

S T A T E O F N E W Y O R K

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I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. SCHIMMINGER, HOYT, DelMONTE, PEOPLES, SCHROEDER, GABRYSZAK, HAYES, QUINN, CORWIN -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the public authorities law and the general municipal law, in relation to authorizing tuition increases for the State University of New York at Buffalo (Part A); to amend the education law, in relation to the use of State University of New York at Buffalo property (Part B); to amend the education law, the state finance law and the tax law, in relation to the ability of the state university trustees to purchase items and enter into contracts and agreements (Part C); to amend the education law and the state finance law, in relation to the distribution of money received from various sources related to the State University of New York at Buffalo (Part D); and to amend the education law, in relation to providing that certain lease of the State University of New York at Buffalo need not be submitted to the attorney general for his or her approval (Part E)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "UB 2020
2 flexibility and economic growth act".
3 S 2. Legislative findings and intent. The State University of New
4 York at Buffalo ranks as one of the foremost research academic insti-
5 tutions in New York, and has the potential to become a regional economic
6 engine. The University's UB 2020 initiative, through which it seeks to
7 increase enrollment, expand its research capabilities and revitalize its
8 campuses, can serve as the catalyst for re-energizing the western New
9 York economy and workforce development.

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

LBD06068-07-9

1 In light of the current condition of the western New York economy and
2 the State University of New York at Buffalo's desire to enhance its
3 academic research capabilities, the University is the ideal candidate to
4 pilot a number of reforms recently proposed by the New York State
5 commission on higher education. These proposals will require the state
6 of New York to maintain its current level of financial commitment to the
7 State University of New York at Buffalo.

8 Finally, the legislature intends to monitor the University at
9 Buffalo's implementation of these reforms, their impact in western New
10 York, and their potential for broader application. This monitoring
11 shall include the efforts by and on behalf of the University at Buffalo
12 to ensure a diverse workforce on UB 2020 capital projects.

13 S 3. This act enacts into law major components of legislation which
14 are necessary for the efficient and productive operation of the State
15 University of New York at Buffalo. Each component is wholly contained
16 within a Part identified as Parts A through E. The effective date or
17 dates for each particular provision contained within such Part are set
18 forth in the last section of such Part. Any provision in any section
19 contained within a Part, including the effective date of the Part, which
20 makes reference to a section "of this act", when used in connection with
21 that particular component, shall be deemed to mean and refer to the
22 corresponding section of the Part in which it is found.

23

PART A

24 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
25 355 of the education law, as amended by chapter 309 of the laws of 1996,
26 is amended to read as follows:

27 (4) [The] EXCEPT AS HEREINAFTER PROVIDED WITH RESPECT TO STUDENTS AT
28 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, THE trustees shall not
29 impose a differential tuition charge based upon need or income. [All]
30 EXCEPT AS HEREINAFTER PROVIDED WITH RESPECT TO STUDENTS AT THE STATE
31 UNIVERSITY OF NEW YORK AT BUFFALO, ALL students enrolled in programs
32 leading to like degrees at state-operated institutions of the state
33 university shall be charged a uniform rate of tuition except for differ-
34 ential tuition rates based on state residency. EXCEPT AS HEREINAFTER
35 PROVIDED WITH RESPECT TO STUDENTS AT THE STATE UNIVERSITY OF NEW YORK AT
36 BUFFALO, THE TRUSTEES SHALL NOT ADOPT CHANGES AFFECTING TUITION CHARGES
37 PRIOR TO THE ENACTMENT OF THE ANNUAL BUDGET. Provided, however, that the
38 trustees may authorize the presidents of the colleges of technology and
39 the colleges of agriculture and technology to set differing rates of
40 tuition for each of the colleges for students enrolled in degree-grant-
41 ing programs leading to an associate degree and non-degree granting
42 programs so long as such tuition rate does not exceed the tuition rate
43 charged to students who are enrolled in like degree programs or degree-
44 granting undergraduate programs leading to a baccalaureate degree at
45 other state-operated institutions of the state university of New York[.
46 The trustees shall not adopt changes affecting tuition charges prior to
47 the enactment of the annual budget.] AND PROVIDED FURTHER, THAT,

48 A. COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC
49 YEAR, THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN
50 CONSULTATION WITH THE UNIVERSITY AT BUFFALO COUNCIL, IS AUTHORIZED TO
51 SET DIFFERING RATES OF TUITION BY PROGRAM AND, WITHIN EACH PROGRAM, BY
52 CLASS YEAR, FOR STUDENTS ENROLLED IN DEGREE GRANTING PROGRAMS AT THE
53 STATE UNIVERSITY OF NEW YORK AT BUFFALO WITHOUT THE PRIOR APPROVAL OF
54 THE TRUSTEES IN ACCORDANCE WITH THE FOLLOWING:

(I) TUITION FOR STUDENTS ENROLLED IN ANY PARTICULAR UNDERGRADUATE AND GRADUATE DEGREE GRANTING PROGRAM, INCLUDING IN-STATE, OUT-OF-STATE, FULL-TIME AND PART-TIME STUDENTS, MAY BE INCREASED EACH YEAR TO THE PUBLIC INSTITUTION MEAN TUITION AS MOST RECENTLY REPORTED BY THE AMERICAN ASSOCIATION OF UNIVERSITIES FOR EACH SUCH PROGRAM, PROVIDED, HOWEVER, THAT EACH SUCH ANNUAL INCREASE MAY NOT EXCEED 1.5 TIMES THE PERCENTAGE INCREASE IN THE MOST RECENTLY PUBLISHED HIGHER EDUCATION PRICE INDEX (HEPI) AS PROMULGATED BY THE COMMONFUND INSTITUTE.

(II) TUITION FOR STUDENTS ENROLLED IN PROFESSIONAL PROGRAMS INCLUDING, BUT NOT LIMITED TO, DOCTOR OF MEDICINE, DOCTOR OF DENTISTRY, DOCTOR OF NURSING PRACTICE, DOCTOR OF PHYSICAL THERAPY, JURIS DOCTOR, DOCTOR OF PHARMACY AND MASTERS IN BUSINESS ADMINISTRATION, MAY BE INCREASED EACH YEAR TO THE PUBLIC INSTITUTION MEAN TUITION AS MOST RECENTLY REPORTED BY THE AMERICAN ASSOCIATION OF UNIVERSITIES FOR EACH SUCH PROGRAM, PROVIDED, HOWEVER, THAT EACH SUCH ANNUAL INCREASE MAY NOT EXCEED FIFTEEN PERCENT.

B. PROPOSED TUITION INCREASES FOR STUDENTS AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO THAT EXCEED THE INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH MUST BE APPROVED BY THE TRUSTEES PRIOR TO BEING IMPLEMENTED.

