# STATE OF NEW YORK

8436

# IN SENATE

March 1, 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 amend the state finance law, in relation to approval of contracts during a state disaster emergency or in accordance with any other provision of law suspending approval

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

Section 1. The state finance law is amended by adding a new section 149 to read as follows:

**§ 149. Certain contracts to be publicly posted. 1. For purposes of this section the following terms shall have the following meanings:**

**(a) "state disaster emergency contract" shall mean:**

**(i) any contract subject to prior approval by the comptroller pursuant to subdivision two of section one hundred twelve of this chapter, which is executed or made effective in accordance with an executive order of the governor temporarily suspending subdivision two of section one hundred twelve of this chapter, or any part thereof, pursuant to his or her authority under section twenty-nine-a of the executive law; and**

**(ii) any contract subject to prior review and approval by the comptroller pursuant to section twenty-eight hundred seventy-nine-a of the public authorities law, which is executed or made effective in accordance with an executive order of the governor temporarily suspending section twenty-eight hundred seventy-nine-a of the public authorities law, or any part thereof, pursuant to his or her authority under section twenty-nine-a of the executive law.**

**(b) "exempted contract" shall mean:**

**(i) any contract subject to prior approval by the comptroller pursuant to section one hundred twelve of this chapter, which is executed or made effective in accordance with any provision of law suspending the provisions of, exempting, or otherwise notwithstanding subdivision two of section one hundred twelve of this chapter; and**

**(ii) any contract subject to prior review and approval by the comptroller pursuant to section twenty-eight hundred seventy-nine-a of the**

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

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public authorities law, which is executed or made effective in accordance with any provision of law suspending the provisions of, exempting, or otherwise notwithstanding section twenty-eight hundred seventy-nine-a of the public authorities law.

2. Within thirty days following the execution of a state disaster emergency contract or an exempted contract, such state agency, department, board, officer, commission, state authority, or institution shall submit the following information to the office of the state comptroller, with redactions made by the contracting entity pursuant to the provisions of section eighty-nine of the public officers law, which shall be made available on its public website:

(a) the state disaster emergency contract or exempted contract;

(b) a statement acknowledging that the state disaster emergency contract or exempted contract was entered into without the prior review and approval required by subdivision two of section one hundred twelve of this chapter, or as applicable, section twenty-eight hundred seventy-nine-a of the public authorities law; and

(c) with respect to a state disaster emergency contract, a statement describing how compliance with subdivision two of section one hundred twelve of this chapter, or as applicable, section twenty-eight hundred seventy-nine-a of the public authorities law, would prevent, hinder, or delay action necessary to cope with the state disaster emergency and with respect to an exempted contract, a statement describing how removing compliance with subdivision two of section one hundred twelve of this chapter, or as applicable, section twenty-eight hundred seventy-nine-a of the public authorities law, is in the best interests of the state.

3. Notwithstanding any other provisions of law to the contrary, the provisions of this section cannot be suspended, modified, or altered by the governor's authority to temporarily suspend provisions of law during a state disaster emergency pursuant to section twenty-nine-a of the executive law.

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