

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:

1 Section 1. The state finance law is amended by adding a new section
2 112-a to read as follows:

3 § 112-a. Approval of contracts during a declared state disaster emer-
4 gency. 1. If the governor suspends, alters or modifies subdivision two
5 of section one hundred twelve of this article pursuant to section twenty-
6 nine-a of the executive law, when any emergency contract made for or
7 by any state agency, department, board, officer, commission, or institu-
8 tion, except the office of general services, shall be executed or become
9 effective, whenever such emergency contract exceeds fifty thousand
10 dollars in amount, and when any emergency contract made for or by the
11 office of general services shall be executed or become effective, when-
12 ever such emergency contract exceeds eighty-five thousand dollars in
13 amount, it shall be immediately filed in the comptroller's office. The
14 comptroller shall review such emergency contract and submit a report to
15 the chairs and ranking minority members of the senate finance committee
16 and the assembly ways and means committee on such emergency contract,
17 noting any concerns and recommendations, within fourteen days of the
18 submission of such emergency contract to his or her office unless the
19 comptroller shall notify, in writing, the chairs and ranking minority
20 members of the senate finance committee and the assembly ways and means
21 committee, prior to the expiration of the fourteen day period, and for
22 good cause, of the need for an extension of not more than fourteen days,
23 or a reasonable period of time agreed to by such chairs and ranking
24 minority members of the senate finance committee and the assembly ways
25 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.

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1 ly on the comptroller's office's official website in a conspicuous
2 location immediately after submitting such report to the chairs and
3 ranking minority members of the senate finance committee and the assem-
4 bly ways and means committee.

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

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

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

24 § 2. This act shall take effect immediately.