

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

2020--B

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I N S E N A T E

February 11, 2009

Introduced by Sens. STACHOWSKI, THOMPSON, VOLKER, MAZIARZ, RANZENHOFER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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 legislature finds that the
4 upstate economy has long lagged the economies of the State and the
5 nation. In particular, western New York has lost population, jobs and
6 economic growth potential. Rebuilding a permanent economic base in west-
7 ern New York is key to the future economic prosperity of both the region
8 and the state. In order to ensure that the economic growth potential of
9 the western New York region can be more fully realized, the state needs
10 to take measures to bolster western New York's economy and spur job

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

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1 growth thereby also achieving a desirable expansion and diversification
2 of the state's economic structure.

3 Innovation and high-tech development present the most promising oppor-
4 tunities to revitalize the upstate and western New York economy. Our
5 academic research institutions are building the next-generation indus-
6 tries that will provide a stable, knowledge-based economic base that
7 will provide real jobs for our residents, attract high-tech businesses
8 and investment, make it possible for more of our young people to have
9 rewarding careers in the communities they grew up in and bring new job
10 seekers to the region.

11 The State University of New York at Buffalo ranks as one of the fore-
12 most research academic institutions in New York, and has the potential
13 to become a regional economic engine. The University's UB 2020 initi-
14 ative, through which it seeks to increase enrollment by forty percent,
15 expand its research capabilities and revitalize its campuses, partic-
16 ularly its downtown Buffalo campus, can serve as the catalyst for re-en-
17 ergizing the western New York economy and workforce development.

18 In light of the current condition of the western New York economy and
19 the State University of New York at Buffalo's desire to enhance its
20 academic research capabilities, the University is the ideal candidate to
21 pilot a number of reforms recently proposed by the New York state
22 commission on higher education. These proposals will require the state
23 of New York to maintain its current level of financial commitment to the
24 State University of New York at Buffalo.

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

30 S 3. This act enacts into law major components of legislation which
31 are necessary for the efficient and productive operation of the State
32 University of New York at Buffalo. Each component is wholly contained
33 within a Part identified as Parts A through E. The effective date or
34 dates for each particular provision contained within such Part are set
35 forth in the last section of such Part. Any provision in any section
36 contained within a Part, including the effective date of the Part, which
37 makes reference to a section "of this act", when used in connection with
38 that particular component, shall be deemed to mean and refer to the
39 corresponding section of the Part in which it is found.

40

PART A

41 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
42 355 of the education law, as amended by chapter 309 of the laws of 1996,
43 is amended to read as follows:

44 (4) [The] EXCEPT AS HEREINAFTER PROVIDED WITH RESPECT TO STUDENTS AT
45 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, THE trustees shall not
46 impose a differential tuition charge based upon need or income. [All]
47 EXCEPT AS HEREINAFTER PROVIDED WITH RESPECT TO STUDENTS AT THE STATE
48 UNIVERSITY OF NEW YORK AT BUFFALO, ALL students enrolled in programs
49 leading to like degrees at state-operated institutions of the state
50 university shall be charged a uniform rate of tuition except for differ-
51 ential tuition rates based on state residency. EXCEPT AS HEREINAFTER
52 PROVIDED WITH RESPECT TO STUDENTS AT THE STATE UNIVERSITY OF NEW YORK AT
53 BUFFALO, THE TRUSTEES SHALL NOT ADOPT CHANGES AFFECTING TUITION CHARGES
54 PRIOR TO THE ENACTMENT OF THE ANNUAL BUDGET. Provided, however, that the

1 trustees may authorize the presidents of the colleges of technology and
2 the colleges of agriculture and technology to set differing rates of
3 tuition for each of the colleges for students enrolled in degree-grant-
4 ing programs leading to an associate degree and non-degree granting
5 programs so long as such tuition rate does not exceed the tuition rate
6 charged to students who are enrolled in like degree programs or degree-
7 granting undergraduate programs leading to a baccalaureate degree at
8 other state-operated institutions of the state university of New York[.
9 The trustees shall not adopt changes affecting tuition charges prior to
10 the enactment of the annual budget.] AND PROVIDED FURTHER, THAT,