C. THE STATE OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK SHALL DISREGARD ANY TUITION INCREASES FOR STUDENTS AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO PURSUANT TO CLAUSE A OF THIS SUBPARAGRAPH IN DETERMINING ANY ANNUAL CORE INSTRUCTIONAL SUPPORT OR OTHER ANNUAL APPROPRIATIONS TO BE PROVIDED TO EITHER THE STATE UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY OF NEW YORK AT BUFFALO. IN AMPLIFICATION AND NOT IN LIMITATION OF THE FOREGOING, NEITHER THE STATE OF NEW YORK NOR THE STATE UNIVERSITY OF NEW YORK SHALL PROVIDE ANY INCREASES TO ANNUAL CORE STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENEFIT PAYMENTS OR OTHER ANNUAL APPROPRIATIONS OF ANY KIND OR NATURE TO OR ON BEHALF OF ANY OTHER SUNY UNIVERSITY CENTER (I.E., STATE UNIVERSITY OF NEW YORK AT STONY BROOK, STATE UNIVERSITY OF NEW YORK AT ALBANY OR STATE UNIVERSITY OF NEW YORK AT BINGHAMTON) OR ANY SUNY FOUR YEAR COLLEGE AT A LEVEL, THAT IS, IN ANY WAY, INCONSISTENT WITH OR INFERIOR TO THE FUNDING METHODS EMPLOYED FOR INCREASES IN ANNUAL CORE STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENEFIT PAYMENTS OR OTHER APPROPRIATIONS OF ANY KIND OR NATURE MADE TO OR ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO. FURTHERMORE, UNTIL SUCH TIME AS THE PROGRAM OBJECTIVES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO'S UB 2020 INITIATIVE ARE ACHIEVED, NEITHER THE STATE OF NEW YORK NOR THE STATE UNIVERSITY OF NEW YORK WILL REDUCE ANNUAL CORE STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENEFIT PAYMENTS OR OTHER APPROPRIATIONS OF ANY KIND OR NATURE MADE TO OR ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SO AS TO CAUSE THE PROPORTIONATE LEVEL OF SUPPORT, PAYMENTS AND APPROPRIATIONS FOR ANY OTHER SUNY UNIVERSITY CENTER (I.E., STATE UNIVERSITY OF NEW YORK AT STONY BROOK, STATE UNIVERSITY OF NEW YORK AT ALBANY OR STATE UNIVERSITY OF NEW YORK AT BINGHAMTON) OR ANY SUNY FOUR YEAR COLLEGE TO BE GREATER THAN THE LEVEL OF SUCH SUPPORT, PAYMENTS AND APPROPRIATIONS AFFORDED THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN COMPARISON TO SUCH OTHER INSTITUTIONS FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE STATE FISCAL YEAR.

D. NOTWITHSTANDING ITEM (C) OF SUBCLAUSE ONE OF CLAUSE (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-SEVEN OF THIS TITLE, COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR, THE STATE OF NEW YORK SHALL CALCULATE TUITION ASSISTANCE PROGRAM (TAP) PAYMENTS FOR STUDENTS AT THE STATE

1 UNIVERSITY OF NEW YORK AT BUFFALO USING THE APPLICABLE TUITION RATES FOR
2 STUDENTS AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO AS THE BASE TAP
3 AMOUNT FOR SUCH STUDENTS.

4 E. A PORTION OF THE NET TUITION REVENUE GENERATED BY THE TUITION
5 INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH, TO BE NOT LESS
6 THAN TEN PERCENT NOR MORE THAN TWENTY PERCENT OF SUCH NET TUITION REVENUE,
7 SHALL BE DIRECTED TO FINANCIAL AID PROGRAMS TO ASSIST
8 FINANCIALLY-DISADVANTAGED STUDENTS IN THE CORRESPONDING STATE UNIVERSITY
9 OF NEW YORK AT BUFFALO DEGREE GRANTING PROGRAM.

10 F. THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL
11 PROVIDE, NO LATER THAN SEPTEMBER FIFTEENTH, PUBLIC NOTICE OF ANY TUITION
12 INCREASES FOR THE FOLLOWING ACADEMIC YEAR. SUCH NOTICE SHALL DESCRIBE
13 THE TUITION FOR EACH DEGREE PROGRAM, THE PLANS FOR UTILIZATION OF THE
14 REVENUE FROM THE INCREASED TUITION BY THE STATE UNIVERSITY OF NEW YORK
15 AT BUFFALO AND THE PROJECTED IMPACT OF THE TUITION INCREASES ON THE
16 ACCESS TO AND QUALITY OF THE AFFECTED DEGREE GRANTING PROGRAMS.

17 G. ALL MONEYS RECEIVED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
18 FOR TUITION INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH SHALL
19 NOT CONSTITUTE FUNDS OF THE STATE OF NEW YORK OR OF THE STATE UNIVERSITY
20 OF NEW YORK AND SHALL BE PAID INTO A FUND MAINTAINED BY THE COMPTROLLER
21 OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO TO BE USED BY THE STATE
22 UNIVERSITY OF NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE UNIVERSITY
23 OF NEW YORK AT BUFFALO, WITHOUT THE NEED FOR ANY FURTHER APPROVAL,
24 APPROPRIATION OR AUTHORIZATION FROM THE STATE OF NEW YORK OR THE STATE
25 UNIVERSITY OF NEW YORK.

26 S 2. Paragraph (b) of subdivision 2 of section 1676 of the public
27 authorities law is amended by adding two new undesignated paragraphs to
28 read as follows:

29 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION WITH THE
30 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,
31 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
32 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR ACADEMIC BUILD-
33 INGS, DORMITORIES, AND OTHER FACILITIES ON LANDS HELD BY THE STATE OF
34 NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
35 OR LANDS LEASED BY THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW
36 YORK AT BUFFALO FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
37 UNIVERSITY OF NEW YORK AT BUFFALO.

38 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RELATED FOUNDATION,
39 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION
40 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OR THE ALUMNI OF THE STATE
41 UNIVERSITY OF NEW YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED
42 LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTITIES,
43 IN CONNECTION WITH THE FINANCING, REFINANCING, ACQUISITION,
44 DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION,
45 IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR,
46 ACADEMIC BUILDINGS, DORMITORIES, AND OTHER FACILITIES FOR THE USE OF STUDENTS,
47 FACULTY AND STAFF OF THE STATE UNIVERSITY
48 OF NEW YORK AT BUFFALO.

49 S 3. Subdivision 1 of section 1680 of the public authorities law is
50 amended by adding two new undesignated paragraphs to read as follows:

51 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION WITH THE
52 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,
53 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
54 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-
55 INGS, DORMITORIES, AND OTHER FACILITIES ON LANDS HELD BY THE STATE OF
56 NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO

1 OR LANDS LEASED BY THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW
2 YORK AT BUFFALO FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
3 UNIVERSITY OF NEW YORK AT BUFFALO.

4 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RELATED FOUNDATION,
5 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION
6 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW
7 YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPA-
8 NY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTITIES, IN CONNECTION
9 WITH THE FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT,
10 CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT,
11 EXPANSION, FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR,
12 ACADEMIC BUILDINGS, DORMITORIES, AND OTHER FACILITIES FOR THE USE OF
13 STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY OF NEW YORK AT
14 BUFFALO.

15 S 4. Any contracts awarded or entered into by the dormitory authority
16 pursuant to this act shall be deemed state contracts within the meaning
17 of that term as set forth in article 15-A of the executive law; and the
18 authority shall be deemed, for the purposes of this act, a contracting
19 agency as that term is used in article 15-A of the executive law.

