# STATE OF NEW YORK

8086

# IN SENATE

January 25, 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 require the office of the state comptroller to conduct a study on all contracts entered into by the executive or any state agency, department, board, officer, commission, or institution during certain state disaster emergencies

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

Section 1. Legislative findings. The legislature hereby finds that the purposes of sections 112 and 163 of the state finance law are to protect the public interest and prevent governmental misconduct, improvidence, extravagance, liabilities detrimental to the state, favoritism, fraud, corruption and similar inappropriate conduct. The legislature further finds that even during a state disaster emergency declared by the governor, pursuant to section 28 of the executive law, the state should continue to uphold the purposes of sections 112 and 163 of the state finance law.

§ 2. Study and Powers. 1. Notwithstanding any other provision of law to the contrary and within such funds as are made available for such purpose, the office of the state comptroller shall conduct a study of all contracts entered into by the executive or any state agency, department, board, officer, commission, or institution during a state disaster emergency declared pursuant to section 28 of the executive law, declared anytime during and after the year 2020, that exceeded or exceeds 30 days. For the purposes of this study, the term "state disaster emergency" shall mean such state disaster emergency declared pursuant to section 28 of the executive law, declared anytime during and after the year 2020, that exceeds 30 days and which affected or affects the entire state.

2. a. The study shall:

i. be limited to contracts that would have been subject to the review of the office of the state comptroller had sections 112 and 163 of the

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

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state finance law not been suspended by a state disaster emergency that exceeds 30 days;

ii. to the extent possible, include a detailed statement of contracts, including installment contracts, entered into during a state disaster emergency, provisions for the payment thereof, the purposes for which such contract was entered into, and such other information as the office of the state comptroller may deem necessary;

iii. to the extent possible, determine whether the executive or any state agency, department, board, officer, commission, or institution provided adequate protections against fraud, theft, misconduct, or any other actions prohibited under sections 112 and 163 of the state finance law;

iv. to the extent possible, identify the steps taken by the executive or any state agency, department, board, officer, commission, or institution to solicit and/or negotiate contracts entered into by the governor during a state disaster emergency that exceeds 30 days;

v. to the extent possible, identify the purported benefits and/or efficiencies promoted by the suspension of sections 112 and 163 of the state finance law and whether such benefits and/or efficiencies were actually realized;

vi. to the extent possible, identify the various sources of revenue or funds used to finance the contracts entered into during a state disaster emergency that exceeds 30 days; and

vii. to the extent possible, include appropriate findings regarding fiscal practices that the office of the state comptroller believes to be contrary to the purposes of sections 112 and 163 of the state finance law, or demonstrates negligence or incompetence.

b. For the purposes of carrying out the provisions of this act, the executive and any state agency, department, board, officer, commission, or institution shall provide and make available, in such manner as determined by the office of the state comptroller, data, records, staff, facilities, and resources.

3. No later than one year after the effective date of this act, the office of the state comptroller shall submit the study and recommendations on maintaining the purposes of sections 112 and 163 of the state finance law during a declared state disaster emergency that exceeds 30 days to the temporary president of the senate, the speaker of the assembly, the chair of the senate procurements and contracts committee, and the chair of the assembly governmental operations committee.

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