STATE OF NEW YORK

5898

2021-2022 Regular Sessions

IN SENATE

March 22, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to authorizing the governor's disaster emergency production powers

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

Section 1. The executive law is amended by adding a new section 28-b to read as follows:

§ 28-b. State disaster emergency allocation; priority in contracts and orders. 1. Subject to the state constitution, the federal constitution, and federal statutes and regulations, whenever the governor acts in accordance with section twenty-eight of this article, he or she is thereby authorized (a) to require that performance under contracts or orders, other than contracts of employment, which the governor deems necessary or appropriate to promote the health, safety and general welfare of the state shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person the governor finds to be capable of their performance, and (b) to allocate materials, services, and facilities in such manner, upon such conditions, and to such extent as he or she shall deem necessary or appropriate to promote the health, safety and general welfare of the state.

2. The powers granted in this section shall not be used to control the general distribution of any material in the civilian market unless the governor finds (a) that such material is a scarce and critical material essential to the health, safety, and general welfare of the state, and (b) that the requirements of such material cannot otherwise be met without creating a significant dislocation of the normal distribution of

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

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such material in the civilian market to such a degree as to create appreciable hardship.

3. Subject to the state constitution, the federal constitution, and federal statutes and regulations, to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of reasonable market prices, materials which have been designated by the governor as scarce materials or materials the supply of which would be threatened by such accumulation.

4. Nothing in this section shall limit any power authorized pursuant to this article.

§ 2. This act shall take effect immediately.