20 S 5. Any contracts awarded or entered into by any State University of
21 New York at Buffalo campus related foundation, alumni association or
22 affiliate thereof, any not-for-profit corporation or association organ-
23 ized by the president of the State University of New York at Buffalo to
24 further its purposes, or any limited liability company whose sole member
25 is any of the foregoing entities, or by the State University of New
26 York, the State University Construction Fund, or the Dormitory Authority
27 of the State of New York, on behalf of the State University of New York
28 at Buffalo, for construction, reconstruction, renovation, rehabili-
29 tation, improvement or expansion at the State University of New York at
30 Buffalo shall not be subject to section 101 of the general municipal
31 law, section 103 of the general municipal law, section 135 of the state
32 finance law or subdivision 8 of section 376 of the education law,
33 provided the wages paid to workers employed under such contracts shall
34 comply with the requirements of section 220 of the labor law, the
35 construction, reconstruction, renovation, rehabilitation, improvement or
36 expansion to be effected under such contracts shall comply with sections
37 240 and 241 of the labor law and all contracts awarded or entered into
38 by any State University of New York at Buffalo campus related founda-
39 tion, alumni association or affiliate thereof; any not-for-profit corpo-
40 ration or association organized by the president of the State University
41 of New York at Buffalo to further its purposes, or any limited liability
42 company whose sole member is any of the foregoing entities, or the State
43 University of New York, the State University Construction Fund, the
44 Dormitory Authority of the State of New York, on behalf of the State
45 University of New York at Buffalo, for construction, reconstruction,
46 renovation, rehabilitation, improvement or expansion at the State
47 University of New York at Buffalo may be let pursuant to a competitive
48 selection process to be determined by the contracting entity, which may
49 consider factors other than cost alone, including, but not limited to an
50 evaluation by the contracting entity of, among other things, the
51 bidder's ability to provide maximum value at the lowest cost, the level
52 of experience of the bidder, and the bidder's ability to meet the minor-
53 ity and women workforce and business enterprise goals for the State
54 University of New York at Buffalo's UB 2020 initiative.

55 S 6. Any contracts awarded or entered into by any State University of
56 New York at Buffalo campus related foundation, alumni association or

1 affiliate thereof, any not-for-profit corporation or association organ-
2 ized by the president of the State University of New York at Buffalo to
3 further its purposes, or any limited liability company whose sole member
4 is any of the foregoing entities, or by the State University of New
5 York, the State University Construction Fund, or the Dormitory Authority
6 of the State of New York, on behalf of the State University of New York
7 at Buffalo, for construction, reconstruction, renovation, rehabili-
8 tation, improvement or expansion at the State University of New York at
9 Buffalo, for any single construction project exceeding \$20 million in
10 the aggregate, for which more than twenty-five percent of such aggregate
11 amount is to be paid from appropriations furnished by either the State
12 of New York or the State University of New York, such construction,
13 reconstruction, renovation, rehabilitation, improvement or expansion at
14 the State University of New York at Buffalo shall be undertaken pursuant
15 to a project labor agreement, as defined in subdivision 1 of section 222
16 of the labor law, provided a study done by or for the contracting entity
17 determines that a project labor agreement will benefit such
18 construction, reconstruction, renovation, rehabilitation, improvement or
19 expansion through reduced risk of delay, potential cost savings or
20 potential reduction in the risk of labor unrest in light of any perti-
21 nent local history thereof. For purposes of applying the dollar thresh-
22 olds set forth in the preceding sentence, the term "single construction
23 project" shall mean any functionally-interdependent construction, recon-
24 struction, renovation, rehabilitation, improvement or expansion activity
25 associated with a single building, structure or improvement, including
26 all directly related infrastructure and site work in contemplation ther-
27 eof.

28 S 7. Before any contract is awarded or entered into by any State
29 University of New York at Buffalo campus related foundation, alumni
30 association or affiliate thereof, any not-for-profit corporation or
31 association organized by the president of the State University of New
32 York at Buffalo to further its purposes, or any limited liability compa-
33 ny whose sole member is any of the foregoing entities, or by the State
34 University of New York, the State University Construction Fund, or the
35 Dormitory Authority of the State of New York, on behalf of the State
36 University of New York at Buffalo, for construction, reconstruction,
37 renovation, rehabilitation, improvement or expansion at the State
38 University of New York at Buffalo, the State University of New York at
39 Buffalo shall create or cause to be created a diversity plan for UB 2020
40 capital projects and shall take or cause to be taken steps to ensure
41 that such diversity plan is successfully implemented on a program-wide
42 basis. The UB 2020 diversity plan shall include, at a minimum, targets
43 for workforce diversity, targets for retention of minority and women
44 owned businesses, retention of an independent monitor by or on behalf of
45 the State University of New York at Buffalo for all UB 2020 capital
46 projects and regular review of periodic reports from such independent
47 monthly monitor as to the attainment of the work force and business
48 diversity goals of the UB 2020 diversity plan.

49 S 8. Section 891-a of the general municipal law is amended by adding a
50 new subdivision 3 to read as follows:

51 3. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
52 TITLE ONE OF ARTICLE EIGHTEEN-A OF THIS CHAPTER, NOTWITHSTANDING ANY
53 OTHER STATE OR LOCAL LAW TO THE CONTRARY, THE AGENCY SHALL HAVE THE
54 POWER TO PROVIDE FINANCIAL ASSISTANCE, INCLUDING, BUT NOT LIMITED TO,
55 THE ISSUANCE OF BONDS AND NOTES BY THE AGENCY, IN CONJUNCTION WITH THE
56 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,

1 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
2 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-
3 INGS, DORMITORIES AND OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND
4 STAFF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY OR ON BEHALF OF
5 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS RELATED FOUNDATION,
6 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION
7 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW
8 YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPAN-
9 NY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES.

10 S 9. The opening paragraph of section 914-a of the general municipal
11 law, as added by chapter 579 of the laws of 1973, is designated subdivi-
12 sion 1 and a new subdivision 2 is added to read as follows:

13 2. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
14 TITLE ONE OF ARTICLE EIGHTEEN-A OF THIS CHAPTER, NOTWITHSTANDING ANY
15 OTHER STATE OR LOCAL LAW TO THE CONTRARY, THE AGENCY SHALL HAVE THE
16 POWER TO PROVIDE FINANCIAL ASSISTANCE, INCLUDING, BUT NOT LIMITED TO,
17 THE ISSUANCE OF BONDS AND NOTES BY THE AGENCY, IN CONJUNCTION WITH THE
18 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,
19 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
20 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-
21 INGS, DORMITORIES AND OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND
22 STAFF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY OR ON BEHALF OF
23 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS RELATED FOUNDATION,
24 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION
25 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW
26 YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPAN-
27 NY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES.

28 S 10. Subdivision 12 of section 373 of the education law, as added by
29 chapter 251 of the laws of 1962, is amended to read as follows:

30 12. To [make] PROCURE and execute contracts, lease agreements, and all
31 other instruments necessary or convenient for the exercise of its corpo-
32 rate powers and the fulfillment of its corporate purposes under this
33 article. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND
34 PROCUREMENTS ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
35 SHALL BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY
36 ADOPTED BY THE FUND TRUSTEES, WHICH SHALL SUBSTANTIALLY CONFORM TO THE
37 PROVISIONS OF TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW;

38 S 11. Section 373 of the education law is amended by adding a new
39 subdivision 20 to read as follows:

40 20. TO DESIGN, CONSTRUCT, ACQUIRE, RECONSTRUCT, REHABILITATE AND
41 IMPROVE ACADEMIC BUILDINGS, DORMITORIES AND OTHER FACILITIES FOR USE BY
42 STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY OF NEW YORK AT
43 BUFFALO USING ANY PROJECT DELIVERY METHOD, INCLUDING BUT NOT LIMITED TO,
44 DESIGN/BID/BUILD, DESIGN/BUILD OR CONSTRUCTION MANAGER AT RISK, THAT
45 WILL ASSIST THE FUND IN FULFILLING ITS PURPOSES UNDER SECTION THREE
46 HUNDRED SEVENTY-TWO OF THIS ARTICLE.

