMISSIONER, PARTICIPATE IN, SPONSOR, CONDUCT OR ADMINISTER A COOPERATIVE PURCHASING AGREEMENT FOR THE PROCUREMENT OF MATERIAL OR NONPROFESSIONAL SERVICES WITH ONE OR MORE PUBLIC PROCUREMENT UNITS EITHER WITHIN THE STATE OR WITH ANOTHER STATE IN ACCORDANCE WITH AN AGREEMENT ENTERED INTO BETWEEN THE PARTICIPANTS.

S 2. The general municipal law is amended by adding a new section 109-c to read as follows:

S 109-C. INTERGOVERNMENTAL AGREEMENTS. 1. FOR PURPOSES OF THIS SECTION, THE TERM "PUBLIC AGENCY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT, IMPROVEMENT DISTRICT OR DISTRICT CORPORATION OF THE STATE OF NEW YORK.

2. ANY POWER OR POWERS, PRIVILEGE OR PRIVILEGES, AUTHORITY OR UNDERTAKING, EXERCISED OR CAPABLE OF EXERCISE, OR WHICH MAY BE ENGAGED IN, AND ANY PUBLIC WORKS WHICH MAY BE UNDERTAKEN, BY A PUBLIC AGENCY ACTING ALONE MAY BE EXERCISED, ENJOYED, ENGAGED IN OR UNDERTAKEN JOINTLY WITH ANY OTHER PUBLIC AGENCY WHICH COULD LIKEWISE ACT ALONE.

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

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3. ANY TWO OR MORE PUBLIC AGENCIES MAY ENTER INTO A WRITTEN AGREEMENT WITH ONE ANOTHER FOR JOINT OR COOPERATIVE ACTION PURSUANT TO THE PROVISIONS OF THIS SECTION. APPROPRIATE ACTION BY ORDINANCE, RESOLUTION OR OTHERWISE PURSUANT TO LAW OF THE GOVERNING BODIES OF THE PARTICIPATING PUBLIC AGENCIES SHALL BE NECESSARY BEFORE ANY SUCH AGREEMENT SHALL BECOME EFFECTIVE. ANY SEPARATELY LEGAL OR ADMINISTRATIVE ENTITY ESTABLISHED HEREUNDER IS A PUBLIC CORPORATION AND MAY EXIST FOR THE LENGTH OF TIME SET FORTH IN THE INTERGOVERNMENTAL AGREEMENT.

S 3. This act shall take effect immediately.