

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 Assem-
bly, do enact as follows:

1 Section 1. Legislative findings. The legislature hereby finds that the
2 purposes of sections 112 and 163 of the state finance law are to protect
3 the public interest and prevent governmental misconduct, improvidence,
4 extravagance, liabilities detrimental to the state, favoritism, fraud,
5 corruption and similar inappropriate conduct. The legislature further
6 finds that even during a state disaster emergency declared by the gover-
7 nor, pursuant to section 28 of the executive law, the state should
8 continue to uphold the purposes of sections 112 and 163 of the state
9 finance law.

10 § 2. Study and Powers. 1. Notwithstanding any other provision of law
11 to the contrary and within such funds as are made available for such
12 purpose, the office of the state comptroller shall conduct a study of
13 all contracts entered into by the executive or any state agency, depart-
14 ment, board, officer, commission, or institution during a state disaster
15 emergency declared pursuant to section 28 of the executive law, declared
16 anytime during and after the year 2020, that exceeded or exceeds 30
17 days. For the purposes of this study, the term "state disaster emergen-
18 cy" shall mean such state disaster emergency declared pursuant to
19 section 28 of the executive law, declared anytime during and after the
20 year 2020, that exceeds 30 days and which affected or affects the entire
21 state.

22 2. a. The study shall:

23 i. be limited to contracts that would have been subject to the review
24 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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1 state finance law not been suspended by a state disaster emergency that
2 exceeds 30 days;

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

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

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

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

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

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

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

33 3. No later than one year after the effective date of this act, the
34 office of the state comptroller shall submit the study and recommenda-
35 tions on maintaining the purposes of sections 112 and 163 of the state
36 finance law during a declared state disaster emergency that exceeds 30
37 days to the temporary president of the senate, the speaker of the assem-
38 bly, the chair of the senate procurements and contracts committee, and
39 the chair of the assembly governmental operations committee.

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