47 S 12. Subdivisions 9 and 10 of section 376 of the education law are
48 renumbered subdivisions 10 and 11 and a new subdivision 9 is added to
49 read as follows:

50 9. ALL CONTRACTS WHICH ARE TO BE AWARDED PURSUANT TO THIS SUBDIVISION
51 ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE
52 AWARDED PURSUANT TO PROCUREMENT GUIDELINES ADOPTED BY THE FUND TRUSTEES
53 IN ACCORDANCE WITH SECTION FIVE OF PART A OF THE CHAPTER OF THE LAWS OF
54 TWO THOUSAND NINE THAT ADDED THIS SUBDIVISION OR BY PUBLIC LETTING IN
55 ACCORDANCE WITH THE FOLLOWING PROVISIONS, NOTWITHSTANDING ANY CONTRARY
56 PROVISION OF SECTION ONE HUNDRED TWELVE, ONE HUNDRED THIRTY-FIVE, ONE

1 HUNDRED THIRTY-SIX, ONE HUNDRED THIRTY-NINE OR ONE HUNDRED FORTY OF THE
2 STATE FINANCE LAW OR ANY OTHER LAW, PROVIDED, HOWEVER, THAT WHERE THE
3 ESTIMATED EXPENSE OF ANY CONTRACT WHICH MAY BE AWARDED PURSUANT TO THIS
4 SUBDIVISION IS LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, A PERFORM-
5 ANCE BOND AND A BOND FOR THE PAYMENT OF LABOR AND MATERIAL MAY, IN THE
6 DISCRETION OF THE FUND, NOT BE REQUIRED, AND EXCEPT THAT IN THE
7 DISCRETION OF THE FUND, A CONTRACT MAY BE ENTERED INTO FOR SUCH PURPOSES
8 WITHOUT PUBLIC LETTING WHERE THE ESTIMATED EXPENSE THEREOF IS LESS THAN
9 TWENTY THOUSAND DOLLARS, OR WHERE IN THE JUDGMENT OF THE FUND AN EMER-
10 GENCY CONDITION EXISTS AS A RESULT OF DAMAGE TO AN EXISTING ACADEMIC
11 BUILDING, DORMITORY OR OTHER FACILITY WHICH HAS BEEN CAUSED BY AN ACT OF
12 GOD, FIRE OR OTHER CASUALTY, OR ANY OTHER UNANTICIPATED, SUDDEN AND
13 UNEXPECTED OCCURRENCE, THAT HAS RESULTED IN DAMAGE TO OR A MALFUNCTION
14 IN AN EXISTING ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY AND
15 INVOLVES A PRESSING NECESSITY FOR IMMEDIATE REPAIR, RECONSTRUCTION OR
16 MAINTENANCE IN ORDER TO PERMIT THE SAFE CONTINUATION OF THE USE OR FUNC-
17 TION OF SUCH FACILITY, OR TO PROTECT THE FACILITY OR THE LIFE, HEALTH OR
18 SAFETY OF ANY PERSON, AND THE NATURE OF THE WORK IS SUCH THAT IN THE
19 JUDGMENT OF THE FUND IT WOULD BE IMPRACTICAL AND AGAINST THE PUBLIC
20 INTEREST TO HAVE THE PUBLIC LETTING; PROVIDED, HOWEVER, THAT THE FUND,
21 PRIOR TO AWARDED A CONTRACT HEREUNDER BECAUSE OF AN EMERGENCY CONDITION
22 NOTIFY THE COMPTROLLER OF ITS INTENT TO AWARD SUCH A CONTRACT:

23 A. THE LETTING AGENCY SHALL ADVERTISE THE INVITATION TO BID OR THE
24 REQUEST FOR PROPOSALS IN A NEWSPAPER PUBLISHED IN THE CITY OF BUFFALO
25 AND IN SUCH OTHER NEWSPAPERS AS WILL BE MOST LIKELY IN ITS OPINION TO
26 GIVE ADEQUATE NOTICE TO CONTRACTORS OF THE WORK REQUIRED PROVIDED,
27 HOWEVER, THAT WHERE THE ESTIMATED EXPENSE OF ANY CONTRACT WHICH MAY BE
28 AWARDED PURSUANT TO THIS SUBDIVISION IS LESS THAN TWO HUNDRED FIFTY
29 THOUSAND DOLLARS, THE LETTING AGENCY MAY ADVERTISE THE INVITATION TO BID
30 SOLELY THROUGH THE PROCUREMENT OPPORTUNITIES NEWSLETTER PUBLISHED PURSU-
31 ANT TO SECTION ONE HUNDRED FORTY-TWO OF THE ECONOMIC DEVELOPMENT LAW.
32 THE INVITATION TO BID OR REQUEST FOR PROPOSALS SHALL CONTAIN SUCH INFOR-
33 MATION AS THE LETTING AGENCY SHALL DEEM APPROPRIATE.

34 B. THE LETTING AGENCY SHALL NOT AWARD ANY CONTRACT AFTER PUBLIC
35 BIDDING EXCEPT TO THE LOWEST BIDDER WHO IN ITS OPINION IS QUALIFIED TO
36 PERFORM THE WORK REQUIRED AND IS RESPONSIBLE AND RELIABLE. THE LETTING
37 AGENCY MAY, HOWEVER, REJECT ANY OR ALL BIDS, AGAIN ADVERTISE FOR BIDS,
38 OR WAIVE ANY INFORMALITY IN A BID IF IT BELIEVES THAT THE PUBLIC INTER-
39 EST WILL BE PROMOTED THEREBY.

40 C. THE INVITATION TO BID, REQUEST FOR PROPOSALS AND THE CONTRACT
41 AWARDED SHALL CONTAIN SUCH OTHER TERMS AND CONDITIONS, AND SUCH
42 PROVISIONS FOR PENALTIES, AS THE LETTING AGENCY MAY DEEM DESIRABLE.

43 D. ANY CONTRACT AWARDED PURSUANT TO THIS SUBDIVISION SHALL CONTAIN A
44 CLAUSE THAT THE CONTRACT SHALL BE DEEMED EXECUTORY TO THE EXTENT OF THE
45 MONEYS AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE FUND
46 BEYOND THE MONEYS AVAILABLE THEREFOR.

47 E. THE LETTING AGENCY SHALL REQUIRE SUCH DEPOSITS, BONDS AND SECURITY
48 IN CONNECTION WITH THE SUBMISSION OF BIDS OR REQUEST FOR PROPOSALS, THE
49 AWARD OF CONTRACTS AND THE PERFORMANCE OF WORK AS IT SHALL DETERMINE TO
50 BE IN THE PUBLIC INTEREST AND FOR THE PROTECTION OF THE STATE, THE STATE
51 UNIVERSITY, THE FUND AND THE LETTING AGENCY.

52 F. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY,
53 ALL CONTRACTS FOR PUBLIC WORK AWARDED BY THE STATE UNIVERSITY
54 CONSTRUCTION FUND PURSUANT TO THIS SUBDIVISION SHALL BE IN ACCORDANCE
55 WITH SECTION ONE HUNDRED THIRTY-NINE-F OF THE STATE FINANCE LAW.

1 S 13. The president of the State University of New York at Buffalo
2 shall report every January first to the governor, and the temporary
3 president of the senate and the speaker of the assembly on the effec-
4 tiveness of the reforms enacted in this legislation. Specifically, the
5 report shall address, the University at Buffalo's progress in competing
6 with the top academic research institutions; the impact of the Universi-
7 ty at Buffalo's efforts to increase the well being of western New York's
8 economy including efforts to rebuild the downtown city of Buffalo,
9 progress in increasing with local vendors, especially women and minority
10 owned businesses; whether the minority and women workforce and business
11 enterprise goals set forth in the UB 2020 diversity plan were attained
12 during the preceding year and the impact of tuition increases and
13 efforts to ensure affordable access for economically deprived students.
14 S 14. This act shall take effect immediately.

