

STATE OF NEW YORK

4135

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to establishing the New York state business contract database

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The election law is amended by adding a new section 14-125
2 to read as follows:

3 § 14-125. New York state business contract database. 1. a. As used in
4 this section:

5 (i) the term "business relationships with the state" shall mean any
6 contract for the procurement of goods, services or construction that is
7 entered into or in effect with the state of New York or any agency or
8 entity affiliated thereto not awarded through a competitive bid process
9 pursuant to articles nine and eleven of the state finance law. Business
10 relationships with the state shall not mean any person or entity
11 rejected from participation in such a contract or any person or entity
12 not participating in such a contract within twenty-four months of any
13 election.

14 (ii) the term "New York state business contract database" shall mean a
15 database created, operated, maintained and updated by the state comp-
16 troller accessible to the public which contains the names of persons who
17 have business relationships with the state. Such database shall be
18 created, operated, maintained and updated by the state comptroller in a
19 manner so as to ensure its reasonable accuracy and completeness;
20 provided, however, that in no event shall such database be updated less
21 frequently than once a month in any general election year. Such database
22 shall enable members of the public to determine if a given person has a
23 business relationship with the state.

24 (iii) the term "person" shall include any chief executive officer,
25 chief financial officer or chief operating officer of such entity or

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

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1 persons serving in an equivalent capacity, any person employed in a
2 senior managerial capacity regarding such entity, or any person with an
3 interest in such entity which exceeds ten percent of the value of such
4 entity at fair market value.

5 (iv) the term "senior managerial capacity" shall mean a high level
6 supervisory capacity, either by virtue of title or duties, in which
7 substantial discretion and oversight is exercised over the solicitation,
8 letting or administration of business transactions with the state,
9 including contracts, franchises, concession, grants, economic develop-
10 ment agreements and application for land use approvals.

11 b. Any database maintained by the comptroller as of the effective date
12 of this section may serve as the New York state business contract data-
13 base upon certification by the comptroller to the state board of
14 elections that such database fulfills the requirements of this section.
15 Every state agency or authority of the state including any entity affil-
16 iated thereto shall provide the comptroller with such information as is
17 necessary to construct, modify and maintain such database in a timely
18 manner.

19 2. a. Neither a candidate nor a political committee of such candidate
20 shall accept contributions for any election for a public office or for
21 nomination to any such office which in the aggregate exceeds four
22 hundred dollars from a person or entity who has a business relationship
23 with the state.

24 b. If the compliance unit determines that any contribution to a candi-
25 date or to the political committee of such candidate violates the
26 provisions of this section, the compliance unit shall notify such candi-
27 date within twenty days of such determination and such candidate or
28 candidate's political committee shall make a reasonable attempt to
29 return such contribution to the contributor; provided, however, that if
30 such candidate or the political committee of such candidate is unable to
31 return such contribution, such monies shall be paid to the state board
32 of elections and shall be retained in the appropriate accounts as desig-
33 nated by the division of the budget for enforcement activities by the
34 board of elections.

35 c. The state board of elections, in conjunction with the state comp-
36 troller, shall promulgate such rules and regulations as may be deemed
37 necessary for the administration of this section.

38 § 2. This act shall take effect January 1, 2023.