11 A. COMMENCING WITH THE TWO THOUSAND NINE ACADEMIC YEAR, THE PRESIDENT
12 OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONSULTATION WITH THE
13 UNIVERSITY AT BUFFALO COUNCIL, IS AUTHORIZED TO SET DIFFERING RATES OF
14 TUITION BY PROGRAM AND, WITHIN EACH PROGRAM, BY CLASS YEAR, FOR STUDENTS
15 ENROLLED IN DEGREE GRANTING PROGRAMS AT THE STATE UNIVERSITY OF NEW YORK
16 AT BUFFALO WITHOUT THE PRIOR APPROVAL OF THE TRUSTEES IN ACCORDANCE WITH
17 THE FOLLOWING:

18 (I) TUITION FOR STUDENTS ENROLLED IN ANY PARTICULAR UNDERGRADUATE AND
19 GRADUATE DEGREE GRANTING PROGRAM, INCLUDING IN-STATE, OUT-OF-STATE,
20 FULL-TIME AND PART-TIME STUDENTS, MAY BE INCREASED EACH YEAR TO THE
21 PUBLIC INSTITUTION MEAN TUITION AS MOST RECENTLY REPORTED BY THE AMERI-
22 CAN ASSOCIATION OF UNIVERSITIES FOR EACH SUCH PROGRAM, PROVIDED, HOWEV-
23 ER, THAT EACH SUCH ANNUAL INCREASE MAY NOT EXCEED 1.5 TIMES THE PERCENT-
24 AGE INCREASE IN THE MOST RECENTLY PUBLISHED HIGHER EDUCATION PRICE INDEX
25 (HEPI) AS PROMULGATED BY THE COMMONFUND INSTITUTE.

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

34 B. PROPOSED TUITION INCREASES FOR STUDENTS AT THE STATE UNIVERSITY OF
35 NEW YORK AT BUFFALO THAT EXCEED THE INCREASES DESCRIBED IN CLAUSE A OF
36 THIS SUBPARAGRAPH MUST BE APPROVED BY THE TRUSTEES PRIOR TO BEING IMPE-
37 MENTED.

38 C. THE STATE OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK SHALL
39 DISREGARD ANY TUITION INCREASES FOR STUDENTS AT THE STATE UNIVERSITY OF
40 NEW YORK AT BUFFALO PURSUANT TO CLAUSE A OF THIS SUBPARAGRAPH IN DETER-
41 MINING ANY ANNUAL CORE INSTRUCTIONAL SUPPORT OR OTHER ANNUAL APPROPRI-
42 ATIONS TO BE PROVIDED TO EITHER THE STATE UNIVERSITY OF NEW YORK OR THE
43 STATE UNIVERSITY OF NEW YORK AT BUFFALO. IN AMPLIFICATION AND NOT IN
44 LIMITATION OF THE FOREGOING, NEITHER THE STATE OF NEW YORK NOR THE STATE
45 UNIVERSITY OF NEW YORK SHALL PROVIDE ANY INCREASES TO ANNUAL CORE
46 STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENE-
47 FIT PAYMENTS OR OTHER ANNUAL APPROPRIATIONS OF ANY KIND OR NATURE TO OR
48 ON BEHALF OF ANY OTHER SUNY UNIVERSITY CENTER (I.E., STATE UNIVERSITY OF
49 NEW YORK AT STONY BROOK, STATE UNIVERSITY OF NEW YORK AT ALBANY OR STATE
50 UNIVERSITY OF NEW YORK AT BINGHAMTON) OR ANY SUNY FOUR YEAR COLLEGE AT A
51 LEVEL, THAT IS, IN ANY WAY, INCONSISTENT WITH OR INFERIOR TO THE FUNDING
52 METHODS EMPLOYED FOR INCREASES IN ANNUAL CORE STATE-TAX FUNDED INSTRU-
53 CTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENEFIT PAYMENTS OR OTHER
54 APPROPRIATIONS OF ANY KIND OR NATURE MADE TO OR ON BEHALF OF THE STATE
55 UNIVERSITY OF NEW YORK AT BUFFALO. FURTHERMORE, UNTIL SUCH TIME AS THE
56 PROGRAM OBJECTIVES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO'S UB