PART B

16 Section 1. Paragraph a of subdivision 2 of section 355 of the educa-
17 tion law, as amended by chapter 552 of the laws of 1985, is amended to
18 read as follows:
19 a. To take, hold and administer on behalf of the state university or
20 any institution therein, real and personal property or any interest
21 therein and the income thereof either absolutely or in trust for any
22 educational or other purpose within the jurisdiction and corporate
23 purposes of the state university, AND, WITH RESPECT TO ANY PROPERTY
24 UTILIZED BY OR COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVER-
25 SITY OF NEW YORK AT BUFFALO, TO DISPOSE OF SUCH PROPERTY IN SUCH MANNER
26 AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE TRUSTEES SHALL
27 ALLOW AND REGULATE THE USE OF SUCH PROPERTY FOR OTHER THAN THE CORPORATE
28 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, BY PERMIT,
29 LEASE, LICENSE OR OTHER AGREEMENT, FOR PERIODS NOT TO EXCEED TEN YEARS,
30 AND PRESCRIBE THE FEES, IF ANY, THAT PERSONS, ASSOCIATIONS AND CORPO-
31 RATIONS ALLOWED THE USE OF SUCH PROPERTY SHALL PAY. The trustees may
32 acquire property for such purposes by purchase, appropriation or lease
33 and by the acceptance of gifts, grants, bequests and devises, and, with-
34 in appropriations made therefor, may equip and furnish buildings and
35 otherwise improve property owned, used or occupied by the state univer-
36 sity or any institution therein. THE TRUSTEES MAY ACQUIRE PROPERTY FOR
37 OR ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY THE
38 ACCEPTANCE OF CONDITIONAL GIFTS, GRANTS, DEVISES OR BEQUESTS, THE
39 PROVISIONS OF SECTION ELEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING.
40 Where real property is to be acquired by purchase or appropriation, such
41 acquisition shall be in accordance with the provisions of section three
42 hundred seven of this chapter except that the powers and duties in said
43 section mentioned to be performed by the commissioner [of education]
44 shall be performed by the state university trustees. THE PROVISIONS OF
45 SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF THE PUBLIC LANDS LAW
46 NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER
47 OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE
48 STATE UNIVERSITY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE
49 UNIVERSITY OF NEW YORK AT BUFFALO IN SUCH MANNER AND UPON SUCH TERMS AS
50 THE TRUSTEES SHALL DETERMINE. THE FOREGOING NOTWITHSTANDING, THE TRUS-
51 TEES MAY PROVIDE FOR THE LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO
52 EXCEED FIFTY YEARS IN SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE
53 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, UNLESS THE
54 SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION OF THE STATE UNIVERSITY

1 OF NEW YORK AT BUFFALO, INCLUDING BUT NOT LIMITED TO THE DEVELOPMENT AND
2 OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH CARE, RETAIL, FOOD
3 SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUSING, ENERGY, GOVERN-
4 MENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER AND RECREATIONAL
5 FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE OF NATURAL
6 RESOURCES; PROVIDED, HOWEVER, THE PRESIDENT OF THE STATE UNIVERSITY OF
7 NEW YORK AT BUFFALO SHALL PROVIDE NOTICE OF ANY SUCH LEASE TO THE CHAIRS
8 OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMIT-
9 TEE AND TO THE DIRECTOR OF THE BUDGET AT LEAST THIRTY DAYS PRIOR TO
10 EXECUTING SUCH LEASE. THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN
11 OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR
12 THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE
13 CUSTODY AND CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN
14 SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE
15 PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND SECTION
16 ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE
17 PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED
18 REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSI-
19 TY OF NEW YORK AT BUFFALO OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND
20 CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE RETAINED
21 BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO AND SHALL BE USED BY THE
22 STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE
23 UNIVERSITY OF NEW YORK AT BUFFALO.

24 S 2. Paragraph s of subdivision 2 of section 355 of the education law,
25 as amended by chapter 552 of the laws of 1985, is amended to read as
26 follows:

27 s. To lease or make available to the state university construction
28 fund, the dormitory authority or other public benefit corporation, the
29 New York state teachers' retirement system [or], the New York state
30 employees' retirement system OR, IN THE CASE OF STATE-OWNED REAL PROPER-
31 TY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW
32 YORK AT BUFFALO, ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT
33 ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION
34 ORGANIZED UNDER SECTION ONE THOUSAND FOUR HUNDRED ELEVEN OF THE
35 NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
36 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, a
37 portion of the grounds or real property occupied by a state-operated
38 institution or statutory or contract college for the construction,
39 acquisition, reconstruction, rehabilitation or improvement of academic
40 buildings, dormitories or other facilities thereon pursuant to article
41 eight-A of this chapter and for the purpose of facilitating such
42 construction, acquisition, reconstruction, rehabilitation or improve-
43 ment, to enter into leases and agreements for the use of any such
44 academic building, dormitory or other facility in accordance with the
45 provisions of section three hundred seventy-eight of this chapter;
46 provided, however, that nothing herein contained shall affect the
47 provisions of any lease or agreement heretofore executed by the state
48 university with the dormitory authority. The state university trustees
49 may also enter into agreements with the state university construction
50 fund, the dormitory authority or other public benefit corporation, the
51 New York state teachers' retirement system [or], the New York state
52 employees' retirement system AND, IN THE CASE OF STATE-OWNED REAL PROP-
53 ERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW
54 YORK AT BUFFALO, WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PRO-
55 FIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPO-
56 RATION ORGANIZED UNDER SECTION ONE THOUSAND FOUR HUNDRED ELEVEN OF THE

NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, to furnish heat from a central heating plant to any academic building, dormitory or other facility erected by them or with moneys supplied by them. Any such academic building, dormitory or other facility shall not be subject to taxation for any purpose.

S 3. Subdivision 2 of section 355 of the education law is amended by adding a new paragraph y to read as follows:

Y. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS IN SUPPORT OF THE CORPORATE PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, INCLUDING, WITHOUT LIMITATION, THE STATE UNIVERSITY OF NEW YORK AT BUFFALO'S UB 2020 INITIATIVE, TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NON-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NON-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS. THE STATE UNIVERSITY'S PARTICIPATION ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE SUBJECT TO GUIDELINES OF THE STATE UNIVERSITY WITH RESPECT TO CONFLICTS OF INTEREST AND TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE APPLICABLE PROVISIONS OF AGREEMENTS BETWEEN THE STATE AND EMPLOYEE ORGANIZATIONS PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. NOTWITHSTANDING ANY INCONSISTENT PROVISION IN SECTION EIGHT OF THE COURT OF CLAIMS ACT, THE STATE UNIVERSITY MAY INCLUDE IN A CONTRACT RELATING TO SUCH PARTICIPATION, OTHER THAN A CONTRACT WITH STATE EMPLOYEES RELATING TO TERMS AND CONDITIONS OF THEIR EMPLOYMENT, A PROVISION THAT SOME OR ALL DISPUTES ARISING UNDER OR RELATED TO SUCH CONTRACT SHALL BE RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH THE RULES OF A NATIONALLY-RECOGNIZED ARBITRATION ASSOCIATION. NOTHING CONTAINED IN THE PUBLIC OFFICERS LAW OR IN ANY OTHER LAW, RULE OR REGULATION, SHALL BE CONSTRUED OR APPLIED TO PROHIBIT STATE UNIVERSITY OF NEW YORK AT BUFFALO OFFICERS AND EMPLOYEES FROM ENGAGING IN ACTIVITIES FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN CONNECTION WITH SUCH JOINT AND COOPERATIVE ARRANGEMENTS, INCLUDING SERVING AS DESIGNEES OF THE STATE UNIVERSITY AS MEMBERS, SHAREHOLDERS OR AS DIRECTORS ON BOARDS OR OTHER GOVERNING BODIES OF CORPORATIONS OR OTHER ENTITIES.

S 4. This act shall take effect immediately.

