STATE OF NEW YORK

5304--A

2021-2022 Regular Sessions

IN SENATE

March 1, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to posting the names of individuals who are authorized to sign state contracts and eliminating unfavorable terms in state contracts

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

Section 1. Section 110 of the state finance law is amended by adding a new subdivision 1-a to read as follows:

1-a. Each department that maintains a public website shall publicly post and maintain a webpage on that website showing the current list of the names of the individuals whom the department has authorized to execute contracts on behalf of the department, which the department has filed with the comptroller pursuant to subdivision one of this section. Such posting shall provide clear notice to the public of those individuals who are authorized to execute contracts to which the department or the state is a party.

§ 2. The state finance law is amended by adding a new section 139-m to read as follows:

§ 139-m. Terms and conditions in contracts that shall be void. The following terms or conditions in any contract entered into by the state or any department thereof shall be void and unenforceable:

1. Any term or condition that requires the state or the department to indemnify or hold harmless another person, except as otherwise authorized by law;

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

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2. Any term or condition which purports to reserve a right to the contractor to unilaterally amend, revise, or add to the terms and conditions without the consent of the state or the department;

3. Any term or condition by which the state or the department agrees to limit the liability of another person for bodily injury, death, or damage to tangible property caused by the negligence or willful misconduct of such person or such person's employees or agents; and

4. Any term or condition that designates the law of a jurisdiction other than the state of New York as the law governing the contract, except for terms and conditions in contracts between the state or any department thereof with a sister state or the federal government that designate the law of a jurisdiction other than, or in addition to, the state of New York.

§ 3. This act shall take effect immediately.