1 2020 INITIATIVE ARE ACHIEVED, NEITHER THE STATE OF NEW YORK NOR THE
2 STATE UNIVERSITY OF NEW YORK WILL REDUCE ANNUAL CORE STATE-TAX FUNDED
3 INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENEFIT PAYMENTS OR
4 OTHER APPROPRIATIONS OF ANY KIND OR NATURE MADE TO OR ON BEHALF OF THE
5 STATE UNIVERSITY OF NEW YORK AT BUFFALO SO AS TO CAUSE THE PROPORTIONATE
6 LEVEL OF SUPPORT, PAYMENTS AND APPROPRIATIONS FOR ANY OTHER SUNY UNIVER-
7 SITY CENTER (I.E., STATE UNIVERSITY OF NEW YORK AT STONY BROOK, STATE
8 UNIVERSITY OF NEW YORK AT ALBANY OR STATE UNIVERSITY OF NEW YORK AT
9 BINGHAMTON) OR ANY SUNY FOUR YEAR COLLEGE TO BE GREATER THAN THE LEVEL
10 OF SUCH SUPPORT, PAYMENTS AND APPROPRIATIONS AFFORDED THE STATE UNIVER-
11 SITY OF NEW YORK AT BUFFALO IN COMPARISON TO SUCH OTHER INSTITUTIONS FOR
12 THE TWO THOUSAND EIGHT--TWO THOUSAND NINE STATE FISCAL YEAR.

13 D. COMMENCING WITH THE TWO THOUSAND NINE ACADEMIC YEAR, THE STATE OF
14 NEW YORK SHALL, HOWEVER, PROPORTIONATELY INCREASE TUITION ASSISTANCE
15 PROGRAM (TAP) PAYMENTS TO STUDENTS AT THE STATE UNIVERSITY OF NEW YORK
16 AT BUFFALO SO AS TO CAUSE THE RATIO OF SUCH TAP PAYMENTS TO TUITION FOR
17 STUDENTS AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO TO BE ON PAR
18 WITH THE RATIO OF TAP PAYMENTS TO TUITION FOR STUDENTS AT STATE-OPERATED
19 INSTITUTIONS OF THE STATE UNIVERSITY OTHER THAN THE STATE UNIVERSITY OF
20 NEW YORK AT BUFFALO OFFERING PROGRAMS LEADING TO LIKE DEGREES.

21 E. A PORTION OF THE NET TUITION REVENUE GENERATED BY THE TUITION
22 INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH, TO BE NOT LESS
23 THAN TEN PERCENT NOR MORE THAN TWENTY PERCENT OF SUCH NET TUITION REVEN-
24 UE, SHALL BE DIRECTED TO FINANCIAL AID PROGRAMS TO ASSIST
25 FINANCIALLY-DISADVANTAGED STUDENTS IN THE CORRESPONDING STATE UNIVERSITY
26 OF NEW YORK AT BUFFALO DEGREE GRANTING PROGRAM.

27 F. THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL
28 PROVIDE, NO LATER THAN SEPTEMBER FIFTEENTH, PUBLIC NOTICE OF ANY TUITION
29 INCREASES FOR THE FOLLOWING ACADEMIC YEAR. SUCH NOTICE SHALL DESCRIBE
30 THE TUITION FOR EACH DEGREE PROGRAM, THE PLANS FOR UTILIZATION OF THE
31 REVENUE FROM THE INCREASED TUITION BY THE STATE UNIVERSITY OF NEW YORK
32 AT BUFFALO AND THE PROJECTED IMPACT OF THE TUITION INCREASES ON THE
33 ACCESS TO AND QUALITY OF THE AFFECTED DEGREE GRANTING PROGRAMS.

34 G. ALL MONEYS RECEIVED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
35 FOR TUITION INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH SHALL
36 NOT CONSTITUTE FUNDS OF THE STATE OF NEW YORK OR OF THE STATE UNIVERSITY
37 OF NEW YORK AND SHALL BE PAID INTO A FUND MAINTAINED BY THE COMPTROLLER
38 OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO TO BE USED BY THE STATE
39 UNIVERSITY OF NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE UNIVERSITY
40 OF NEW YORK AT BUFFALO, WITHOUT THE NEED FOR ANY FURTHER APPROVAL,
41 APPROPRIATION OR AUTHORIZATION FROM THE STATE OF NEW YORK OR THE STATE
42 UNIVERSITY OF NEW YORK.

