

STATE OF NEW YORK

8436

IN SENATE

March 1, 2022

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed,
and when printed to be committed to the Committee on Procurement and
Contracts

AN ACT to amend the state finance law, in relation to approval of
contracts during a state disaster emergency or in accordance with any
other provision of law suspending approval

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

1 Section 1. The state finance law is amended by adding a new section
2 149 to read as follows:

3 § 149. Certain contracts to be publicly posted. 1. For purposes of
4 this section the following terms shall have the following meanings:

5 (a) "state disaster emergency contract" shall mean:

6 (i) any contract subject to prior approval by the comptroller pursuant
7 to subdivision two of section one hundred twelve of this chapter, which
8 is executed or made effective in accordance with an executive order of
9 the governor temporarily suspending subdivision two of section one
10 hundred twelve of this chapter, or any part thereof, pursuant to his or
11 her authority under section twenty-nine-a of the executive law; and

12 (ii) any contract subject to prior review and approval by the comp-
13 troller pursuant to section twenty-eight hundred seventy-nine-a of the
14 public authorities law, which is executed or made effective in accord-
15 ance with an executive order of the governor temporarily suspending
16 section twenty-eight hundred seventy-nine-a of the public authorities
17 law, or any part thereof, pursuant to his or her authority under section
18 twenty-nine-a of the executive law.

19 (b) "exempted contract" shall mean:

20 (i) any contract subject to prior approval by the comptroller pursu-
21 ant to section one hundred twelve of this chapter, which is executed or
22 made effective in accordance with any provision of law suspending the
23 provisions of, exempting, or otherwise notwithstanding subdivision two
24 of section one hundred twelve of this chapter; and

25 (ii) any contract subject to prior review and approval by the comp-
26 troller pursuant to section twenty-eight hundred seventy-nine-a of the

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

LBD14766-01-2

1 public authorities law, which is executed or made effective in accord-
2 ance with any provision of law suspending the provisions of, exempting,
3 or otherwise notwithstanding section twenty-eight hundred seventy-nine-a
4 of the public authorities law.

5 2. Within thirty days following the execution of a state disaster
6 emergency contract or an exempted contract, such state agency, depart-
7 ment, board, officer, commission, state authority, or institution shall
8 submit the following information to the office of the state comptroller,
9 with redactions made by the contracting entity pursuant to the
10 provisions of section eighty-nine of the public officers law, which
11 shall be made available on its public website:

12 (a) the state disaster emergency contract or exempted contract;

13 (b) a statement acknowledging that the state disaster emergency
14 contract or exempted contract was entered into without the prior review
15 and approval required by subdivision two of section one hundred twelve
16 of this chapter, or as applicable, section twenty-eight hundred seven-
17 ty-nine-a of the public authorities law; and

18 (c) with respect to a state disaster emergency contract, a statement
19 describing how compliance with subdivision two of section one hundred
20 twelve of this chapter, or as applicable, section twenty-eight hundred
21 seventy-nine-a of the public authorities law, would prevent, hinder, or
22 delay action necessary to cope with the state disaster emergency and
23 with respect to an exempted contract, a statement describing how remov-
24 ing compliance with subdivision two of section one hundred twelve of
25 this chapter, or as applicable, section twenty-eight hundred seventy-
26 nine-a of the public authorities law, is in the best interests of the
27 state.

28 3. Notwithstanding any other provisions of law to the contrary, the
29 provisions of this section cannot be suspended, modified, or altered by
30 the governor's authority to temporarily suspend provisions of law during
31 a state disaster emergency pursuant to section twenty-nine-a of the
32 executive law.

33 § 2. This act shall take effect on the thirtieth day after it shall
34 have become a law.