STATE OF NEW YORK

6494

2023-2024 Regular Sessions

IN ASSEMBLY

April 12, 2023

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

AN ACT to amend the state finance law, in relation to allowing for the donation of personal property of the state to certain not-for-profit organizations

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

Section 1. Subdivision 1 of section 167 of the state finance law, as added by chapter 83 of the laws of 1995, is amended and a new subdivision 1-a is added to read as follows:

1. The head of a state agency having custody or control of such property, except vehicles, may: (a) dispose of such property in accordance with applicable express statutory provisions, (b) reuse such property within the same state agency, (c) use the property in part payment on a new item which may include, but shall not be limited to, use as a trade-in or use in a guaranteed brokerage arrangement, (d) with the consent of the commissioner, place such property in the custody or control of the office of general services for reuse by other state agencies or for other disposition, **(e) with the consent of the commissioner, place such property in the custody or control of a pre-approved not-for-profit organization,** or [~~(e)~~] **(f)** where the fair market value of such property is less than an amount established from time to time by the commissioner, dispose of such property by such means as the head of such state agency deems to be in the best interest of the state. Records of each disposition shall be retained by the state agency disposing of such property and shall be subject to audit. Where personal property has been purchased from special funds, a state agency, upon designation of the source of funds from which such property was purchased, may condition the disposal of such property on the reimbursement of such special fund in the amount of the fair market value of such property. All proceeds realized on sale or other transfer and not otherwise authorized to be

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

LBD10719-01-3

deposited in a special fund, shall be deposited in the general fund of the state.

1-a. Not-for-profit organizations pre-approved pursuant to paragraph (e) of subdivision one of this section shall be compiled by the attorney general's charities bureau. When initially registering or filing annual reports with the attorney general's charities bureau, organizations shall be permitted to opt into the pre-approved list of eligible organizations. Such pre-approval shall allow such organizations to apply to receive surplus state property pursuant to this subdivision and subdivision one of this section. Any organization that is not up to date in their annual filings shall be removed from the pre-approved list until such filings are updated. Any organization found to be in violation as determined by the attorney general's charities bureau shall be removed from the pre-approved list.

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