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

46 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION WITH THE
47 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,
48 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
49 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR ACADEMIC BUILD-
50 INGS, DORMITORIES, AND OTHER FACILITIES ON LANDS HELD BY THE STATE OF
51 NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
52 OR LANDS LEASED BY THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW
53 YORK AT BUFFALO FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
54 UNIVERSITY OF NEW YORK AT BUFFALO.

55 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RELATED FOUNDATION,
56 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION

1 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OR THE ALUMNI OF THE STATE
2 UNIVERSITY OF NEW YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMIT-
3 ED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTI-
4 TIES, IN CONNECTION WITH THE FINANCING, REFINANCING, ACQUISITION,
5 DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILI-
6 TATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING OF, OR OTHER-
7 WISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES, AND OTHER FACILI-
8 TIES FOR THE USE OF STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY
9 OF NEW YORK AT BUFFALO.

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

12 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION WITH THE
13 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,
14 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
15 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-
16 INGS, DORMITORIES, AND OTHER FACILITIES ON LANDS HELD BY THE STATE OF
17 NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
18 OR LANDS LEASED BY THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW
19 YORK AT BUFFALO FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
20 UNIVERSITY OF NEW YORK AT BUFFALO.

21 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RELATED FOUNDATION,
22 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION
23 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW
24 YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPA-
25 NY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTITIES, IN CONNECTION
26 WITH THE FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT,
27 CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT,
28 EXPANSION, FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR,
29 ACADEMIC BUILDINGS, DORMITORIES, AND OTHER FACILITIES FOR THE USE OF
30 STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY OF NEW YORK AT
31 BUFFALO.

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

37 S 5. Any contracts awarded or entered into by any State University of
38 New York at Buffalo campus related foundation, alumni association or
39 affiliate thereof, any not-for-profit corporation or association organ-
40 ized by the president of the State University of New York at Buffalo to
41 further its purposes, or any limited liability company whose sole member
42 is any of the foregoing entities, or by the State University of New
43 York, the State University Construction Fund, or the Dormitory Authority
44 of the State of New York, on behalf of the State University of New York
45 at Buffalo, for construction, reconstruction, renovation, rehabili-
46 tation, improvement or expansion at the State University of New York at
47 Buffalo shall not be subject to section 101 of the general municipal
48 law, section 103 of the general municipal law, section 135 of the state
49 finance law or subdivision 8 of section 376 of the education law,
50 provided the wages paid to workers employed under such contracts shall
51 comply with the requirements of section 220 of the labor law, the
52 construction, reconstruction, renovation, rehabilitation, improvement or
53 expansion to be effected under such contracts shall comply with sections
54 240 and 241 of the labor law and all contracts awarded or entered into
55 by any State University of New York at Buffalo campus related founda-
56 tion, alumni association or affiliate thereof; any not-for-profit corpo-

1 ration or association organized by the president of the State University
2 of New York at Buffalo to further its purposes, or any limited liability
3 company whose sole member is any of the foregoing entities, or the State
4 University of New York, the State University Construction Fund, the
5 Dormitory Authority of the State of New York, on behalf of the State
6 University of New York at Buffalo, for construction, reconstruction,
7 renovation, rehabilitation, improvement or expansion at the State
8 University of New York at Buffalo may be let pursuant to a competitive
9 selection process to be determined by the contracting entity, which may
10 consider factors other than cost alone, including, but not limited to an
11 evaluation by the contracting entity of, among other things, the
12 bidder's ability to provide maximum value at the lowest cost, the level
13 of experience of the bidder, and the bidder's ability to meet the minor-
14 ity and women workforce and business enterprise goals for the State
15 University of New York at Buffalo's UB 2020 initiative.

