

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:

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

3 § 28-b. State disaster emergency allocation; priority in contracts and
4 orders. 1. Subject to the state constitution, the federal constitution,
5 and federal statutes and regulations, whenever the governor acts in
6 accordance with section twenty-eight of this article, he or she is
7 thereby authorized (a) to require that performance under contracts or
8 orders, other than contracts of employment, which the governor deems
9 necessary or appropriate to promote the health, safety and general
10 welfare of the state shall take priority over performance under any
11 other contract or order, and, for the purpose of assuring such priority,
12 to require acceptance and performance of such contracts or orders in
13 preference to other contracts or orders by any person the governor finds
14 to be capable of their performance, and (b) to allocate materials,
15 services, and facilities in such manner, upon such conditions, and to
16 such extent as he or she shall deem necessary or appropriate to promote
17 the health, safety and general welfare of the state.

18 2. The powers granted in this section shall not be used to control the
19 general distribution of any material in the civilian market unless the
20 governor finds (a) that such material is a scarce and critical material
21 essential to the health, safety, and general welfare of the state, and
22 (b) that the requirements of such material cannot otherwise be met with-
23 out 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.

LBD10280-01-1

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

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

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

12 § 2. This act shall take effect immediately.