

STATE OF NEW YORK

9553

IN SENATE

May 16, 2024

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to the not-for-profit contracting advisory committee

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

1 Section 1. Section 179-aa of the state finance law, as amended by
2 chapter 672 of the laws of 2019, is amended to read as follows:

3 § 179-aa. Advisory committee. 1. There is hereby established a not-
4 for-profit contracting advisory committee. ~~[The]~~ Such advisory committee
5 shall consist of ~~[sixteen members which shall include eight appointed~~
6 ~~members, four to]~~ seven members, three of which shall be appointed by
7 the governor ~~[who]~~, each of whom shall be representatives of not-for-
8 profit organizations providing services in the state, ~~[and two]~~ one each
9 to be appointed by the governor upon recommendation of the temporary
10 president of the senate and speaker of the assembly, ~~[and eight]~~ the
11 chair of the senate committee on procurements and contracts, and the
12 chair of the assembly committee on governmental operations. Such members
13 shall be appointed on staggered terms to ensure continuity and knowledge
14 sharing. Eight additional non-voting members shall be appointed as ex
15 officio members of the committee, ~~[one each]~~ designated from the follow-
16 ing entities, the division of the budget, the department of law, the
17 office of the state comptroller, and the education department. The
18 governor ~~[shall]~~ may also designate an additional four non-voting ex
19 officio members from ~~[among]~~ any of the following agencies, provided
20 only one shall be designated per agency: the department of state, the
21 office of children and family services, the office of temporary and
22 disability assistance, the department of health, the office of mental
23 hygiene, the office for people with developmental disabilities, and the
24 department of labor.

25 2. The governor shall designate an appointee to serve as chair of the
26 committee.

27 3. The advisory committee shall meet at least quarterly ~~[and upon its~~
28 ~~own initiative may: comment and]~~ each calendar year. Such committee is

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

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1 authorized to promulgate by-laws they see fit in accordance with this
2 section.

3 4. (a) The advisory committee shall perform the following functions:

4 (i) independently advise the governor, the legislature, the comp-
5 troller and state agencies on the implementation and operation of this
6 article, and provide expert comment, if requested by such on the imple-
7 mentation and operation of the provisions contained within this article
8 and issue an annual report on such, which shall be made publicly acces-
9 sible;

10 (ii) comment, monitor and report on the implementation and operation
11 of the not-for-profit short-term revolving loan fund[; ~~advise the gover-~~
12 ~~nor, comptroller and state agencies on the implementation and operation~~
13 ~~of this article; evaluate the benefits of requiring all state agencies~~
14 ~~to use standard contract language and the extent to which standard~~
15 ~~language may be effectively included in contracts with not-for-profit~~
16 ~~organizations; review annually the report of the office of the state~~
17 ~~comptroller made pursuant to section one hundred seventy-nine bb of this~~
18 ~~article; and propose any legislation they deem necessary to improve the~~
19 ~~fund and this article. The committee shall]~~, as provided for in section
20 one hundred seventy-nine-z of this article;

21 (iii) regularly review and report on state agency compliance with the
22 statutory timelines specified in section one hundred seventy-nine-s of
23 this article;

24 (iv) periodically review and report on the use of the state's grant
25 management system by contracting agencies or any other centralized
26 systems that may be introduced from time to time to streamline agencies'
27 work;

28 (v) review annually and provide comment on the report by the office of
29 the state comptroller made pursuant to section one hundred seventy-nine-
30 bb of this article;

31 (vi) receive, and if necessary invite, feedback from state agencies on
32 how the process of procurement, contracting, and vetting of not-for-pro-
33 fit organizations can be improved, make the necessary recommendations,
34 and ensure implementation of such recommendations;

35 (vii) issue any recommendations deemed necessary or helpful to ensure
36 such committee is effectively operational to the governor and the legis-
37 lature; and

38 (viii) report to the governor and the legislature with recommendations
39 on improving the contracting procedures with not-for-profit organiza-
40 tions which receive state funds through the intermediary of municipi-
41 palities.

42 (b) Such reports shall be due annually not later than December first.

43 5. If the advisory committee is found not to be in compliance with any
44 of the provisions of this section, the governor may, upon motion by any
45 member of the legislature, the chair of the advisory committee, or by
46 the governor's own initiative, dissolve such advisory committee and
47 reappoint the advisory committee with new members pursuant to subdivi-
48 sion one of this section, provided, however, the chair of the senate
49 committee on procurements and contracts, and the chair of the assembly
50 committee on governmental operations shall remain.

51 § 2. This act shall take effect on the ninetieth day after it shall
52 have become a law.