

STATE OF NEW YORK

4109

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. BRESLIN -- 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 reducing service contract payments and to preclude the state from entering into new service contracts during a fiscal crisis

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

1 Section 1. Section 139-f of the state finance law is amended by adding
2 a new subdivision 1-c to read as follows:

3 1-c. Suspension of payments in the event of a fiscal crisis. Notwith-
4 standing any inconsistent provision of this section or any other law to
5 the contrary, in the event that an adjustment or reduction in the appro-
6 priations authorized for state operations pursuant to chapter fifty of
7 the laws of two thousand twenty is effectuated pursuant to subdivision
8 seven of section twenty-three of this chapter or pursuant to any other
9 law or executive order, the director of the division of the budget shall
10 effectuate corresponding reductions in payments to contractors providing
11 services pursuant to this article and to other contractors providing
12 services pursuant to sections one hundred thirty-six, one hundred thir-
13 ty-six-a, one hundred thirty-six-b and one hundred thirty-six-c of this
14 article for the duration of that fiscal year, provided, however, that
15 those payments required to satisfy contractual obligations to pay debt
16 service or contingent contractual obligations or otherwise required
17 pursuant to section four of this chapter shall be paid.

18 § 2. Paragraph a of subdivision 4 of section 163 of the state finance
19 law, as added by chapter 83 of the laws of 1995, is amended to read as
20 follows:

21 a. The purchase of services by state agencies including the office of
22 general services shall be conducted in a manner which accords first
23 priority to preferred sources in accordance with the provisions of this
24 article when the services required are available in the form, function

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

LBD08732-01-1

1 and utility required by state agencies through a preferred source,
2 provided, however, that no state agency shall be permitted to enter into
3 any new contract or contracts for services after the date on which an
4 adjustment or reduction in the appropriations authorized for state oper-
5 ations pursuant to chapter fifty of the laws of two thousand twenty is
6 effectuated pursuant to subdivision seven of section twenty-three of
7 this chapter or pursuant to any other law or executive order, provided,
8 further, that agencies shall submit any request for contract services
9 authorized pursuant to this section as a separate appropriation request
10 for each contract service in the executive budget submission for the
11 next fiscal year required by subdivision one of section twenty-two of
12 this chapter.

13 § 3. Paragraph a-1 of subdivision 3 of section 22 of the state finance
14 law, as added by chapter 10 of the laws of 2006, is amended to read as
15 follows:

16 a-1. For each state agency, the appropriations, including reappropri-
17 ations, made for the current fiscal year and recommended for the ensuing
18 fiscal year for contracts for services made for state purposes,
19 provided, however, in the event an adjustment or reduction in the appro-
20 priations authorized for state operations pursuant to chapter fifty of
21 the laws of two thousand twenty is effectuated pursuant to subdivision
22 seven of section twenty-three of this chapter or pursuant to any other
23 law or executive order, each state agency shall submit a request for
24 each contract service or services not previously authorized pursuant to
25 section one hundred sixty-three of this chapter as a separate appropri-
26 ation request in the next ensuing executive budget submission required
27 for the next state fiscal year pursuant to this section.

28 § 4. This act shall take effect immediately; provided, however, that
29 the amendments made to paragraph a of subdivision 4 of section 163 of
30 the state finance law by section two of this act shall not affect the
31 expiration and repeal of such section and shall expire and be deemed
32 repealed therewith.