PART C

Section 1. Section 355 of the education law is amended by adding two new subdivisions 20 and 21 to read as follows:

20. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE AND SECTIONS ONE HUNDRED FIFTEEN, ONE HUNDRED SIXTY-ONE AND ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW AND SECTIONS THREE AND SIX OF THE NEW YORK STATE PRINTING AND PUBLIC DOCUMENTS LAW OR ANY OTHER LAW TO THE CONTRARY, THE STATE UNIVERSITY TRUSTEES ARE AUTHORIZED AND EMPOWERED ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO TO:

A. (I) PURCHASE MATERIALS, EQUIPMENT AND SUPPLIES, INCLUDING COMPUTER EQUIPMENT AND MOTOR VEHICLES, (II) EXECUTE CONTRACTS FOR SERVICES, PERMITS, LICENSES, LEASES, CONTRACTS FOR THE PURCHASE OR SALE OF REAL PROPERTY, AND CONSTRUCTION CONTRACTS, AND (III) CONTRACT FOR PRINTING, WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY IN ACCORDANCE WITH GUIDELINES, RULES OR REGULATIONS PROMULGATED BY THE STATE UNIVERSITY BOARD OF TRUSTEES. GUIDELINES, RULES, OR REGULATIONS PROMULGATED BY THE STATE UNIVERSITY BOARD OF TRUSTEES SHALL, TO THE EXTENT

1 PRACTICABLE, REQUIRE THAT COMPETITIVE PROPOSALS BE SOLICITED FOR
2 PURCHASES, AND SHALL INCLUDE REQUIREMENTS THAT PURCHASES AND CONTRACTS
3 AUTHORIZED UNDER THIS SECTION BE AT THE LOWEST AVAILABLE PRICE, INCLUD-
4 ING CONSIDERATION OF PRICES AVAILABLE THROUGH OTHER STATE AGENCIES,
5 CONSISTENT WITH QUALITY REQUIREMENTS, AND AS WILL BEST PROMOTE THE
6 PUBLIC INTEREST. SUCH PURCHASES MAY BE MADE DIRECTLY FROM ANY CONTRACTOR
7 PURSUANT TO ANY CONTRACT FOR COMMODITIES LET BY THE OFFICE OF GENERAL
8 SERVICES OR ANY OTHER STATE AGENCY;

9 B. ESTABLISH CASH ADVANCE ACCOUNTS FOR THE PURPOSE OF PURCHASING
10 MATERIALS, SUPPLIES, OR SERVICES, FOR CASH ADVANCES FOR TRAVEL EXPENSES
11 AND PER DIEM ALLOWANCES, OR FOR ADVANCE PAYMENT OF WAGES AND SALARY. THE
12 ACCOUNT MAY BE USED TO PURCHASE SUCH MATERIALS, SUPPLIES, OR SERVICES
13 WHERE THE AMOUNT OF A SINGLE PURCHASE DOES NOT EXCEED TWO HUNDRED FIFTY
14 DOLLARS, IN ACCORDANCE WITH SUCH GUIDELINES AS SHALL BE PRESCRIBED BY
15 THE STATE UNIVERSITY TRUSTEES.

16 C. ESTABLISH GUIDELINES IN CONSULTATION WITH THE COMMISSIONER OF
17 GENERAL SERVICES AUTHORIZING PARTICIPATION BY THE STATE UNIVERSITY OF
18 NEW YORK AT BUFFALO IN PROGRAMS ADMINISTERED BY THE OFFICE OF GENERAL
19 SERVICES FOR THE PURCHASE OF AVAILABLE NEW YORK STATE FOOD PRODUCTS. THE
20 COMMISSIONER OF GENERAL SERVICES SHALL PROVIDE ASSISTANCE TO THE STATE
21 UNIVERSITY OF NEW YORK AT BUFFALO NECESSARY TO ENABLE THE STATE UNIVER-
22 SITY OF NEW YORK AT BUFFALO TO PARTICIPATE IN THESE PROGRAMS.

23 21. TO ENTER INTO ANY CONTRACT OR AGREEMENT DEEMED NECESSARY OR ADVIS-
24 ABLE AFTER CONSULTATION WITH APPROPRIATE STATE AGENCIES FOR CARRYING OUT
25 THE OBJECTS AND PURPOSES OF STATE UNIVERSITY OF NEW YORK AT BUFFALO
26 WITHOUT PRIOR REVIEW OR APPROVAL BY ANY STATE OFFICER OR AGENCY INCLUD-
27 ING ENERGY PERFORMANCE CONTRACTS (AS DEFINED IN SECTION 9-102 OF THE
28 ENERGY LAW), ENERGY PROCUREMENT OR SUPPLY CONTRACTS, CONTRACTS OR AGREE-
29 MENTS WITH NON-PROFIT CORPORATIONS ORGANIZED BY OFFICERS, EMPLOYEES,
30 ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR
31 THE FURTHERANCE OF ITS OBJECTS AND PURPOSES, AS WELL AS CONTRACTS OR
32 AGREEMENTS WITH ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RE-
33 LATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NON-PRO-
34 FIT CORPORATION OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE
35 UNIVERSITY OF NEW YORK AT BUFFALO TO FURTHER ITS PURPOSES OR ANY LIMITED
36 LIABILITY COMPANY, WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES
37 FOR THE FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY
38 OF NEW YORK AT BUFFALO, INCLUDING, WITHOUT LIMITATION, THE STATE UNIVER-
39 SITY OF NEW YORK AT BUFFALO'S UB 2020 INITIATIVE. CONTRACTS OR AGREE-
40 MENTS ENTERED INTO WITH THE FEDERAL GOVERNMENT TO ENABLE PARTICIPATION
41 IN FEDERAL STUDENT LOAN PROGRAMS, INCLUDING ANY AND ALL INSTRUMENTS
42 REQUIRED THEREUNDER, SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF SECTION
43 FORTY-ONE OF THE STATE FINANCE LAW; PROVIDED, HOWEVER, THAT THE STATE
44 SHALL NOT BE LIABLE FOR ANY PORTION OF ANY DEFAULTS WHICH IT HAS AGREED
45 TO ASSUME PURSUANT TO ANY SUCH AGREEMENT IN AN AMOUNT IN EXCESS OF MONEY
46 APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE THEREFOR AT THE TIME THE
47 LIABILITY FOR PAYMENT ARISES.

48 S 2. Subdivisions 2 and 3 of section 112 of the state finance law, as
49 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision
50 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,
51 are amended to read as follows:

52 2. (a) Before any contract made for or by any state agency, depart-
53 ment, board, officer, commission, or institution, except the office of
54 general services AND THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF
55 OF OR WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, shall
56 be executed or become effective, whenever such contract exceeds fifty

1 thousand dollars in amount and before any contract made for or by the
2 office of general services shall be executed or become effective, when-
3 ever such contract exceeds eighty-five thousand dollars in amount, it
4 shall first be approved by the comptroller and filed in his or her
5 office, provided, however, that the comptroller shall make a final writ-
6 ten determination with respect to approval of such contract within nine-
7 ty days of the submission of such contract to his or her office unless
8 the comptroller shall notify, in writing, the state agency, department,
9 board, officer, commission, or institution, prior to the expiration of
10 the ninety day period, and for good cause, of the need for an extension
11 of not more than fifteen days, or a reasonable period of time agreed to
12 by such state agency, department, board, officer, commission, or insti-
13 tution and provided, further, that such written determination or exten-
14 sion shall be made part of the procurement record pursuant to paragraph
15 f of subdivision one of section one hundred sixty-three of this chapter.

16 (b) Whenever any liability of any nature shall be incurred by or for
17 any state department, board, officer, commission, or institution OTHER
18 THAN THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR WITH
19 RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, notice that such
20 liability has been incurred shall be immediately given in writing to the
21 state comptroller.