16 S 6. Any contracts awarded or entered into by any State University of
17 New York at Buffalo campus related foundation, alumni association or
18 affiliate thereof, any not-for-profit corporation or association organ-
19 ized by the president of the State University of New York at Buffalo to
20 further its purposes, or any limited liability company whose sole member
21 is any of the foregoing entities, or by the State University of New
22 York, the State University Construction Fund, or the Dormitory Authority
23 of the State of New York, on behalf of the State University of New York
24 at Buffalo, for construction, reconstruction, renovation, rehabili-
25 tation, improvement or expansion at the State University of New York at
26 Buffalo, for any single construction project exceeding \$20 million in
27 the aggregate, for which more than twenty-five percent of such aggregate
28 amount is to be paid from appropriations furnished by either the State
29 of New York or the State University of New York, such construction,
30 reconstruction, renovation, rehabilitation, improvement or expansion at
31 the State University of New York at Buffalo shall be undertaken pursuant
32 to a project labor agreement, as defined in subdivision 1 of section 222
33 of the labor law, provided a study done by or for the contracting entity
34 determines that a project labor agreement will benefit such
35 construction, reconstruction, renovation, rehabilitation, improvement or
36 expansion through reduced risk of delay, potential cost savings or
37 potential reduction in the risk of labor unrest in light of any perti-
38 nent local history thereof. For purposes of applying the dollar thresh-
39 olds set forth in the preceding sentence, the term "single construction
40 project" shall mean any functionally-interdependent construction, recon-
41 struction, renovation, rehabilitation, improvement or expansion activity
42 associated with a single building, structure or improvement, including
43 all directly related infrastructure and site work in contemplation ther-
44 eof.

45 S 7. Before any contract is awarded or entered into by any State
46 University of New York at Buffalo campus related foundation, alumni
47 association or affiliate thereof, any not-for-profit corporation or
48 association organized by the president of the State University of New
49 York at Buffalo to further its purposes, or any limited liability compa-
50 ny whose sole member is any of the foregoing entities, or by the State
51 University of New York, the State University Construction Fund, or the
52 Dormitory Authority of the State of New York, on behalf of the State
53 University of New York at Buffalo, for construction, reconstruction,
54 renovation, rehabilitation, improvement or expansion at the State
55 University of New York at Buffalo, the State University of New York at
56 Buffalo shall create or cause to be created a diversity plan for UB 2020

capital projects and shall take or cause to be taken steps to ensure that such diversity plan is successfully implemented on a program-wide basis. The UB 2020 diversity plan shall include, at a minimum, targets for workforce diversity, targets for retention of minority and women owned businesses, retention of an independent monitor by or on behalf of the State University of New York at Buffalo for all UB 2020 capital projects and regular review of periodic reports from such independent monthly monitor as to the attainment of the work force and business diversity goals of the UB 2020 diversity plan.

