

# STATE OF NEW YORK

9156

## IN ASSEMBLY

February 8, 2024

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

AN ACT to amend the executive law and the public authorities law, in relation to prohibiting any governmental entity from outsourcing any function which can be performed by such entity

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

1 Section 1. The executive law is amended by adding a new section 170-h  
2 to read as follows:

3 § 170-h. Outsourcing prohibited. 1. For the purposes of this section,  
4 the following terms shall have the following meanings:

5 (a) "Governmental entity" shall mean: (i) any agency, department,  
6 board, bureau, commission, division, office, council, committee or offi-  
7 cer of the state, whether permanent or temporary; (ii) each house of the  
8 state legislature; (iii) the unified court system; (iv) any public  
9 authority, public benefit corporation or commission created by or exist-  
10 ing pursuant to the public authorities law; (v) any public authority or  
11 public benefit corporation, at least one of whose members is appointed  
12 by the governor or who serves as a member by virtue of holding a civil  
13 office of the state; (vi) a subsidiary or affiliate of such a public  
14 authority; (vii) any municipality of the state or any political subdivi-  
15 sion thereof; (viii) a municipal agency, as that term is defined in  
16 paragraph (ii) of subdivision (s) of section one-c of the legislative  
17 law; or (ix) the state university of New York or the city university of  
18 New York.

19 (b) "Outsource" shall mean the act of a governmental entity contract-  
20 ing with another entity to perform a function able to be performed by  
21 such governmental entity.

22 2. No governmental entity shall outsource any function which could be  
23 performed by such governmental entity unless such outsourcing is specif-  
24 ically authorized by law.

25 3. Any governmental entity which outsourced any function prior to the  
26 effective date of this section, where such outsourcing was implemented  
27 without specific statutory approval, shall be prohibited from previous

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

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1 and further outsourcing on and after January first next succeeding the  
2 effective date of this section. Such governmental entity shall ensure  
3 any and all materials and copies thereof used by the entity the function  
4 was outsourced to are returned to the governmental entity or destroyed.

5 § 2. Article 1 of the public authorities law is amended by adding a  
6 new title 3 to read as follows:

7 TITLE 3

8 MISCELLANEOUS

9 Section 10. Outsourcing prohibited.

10 § 10. Outsourcing prohibited. 1. For the purposes of this section, the  
11 following terms shall have the following meanings:

12 (a) "Governmental entity" shall mean: (i) any agency, state authority,  
13 local authority, interstate or international authority, authorities  
14 budget office, department, board, bureau, commission, division, office,  
15 council, committee or officer of the state, whether permanent or tempo-  
16 rary; (ii) each house of the state legislature; (iii) the unified court  
17 system; (iv) any public authority, public benefit corporation or commis-  
18 sion created by or existing pursuant to the public authorities law; (v)  
19 any public authority or public benefit corporation, at least one of  
20 whose members is appointed by the governor or who serves as a member by  
21 virtue of holding a civil office of the state; (vi) a subsidiary or  
22 affiliate of such a public authority; (vii) any municipality of the  
23 state or any political subdivision thereof; (viii) a municipal agency,  
24 as that term is defined in paragraph (ii) of subdivision (s) of section  
25 one-c of the legislative law; (ix) the state university of New York or  
26 the city university of New York; or (x) any subsidiary thereof.

27 (b) "Outsource" shall mean the act of a governmental entity contract-  
28 ing with another entity to perform a function able to be performed by  
29 such governmental entity.

30 2. No governmental entity shall outsource any function which could be  
31 performed by such governmental entity unless such outsourcing is specif-  
32 ically authorized by law.

33 3. Any governmental entity which outsourced any function prior to the  
34 effective date of this section, where such outsourcing was implemented  
35 without specific statutory approval, shall be prohibited from further  
36 outsourcing on and after January first next succeeding the effective  
37 date of this section. Such governmental entity shall ensure any and all  
38 materials and copies thereof used by the entity the function was  
39 outsourced to are returned to the governmental entity or destroyed.

40 § 3. This act shall take effect on the forty-fifth day after it shall  
41 have become a law. Effective immediately, the addition, amendment and/or  
42 repeal of any rule or regulation necessary for the implementation of  
43 this act on its effective date are authorized to be made and completed  
44 on or before such effective date.