22 3. A contract or other instrument wherein the state or any of its
23 officers, agencies, boards or commissions OTHER THAN THE STATE UNIVERSI-
24 TY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVER-
25 SITY OF NEW YORK AT BUFFALO agrees to give a consideration other than
26 the payment of money, when the value or reasonably estimated value of
27 such consideration exceeds ten thousand dollars, shall not become a
28 valid enforceable contract unless such contract or other instrument
29 shall first be approved by the comptroller and filed in his office.

30 S 3. Paragraph a of subdivision 1 of section 139-j of the state
31 finance law, as added by chapter 1 of the laws of 2005, is amended to
32 read as follows:

33 a. "Governmental entity" shall mean: (1) any department, board,
34 bureau, commission, division, office, council, committee or officer of
35 the state, whether permanent or temporary, OTHER THAN THE STATE UNIVER-
36 SITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE
37 UNIVERSITY OF NEW YORK AT BUFFALO; (2) each house of the state legisla-
38 ture; (3) the unified court system; (4) any public authority, public
39 benefit corporation or commission created by or existing pursuant to the
40 public authorities law; (5) any public authority or public benefit
41 corporation, at least one of whose members is appointed by the governor
42 or who serves as a member by virtue of holding a civil office of the
43 state; (6) a municipal agency, as that term is defined in paragraph (ii)
44 of subdivision (s) of section one-c of the legislative law; or (7) a
45 subsidiary or affiliate of such a public authority.

46 S 4. Paragraph a of subdivision 1 of section 139-k of the state
47 finance law, as added by chapter 1 of the laws of 2005, is amended to
48 read as follows:

49 a. "Governmental entity" shall mean: (1) any department, board,
50 bureau, commission, division, office, council, committee or officer of
51 the state, whether permanent or temporary, OTHER THAN THE STATE UNIVER-
52 SITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE
53 UNIVERSITY OF NEW YORK AT BUFFALO; (2) each house of the state legisla-
54 ture; (3) the unified court system; (4) any public authority, public
55 benefit corporation or commission created by or existing pursuant to the
56 public authorities law; (5) a public authority or public benefit corpo-

1 ration, at least one of whose members is appointed by the governor or
2 who serves as a member by virtue of holding a civil office of the state;
3 (6) municipal agency, as that term is defined in paragraph (ii) of
4 subdivision (s) of section one-c of the legislative law; or (7) a
5 subsidiary or affiliate of such a public authority.

6 S 5. Subparagraph (iv) of paragraph a of subdivision 3 of section 163
7 of the state finance law, as amended by chapter 430 of the laws of 1997,
8 is amended to read as follows:

9 (iv) The commissioner is authorized to permit any officer, body or
10 agency of the state or of a political subdivision or a district therein,
11 or fire company or volunteer ambulance service as such are defined in
12 section one hundred of the general municipal law, to make purchases of
13 commodities through the office of general services' centralized
14 contracts, pursuant to the provisions of section one hundred four of the
15 general municipal law. The commissioner is authorized to permit any
16 county extension service association as authorized under subdivision
17 eight of section two hundred twenty-four of the county law, or any asso-
18 ciation or other entity as specified in and in accordance with section
19 one hundred nine-a of the general municipal law, OR ANY NON-PROFIT
20 CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE
21 STATE UNIVERSITY OF NEW YORK AT BUFFALO, or any other association or
22 entity as specified in state law, to make purchases of commodities
23 through the office of general services' centralized contracts; provided,
24 however, that such entity so empowered shall accept sole responsibility
25 for any payment due with respect to such purchase; AND PROVIDED FURTHER,
26 HOWEVER, THAT COMMODITIES SO PURCHASED BY A NON-PROFIT CORPORATION
27 ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE
28 UNIVERSITY OF NEW YORK AT BUFFALO SHALL NOT BE USED DIRECTLY OR INDI-
29 RECTLY BY A FOR-PROFIT CORPORATION OR OTHER FOR-PROFIT ENTITY WHICH
30 CONTRACTS WITH THE NON-PROFIT CORPORATION, NOR SHALL SUCH COMMODITIES SO
31 PURCHASED BY SUCH NON-PROFIT CORPORATION BE OFFERED FOR RESALE.

32 S 6. Paragraph e of subdivision 4 of section 163 of the state finance
33 law, as amended by chapter 95 of the laws of 2000, is amended to read as
34 follows:

35 [e. Any officer, body or agency of a political subdivision as defined
36 in section one hundred of the general municipal law or a district there-
37 in, may make purchases of services through the office of general
38 services' centralized contracts for services, subject to the provisions
39 of section one hundred four of the general municipal law. The commis-
40 sioner may permit and prescribe the conditions for the purchase of
41 services through the office of general services' centralized contracts
42 for services by any public authority or public benefit corporation of
43 the state including the port authority of New York and New Jersey. The
44 commissioner is authorized to permit any public library, association
45 library, library system, cooperative library system, the New York
46 Library Association, and the New York State Association of Library
47 Boards or any other library except those which are operated by for
48 profit entities, to make purchases of services through the office of
49 general services' centralized contracts; provided, however, that such
50 entity so empowered shall accept sole responsibility for any payment due
51 with respect to such purchase.]

52 E. ANY OFFICER, BODY OR AGENCY OF A POLITICAL SUBDIVISION AS DEFINED
53 IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW OR A DISTRICT THERE-
54 IN AND ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE
55 OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, MAY
56 MAKE PURCHASES OF SERVICES THROUGH THE OFFICE OF GENERAL SERVICES'

1 CENTRALIZED CONTRACTS FOR SERVICES, SUBJECT, IN THE CASE OF SUCH POLI-
2 TICAL SUBDIVISIONS, TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THE
3 GENERAL MUNICIPAL LAW; PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
4 NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND
5 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IT SHALL ACCEPT
6 SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASE
7 AND PROVIDED, FURTHER THAT SERVICES SO PURCHASED BY ANY SUCH NON-PROFIT
8 CORPORATION SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT
9 CORPORATION OR OTHER FOR-PROFIT ENTITY WHICH CONTRACTS WITH THE NON-PRO-
10 FIT ORGANIZATION. THE COMMISSIONER MAY PERMIT AND PRESCRIBE THE CONDI-
11 TIONS FOR THE PURCHASE OF SERVICES THROUGH THE OFFICE OF GENERAL
12 SERVICES' CENTRALIZED CONTRACTS FOR SERVICES BY ANY PUBLIC AUTHORITY OR
13 PUBLIC BENEFIT CORPORATION OF THE STATE INCLUDING THE PORT AUTHORITY OF
14 NEW YORK AND NEW JERSEY, OR ANY NON-PROFIT CORPORATION ORGANIZED IN
15 FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW
16 YORK AT BUFFALO. THE COMMISSIONER IS AUTHORIZED TO PERMIT ANY PUBLIC
17 LIBRARY, ASSOCIATION LIBRARY, LIBRARY SYSTEM, COOPERATIVE LIBRARY
18 SYSTEM, THE NEW YORK LIBRARY ASSOCIATION, AND THE NEW YORK STATE ASSOCI-
19 ATION OF LIBRARY BOARDS OR ANY OTHER LIBRARY EXCEPT THOSE WHICH ARE
20 OPERATED BY FOR-PROFIT ENTITIES, TO MAKE PURCHASES OF SERVICES THROUGH
21 THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS; PROVIDED, HOWEV-
22 ER, THAT SUCH ENTITY SO EMPOWERED SHALL ACCEPT SOLE RESPONSIBILITY FOR
23 ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASE.

