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:

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

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

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

(b) "Outsource" shall mean the act of a governmental entity contracting with another entity to perform a function able to be performed by such governmental entity.

2. No governmental entity shall outsource any function which could be performed by such governmental entity unless such outsourcing is specifically authorized by law.

3. Any governmental entity which outsourced any function prior to the effective date of this section, where such outsourcing was implemented 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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and further outsourcing on and after January first next succeeding the effective date of this section. Such governmental entity shall ensure any and all materials and copies thereof used by the entity the function was outsourced to are returned to the governmental entity or destroyed.

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

TITLE 3

MISCELLANEOUS

Section 10. Outsourcing prohibited.

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

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

(b) "Outsource" shall mean the act of a governmental entity contracting with another entity to perform a function able to be performed by such governmental entity.

2. No governmental entity shall outsource any function which could be performed by such governmental entity unless such outsourcing is specifically authorized by law.

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

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