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

7286

I N S E N A T E

April 12, 2016

Introduced by Sen. RANZENHOFER -- (at request of the Dormitory Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to enterprise shared service opportunities

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

Section 1. Legislative intent. The legislature recognizes the state's ongoing interest in finding efficiencies in carrying out governmental functions through enterprise shared service opportunities. The legislature finds that the state's authorities have expertise, skills and resources that should be leveraged to provide solutions to today's complex governmental and organizational problems, and further, that shared services and intergovernmental cooperation can facilitate cost-effective collaboration to more effectively serve the residents of the state. Accordingly, it is the intent of this act to promote and facilitate cooperation by and among state authorities to enable them to render such services within their respective functions as may be requested by other such authorities.

S 2. The public authorities law is amended by adding a new section 2882 to read as follows:

S 2882. PUBLIC AUTHORITY ENTERPRISE SHARED SERVICES. 1. (A) IN ADDITION TO ANY OTHER GENERAL OR SPECIAL POWERS VESTED IN A STATE AUTHORITY FOR THE PERFORMANCE OF ITS RESPECTIVE FUNCTIONS AND DUTIES, (I) EACH STATE AUTHORITY SHALL HAVE THE POWER TO PROVIDE COOPERATIVELY WITH ONE OR MORE OTHER STATE AUTHORITIES ANY FACILITY, SERVICE, ACTIVITY OR UNDERTAKING WHICH EACH PARTICIPATING STATE AUTHORITY HAS THE POWER TO PROVIDE SEPARATELY WITHIN ITS RESPECTIVE POWERS, FUNCTIONS AND DUTIES AND (II) EACH STATE AUTHORITY SHALL HAVE THE POWER TO PROVIDE TO ONE OR MORE OTHER STATE AUTHORITIES ANY FACILITY, SERVICE, ACTIVITY OR UNDERTAKING WHICH SUCH STATE AUTHORITY HAS THE POWER TO PROVIDE WITHIN ITS POWERS, FUNCTIONS AND DUTIES.

(B) FOR PURPOSES OF THIS SECTION, "STATE AUTHORITY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION TWO OF THE PUBLIC AUTHORITIES LAW.

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

LBD14400-01-6

NOTHING IN THIS SECTION: (I) AUTHORIZES A STATE AUTHORITY TO DELEGATE ITS POWERS, FUNCTIONS OR DUTIES TO ANY OTHER STATE AUTHORITY; (II) ALTERS OR AMENDS ANY REQUIREMENT, FEE OR RATE APPLICABLE TO THE PROVISION OF ANY FACILITY, SERVICE, ACTIVITY OR UNDERTAKING BY A STATE AUTHORITY, OR TO ANY AGREEMENT RELATING TO THE PROVISION OF ANY SUCH FACILITY, SERVICE ACTIVITY OR UNDERTAKING BY A STATE AUTHORITY, WHETHER IMPOSED BY STATUTE, REGULATION, LICENSE OR INTERNAL POLICY OR ACT OF THE STATE AUTHORITY; (III) REQUIRES OR MANDATES A STATE AUTHORITY TO EXERCISE THE POWERS GRANTED BY THIS SECTION; OR (IV) AUTHORIZES THE ALLOCATION, PURCHASE, SALE OR USE OF POWER OR ENERGY, OR SERVICES RELATED THERETO, BY A STATE AUTHORITY.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, STATE AUTHORITIES MAY ENTER INTO, AMEND, CANCEL AND TERMINATE AGREEMENTS RELATING TO THE PROVISION OF FACILITIES, SERVICES, ACTIVITIES OR UNDERTAKINGS WITHIN THEIR RESPECTIVE POWERS, FUNCTIONS AND DUTIES AUTHORIZED BY SUBDIVISION ONE OF THIS SECTION. ANY AGREEMENT FOR THE PROVISION OF ANY FACILITY, SERVICE, ACTIVITY OR UNDERTAKING AUTHORIZED BY THIS SECTION MAY CONTAIN, WITHOUT LIMITATION, PROVISIONS RELATING TO:

(I) A METHOD OR FORMULA FOR EQUITABLY PROVIDING FOR AND ALLOCATING REVENUES AND FOR EQUITABLY ALLOCATING AND FINANCING THE CAPITAL AND OPERATING COSTS, INCLUDING PAYMENTS TO RESERVE FUNDS AUTHORIZED BY LAW AND PAYMENTS OF PRINCIPAL AND INTEREST ON OBLIGATIONS;

(II) FEES, CHARGES AND OTHER FORMS OF COMPENSATION FOR THE PROVISION OF ANY FACILITY, SERVICE, ACTIVITY OR UNDERTAKING;

(III) PURCHASING AND MAKING OF CONTRACTS SUBJECT TO GENERAL LAWS APPLICABLE TO STATE AUTHORITIES;

(IV) ACQUISITION, OWNERSHIP, CUSTODY, OPERATION, MAINTENANCE, LEASE OR SALE OF REAL OR PERSONAL PROPERTY;

(V) ACCEPTANCE OF GIFTS, GRANTS OR BEQUESTS;

(VI) THE MAKING OF CLAIMS FOR FEDERAL OR STATE AID PAYABLE TO THE INDIVIDUAL OR SEVERAL PARTICIPANTS ON ACCOUNT OF THE JOINT PROJECT;

(VII) THE MANNER OF RESPONDING FOR ANY LIABILITIES THAT MIGHT BE INCURRED IN THE OPERATION OF THE JOINT SERVICE AND INSURING AGAINST ANY SUCH LIABILITY;

(VIII) THE PROCEDURE FOR PERIODIC REVIEW OF THE TERMS AND CONDITIONS OF THE AGREEMENT, INCLUDING THOSE RELATING TO ITS DURATION, EXTENSION OR TERMINATION. THE DURATION OF AN AGREEMENT HEREINAFTER ENTERED INTO, UNLESS OTHERWISE PROVIDED BY LAW, MAY EXTEND UP TO A MAXIMUM TERM OF FIVE YEARS;

(IX) PROCEDURES FOR THE RESOLUTION OF DISPUTES OR DISAGREEMENTS; AND

(X) OTHER MATTERS AS ARE REASONABLY NECESSARY AND PROPER TO EFFECTUATE AND PROGRESS THE SUBJECT SERVICES OR UNDERTAKINGS.

3. ANY AGREEMENT FOR THE PROVISION OF ANY FACILITY, SERVICE, ACTIVITY OR UNDERTAKING AUTHORIZED BY THIS SECTION IS NOT THE RESULT OF A SINGLE SOURCE, SOLE SOURCE OR ANY OTHER METHOD OF PROCUREMENT THAT IS NOT COMPETITIVE.

S 3. This act shall take effect immediately.