24 S 7. Paragraph b of subdivision 10 of section 163 of the state finance
25 law is amended by adding a new subparagraph (iii) to read as follows:

26 (III) THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH
27 SHALL NOT APPLY TO SINGLE OR SOLE SOURCE PROCUREMENTS FOR SERVICES OR
28 COMMODITIES BY THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR
29 WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, WHICH
30 SINGLE OR SOLE SOURCE PROCUREMENTS SHALL BE MADE IN ACCORDANCE WITH SUCH
31 RULES AND GUIDELINES AS MAY BE PROMULGATED BY THE TRUSTEES OF THE STATE
32 UNIVERSITY OF NEW YORK.

33 S 8. Paragraph (e) of subdivision 1 of section 5-a of the tax law, as
34 amended by section 1 of part L of chapter 62 of the laws of 2006, is
35 amended to read as follows:

36 (e) "Covered agency" means a "state agency" for purposes of article
37 eleven of the state finance law, the legislature, the judiciary, or a
38 public authority or public benefit corporation at least one of whose
39 members is appointed by the governor; PROVIDED, HOWEVER, THAT THE TERM
40 "COVERED AGENCY" SHALL NOT INCLUDE THE STATE UNIVERSITY OF NEW YORK
41 ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK
42 AT BUFFALO.

43 S 9. This act shall take effect immediately; provided, however, that
44 the amendments to section 139-j of the state finance law made by section
45 three of this act, the amendments to section 139-k of the state finance
46 law made by section four of this act, and the amendments to section 163
47 of the state finance law made by sections five, six, and seven of this
48 act shall not affect the repeal of such sections and shall expire and be
49 deemed repealed therewith.

50

PART D

51 Section 1. Subdivision 8 of section 355 of the education law, as
52 amended by chapter 553 of the laws of 1985, is amended to read as
53 follows:

1 8. All moneys received by the state university of New York and by
2 state-operated institutions thereof from appropriations, tuition, fees,
3 user charges, sales of products and services and from all other sources,
4 including sources and activities of the state university which are
5 intended by law to be self-supporting may be credited to an appropriate
6 fund or funds to be designated by the state comptroller. The amounts so
7 paid into such fund or funds which were received by or for the state
8 university shall be used for expenses of the state university in carry-
9 ing out any of its objects and purposes and such amounts received by or
10 for state-operated institutions of the state university shall be used
11 for expenses of the state university under regulations prescribed by the
12 state university trustees. NOTWITHSTANDING THE FOREGOING, ALL MONEYS
13 RECEIVED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FROM TUITION,
14 FEES, USER CHARGES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY
15 PERFORMANCE, PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIV-
16 ITIES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO WHICH ARE INTENDED
17 BY LAW TO BE SELF-SUPPORTING MAY BE CREDITED TO AN APPROPRIATE FUND OR
18 FUNDS HELD BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO. THE AMOUNTS
19 SO PAID INTO SUCH FUND OR FUNDS WHICH WERE RECEIVED BY OR FOR THE STATE
20 UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE USED FOR EXPENSES OF THE
21 STATE UNIVERSITY OF NEW YORK AT BUFFALO IN CARRYING OUT ANY OF ITS
22 OBJECTS AND PURPOSES, INCLUDING, THE STATE UNIVERSITY OF NEW YORK AT
23 BUFFALO'S UB 2020 INITIATIVE.

24 S 2. Section 4 of the state finance law is amended by adding a new
25 subdivision 11 to read as follows:

26 11. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, MONEYS HELD BY
27 THE STATE UNIVERSITY OF NEW YORK DERIVED FROM TUITION, FEES, USER CHARG-
28 ES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE,
29 PROCUREMENT OR SUPPLY CONTRACTS AND SOURCES AND ACTIVITIES OF THE STATE
30 UNIVERSITY OF NEW YORK AT BUFFALO THAT ARE INTENDED TO BE SELF-SUPPORT-
31 ING SHALL BE PAID WITHOUT AN APPROPRIATION.

32 S 3. Subdivision 2 of section 121 of the state finance law, as amended
33 by chapter 293 of the laws of 1992, is amended to read as follows:

34 2. There are excepted from payment to the treasury as provided by
35 subdivision one of this section: (i) all moneys to which the provisions
36 of subdivision four of section four of this chapter apply unless such
37 moneys are held in a fund subject to appropriation; (ii) moneys held as
38 part of the principal of an endowment of the state university of New
39 York, units thereof and other state agencies; (III) MONEYS RECEIVED BY
40 THE STATE UNIVERSITY OF NEW YORK DERIVED FROM TUITION, FEES, USER CHARG-
41 ES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE,
42 PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIVITIES OF THE
43 STATE UNIVERSITY OF NEW YORK AT BUFFALO THAT ARE INTENDED TO BE
44 SELF-SUPPORTING, INCLUDING, WITHOUT LIMITATION, ANY REVENUE RESULTING
45 FROM TUITION INCREASES AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
46 DESCRIBED IN CLAUSE (A) OF SUBPARAGRAPH FOUR OF PARAGRAPH H OF SUBDIVI-
47 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW; and
48 [(iii)] (IV) moneys received pursuant to a clinical practice plan estab-
49 lished pursuant to subdivision fourteen of section two hundred six of
50 the public health law. In those cases where such moneys are held in the
51 custody of the state officer other than the comptroller, the officer
52 shall file with the comptroller, at such times as the comptroller shall
53 determine, a detailed statement, in such form and content as the comp-
54 troller shall prescribe, for the period covered by the statement. The
55 comptroller shall from time to time, but not less than once in every
56 three years, examine the books and accounts relating to such moneys

1 heretofore or hereinafter established, including its receipts, disburse-
2 ments, investments, and any financial matters. An independent audit of
3 such moneys may be authorized by the comptroller in lieu of his own
4 examination, which examination shall be undertaken within twelve months
5 of such authorization.

6 S 4. This act shall take effect immediately.

7

PART E

8 Section 1. Paragraph i of subdivision 2 of section 355 of the educa-
9 tion law, as amended by chapter 552 of the laws of 1985, is amended to
10 read as follows:

11 i. To lease to alumni associations of institutions of the state
12 university a portion of the grounds occupied by any institution of the
13 state university, for the erection thereon of dormitories to be used by
14 students in attendance at such institutions. The terms of any lease and
15 the character of the building to be erected shall be determined by the
16 state university trustees. Such lease, EXCEPT IN THE CASE OF LANDS OCCU-
17 PIED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, prior to its
18 execution, shall be submitted to the attorney general for his approval
19 as to its form, contents and legal effect. Nothing contained in this
20 paragraph shall affect the provisions of any lease heretofore executed
21 by a board of visitors of any state-operated institution pursuant to
22 law. The state university trustees may similarly enter into an agreement
23 with an alumni association of an institution of the state university to
24 furnish heat from a central heating plant to any dormitory erected by
25 such alumni association. Any such dormitory shall not be subject to
26 taxation for any purpose.

27 S 2. This act shall take effect immediately.

28 S 4. Severability clause. If any clause, sentence, paragraph, subdivi-
29 sion, section or part of this act shall be adjudged by any court of
30 competent jurisdiction to be invalid, such judgment shall not affect,
31 impair, or invalidate the remainder thereof, but shall be confined in
32 its operation to the clause, sentence, paragraph, subdivision, section
33 or part thereof directly involved in the controversy in which such judg-
34 ment shall have been rendered. It is hereby declared to be the intent of
35 the legislature that this act would have been enacted even if such
36 invalid provisions had not been included herein.

37 S 5. This act shall take effect immediately provided, however, that
38 the applicable effective date of Parts A through E of this act shall be
39 as specifically set forth in the last section of such Parts.