STATE OF NEW YORK

4629

2023-2024 Regular Sessions

IN ASSEMBLY

February 21, 2023

Introduced by M. of A. MCGOWAN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to approval of contracts during a declared state disaster emergency

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 112-a to read as follows:

§ 112-a. Approval of contracts during a declared state disaster emergency. 1. If the governor suspends, alters or modifies subdivision two of section one hundred twelve of this article pursuant to section twenty-nine-a of the executive law, when any emergency contract made for or by any state agency, department, board, officer, commission, or institution, except the office of general services, shall be executed or become effective, whenever such emergency contract exceeds fifty thousand dollars in amount, and when any emergency contract made for or by the office of general services shall be executed or become effective, whenever such emergency contract exceeds eighty-five thousand dollars in amount, it shall be immediately filed in the comptroller's office. The comptroller shall review such emergency contract and submit a report to the chairs and ranking minority members of the senate finance committee and the assembly ways and means committee on such emergency contract, noting any concerns and recommendations, within fourteen days of the submission of such emergency contract to his or her office unless the comptroller shall notify, in writing, the chairs and ranking minority members of the senate finance committee and the assembly ways and means committee, prior to the expiration of the fourteen day period, and for good cause, of the need for an extension of not more than fourteen days, or a reasonable period of time agreed to by such chairs and ranking minority members of the senate finance committee and the assembly ways and means committee. The comptroller shall also post such report public-

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

LBD09383-01-3

ly on the comptroller's office's official website in a conspicuous location immediately after submitting such report to the chairs and ranking minority members of the senate finance committee and the assembly ways and means committee.

2. To the extent practicable, the comptroller may place a hold on emergency contracts where he or she deems it in the public interest upon review pursuant to subdivision one of this section. In such case, the comptroller shall expeditiously notify the head of the originating state agency, department, board, officer, commission, or institution of such emergency contract, as well as the chairs and ranking minority members of the senate finance committee and the assembly ways and means committee of such hold, along with an explanation for the hold and any information that may be needed to rectify such hold.

3. If the governor suspends, alters or modifies subdivision one of section one hundred twelve of this article pursuant to section twenty-nine-a of the executive law, the comptroller may establish a system of accounting and a form of accounts to be installed and observed in every state department and in every state institution, which shall be accepted and followed by them respectively, as may be necessary to appropriately review emergency contracts pursuant to subdivision one of this section.

4. Notwithstanding section twenty-nine-a of the executive law, or any law to the contrary, the governor shall not suspend, alter or modify any of the provisions of this section.

§ 2. This act shall take effect immediately.