

1402

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 12, 2015

---

Introduced by M. of A. MONTESANO, SALADINO, FINCH, HAWLEY, CORWIN, MILLER, LUPINACCI, GRAF, GOODELL, GIGLIO -- Multi-Sponsored by -- M. of A. BARCLAY, McLAUGHLIN, TENNEY -- read once and referred to the Committee on Education

AN ACT to amend the education law and the state finance law, in relation to authorizing superintendents and schools to purchase certain material goods and supplies independently

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

1     Section 1. Section 305 of the education law is amended by adding a new  
2     subdivision 53 to read as follows:  
3     53. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY  
4     TO ENABLE SUPERINTENDENTS AND SCHOOLS TO PURCHASE MATERIAL GOODS AND  
5     SUPPLIES DIRECTLY FROM VENDORS OR SUPPLIERS WHEN SUCH PRODUCTS ARE  
6     AVAILABLE AT PRICES OR OTHER TERMS MORE ECONOMICALLY BENEFICIAL FOR THE  
7     PURPOSES OF THE ACQUIRING SUPERINTENDENT OR SCHOOL.  
8     S 2. Paragraph (i) of subdivision 5 of section 163 of the state  
9     finance law, as amended by section 9 of part L of chapter 55 of the laws  
10    of 2012, is amended to read as follows:  
11    (i) For commodities, upon such determination of need, state agencies  
12    shall ascertain whether the commodity is available in the form, function  
13    and utility consistent with their needs from preferred sources and if  
14    so, shall purchase said commodity from a preferred source in accordance  
15    with the provisions of this article. If not so available, state agencies  
16    shall determine whether the commodity is available in the form, function  
17    and utility consistent with their needs on a centralized contract and if  
18    so, except as provided in subparagraph (v) of paragraph a of subdivision  
19    three of this section, shall purchase said commodity using the central-  
20    ized contract, PROVIDED, HOWEVER, THAT SUPERINTENDENTS AND SCHOOLS MAY  
21    PROCURE SUCH COMMODITIES INDEPENDENTLY IN ACCORDANCE WITH REGULATIONS  
22    ESTABLISHED BY THE COMMISSIONER OF EDUCATION AS PROVIDED FOR IN SUBDIVI-

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

LBD05089-01-5

1 SION FORTY-THREE OF SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW. If  
2 a commodity is not available in the form, function and utility consist-  
3 ent with the needs of the state agency from a preferred source or a  
4 centralized contract or as provided for in subparagraph (v) of paragraph  
5 a of subdivision three of this section, the state agency may procure the  
6 commodity independently or in conjunction with another state agency in  
7 accordance with paragraph c of subdivision three of this section.  
8 S 3. This act shall take effect immediately; provided, however, that  
9 the amendments to paragraph (i) of subdivision 5 of section 163 of the  
10 state finance law made by section two of this act shall not affect the  
11 repeal of such section and shall be deemed to be repealed therewith.