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

2243--A

Cal. No. 1290

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sens. STEWART-COUSINS, AVELLA, LATIMER, PANEPINTO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general municipal law, in relation to allowing not-for-profits to make purchases through county contracts

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

Section 1. The general municipal law is amended by adding a new section 109-c to read as follows:

S 109-C. PURCHASES THROUGH COUNTY CONTRACTS BY CERTAIN NOT-FOR-PROFIT CORPORATIONS. NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE A SERVICE TO A COUNTY ARE AUTHORIZED TO MAKE PURCHASES OR TO CONTRACT FOR SERVICES OTHER THAN SERVICES SUBJECT TO ARTICLE EIGHT OR ANY PROVISIONS OF THE LABOR LAW AND OTHER THAN PURCHASES OF MOTOR FUEL, DIESEL MOTOR FUEL OR CIGARETTES, THROUGH THE COUNTY WHICH THE NOT-FOR-PROFIT HAS A CONTRACT WITH. SUCH PURCHASES OR CONTRACTS FOR SERVICES MADE THROUGH A COUNTY CONTRACT BY A NOT-FOR-PROFIT SHALL DIRECTLY RELATE TO THE SERVICE FOR WHICH THE NOT-FOR-PROFIT PROVIDES TO SUCH COUNTY. THE COUNTY MAY ESTABLISH LIMITATIONS WITH RESPECT TO COMMODITIES AND SERVICES AND IMPOSE SUCH OTHER APPROPRIATE CONDITIONS UPON PURCHASING AS DEEMED NECESSARY BY THE CHIEF FISCAL OFFICER OF THE COUNTY IN ORDER TO PROTECT THE COUNTY'S OWN PURCHASING INTERESTS; AND SUCH NOT-FOR-PROFIT CORPORATION SHALL MAKE ANY PURCHASE PURSUANT TO THIS SECTION IN ITS OWN NAME AND ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE TO THE VENDOR AND SUCH NOT-FOR-PROFIT CORPORATION AND VENDOR SHALL EACH BE RESPONSIBLE FOR ANY TAX DUE WITH RESPECT TO THE PURCHASES BY THE NOT-FOR-PROFIT CORPORATION. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS ALTERING ANY TAX EXEMPTION AFFORDED TO THE NOT-FOR-PROFIT CORPORATION OR AS CREATING A PRINCIPAL/AGENT RELATIONSHIP BETWEEN THE COUNTY AND NOT-FOR-PROFIT CORPORATION.

S 2. This act shall take effect immediately.

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

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