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

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

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

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

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

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

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

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

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

11 9. ALL CONTRACTS WHICH ARE TO BE AWARDED PURSUANT TO THIS SUBDIVISION
12 ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE
13 AWARDED PURSUANT TO PROCUREMENT GUIDELINES ADOPTED BY THE FUND TRUSTEES
14 IN ACCORDANCE WITH SECTION FIVE OF PART A OF THE CHAPTER OF THE LAWS OF
15 TWO THOUSAND NINE THAT ADDED THIS SUBDIVISION OR BY PUBLIC LETTING IN
16 ACCORDANCE WITH THE FOLLOWING PROVISIONS, NOTWITHSTANDING ANY CONTRARY
17 PROVISION OF SECTION ONE HUNDRED TWELVE, ONE HUNDRED THIRTY-FIVE, ONE
18 HUNDRED THIRTY-SIX, ONE HUNDRED THIRTY-NINE OR ONE HUNDRED FORTY OF THE
19 STATE FINANCE LAW OR ANY OTHER LAW, PROVIDED, HOWEVER, THAT WHERE THE
20 ESTIMATED EXPENSE OF ANY CONTRACT WHICH MAY BE AWARDED PURSUANT TO THIS
21 SUBDIVISION IS LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, A PERFORM-
22 ANCE BOND AND A BOND FOR THE PAYMENT OF LABOR AND MATERIAL MAY, IN THE
23 DISCRETION OF THE FUND, NOT BE REQUIRED, AND EXCEPT THAT IN THE
24 DISCRETION OF THE FUND, A CONTRACT MAY BE ENTERED INTO FOR SUCH PURPOSES
25 WITHOUT PUBLIC LETTING WHERE THE ESTIMATED EXPENSE THEREOF IS LESS THAN
26 TWENTY THOUSAND DOLLARS, OR WHERE IN THE JUDGMENT OF THE FUND AN EMER-
27 GENCY CONDITION EXISTS AS A RESULT OF DAMAGE TO AN EXISTING ACADEMIC
28 BUILDING, DORMITORY OR OTHER FACILITY WHICH HAS BEEN CAUSED BY AN ACT OF
29 GOD, FIRE OR OTHER CASUALTY, OR ANY OTHER UNANTICIPATED, SUDDEN AND
30 UNEXPECTED OCCURRENCE, THAT HAS RESULTED IN DAMAGE TO OR A MALFUNCTION
31 IN AN EXISTING ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY AND
32 INVOLVES A PRESSING NECESSITY FOR IMMEDIATE REPAIR, RECONSTRUCTION OR
33 MAINTENANCE IN ORDER TO PERMIT THE SAFE CONTINUATION OF THE USE OR FUNC-
34 TION OF SUCH FACILITY, OR TO PROTECT THE FACILITY OR THE LIFE, HEALTH OR
35 SAFETY OF ANY PERSON, AND THE NATURE OF THE WORK IS SUCH THAT IN THE
36 JUDGMENT OF THE FUND IT WOULD BE IMPRACTICAL AND AGAINST THE PUBLIC
37 INTEREST TO HAVE THE PUBLIC LETTING; PROVIDED, HOWEVER, THAT THE FUND,
38 PRIOR TO AWARDED A CONTRACT HEREUNDER BECAUSE OF AN EMERGENCY CONDITION
39 NOTIFY THE COMPTROLLER OF ITS INTENT TO AWARD SUCH A CONTRACT:

40 A. THE LETTING AGENCY SHALL ADVERTISE THE INVITATION TO BID OR THE
41 REQUEST FOR PROPOSALS IN A NEWSPAPER PUBLISHED IN THE CITY OF BUFFALO
42 AND IN SUCH OTHER NEWSPAPERS AS WILL BE MOST LIKELY IN ITS OPINION TO
43 GIVE ADEQUATE NOTICE TO CONTRACTORS OF THE WORK REQUIRED PROVIDED,
44 HOWEVER, THAT WHERE THE ESTIMATED EXPENSE OF ANY CONTRACT WHICH MAY BE
45 AWARDED PURSUANT TO THIS SUBDIVISION IS LESS THAN TWO HUNDRED FIFTY
46 THOUSAND DOLLARS, THE LETTING AGENCY MAY ADVERTISE THE INVITATION TO BID
47 SOLELY THROUGH THE PROCUREMENT OPPORTUNITIES NEWSLETTER PUBLISHED PURSU-
48 ANT TO SECTION ONE HUNDRED FORTY-TWO OF THE ECONOMIC DEVELOPMENT LAW.
49 THE INVITATION TO BID OR REQUEST FOR PROPOSALS SHALL CONTAIN SUCH INFOR-
50 MATION AS THE LETTING AGENCY SHALL DEEM APPROPRIATE.

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

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

4 D. ANY CONTRACT AWARDED PURSUANT TO THIS SUBDIVISION SHALL CONTAIN A
5 CLAUSE THAT THE CONTRACT SHALL BE DEEMED EXECUTORY TO THE EXTENT OF THE
6 MONEYS AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE FUND
7 BEYOND THE MONEYS AVAILABLE THEREFOR.

8 E. THE LETTING AGENCY SHALL REQUIRE SUCH DEPOSITS, BONDS AND SECURITY
9 IN CONNECTION WITH THE SUBMISSION OF BIDS OR REQUEST FOR PROPOSALS, THE
10 AWARD OF CONTRACTS AND THE PERFORMANCE OF WORK AS IT SHALL DETERMINE TO
11 BE IN THE PUBLIC INTEREST AND FOR THE PROTECTION OF THE STATE, THE STATE
12 UNIVERSITY, THE FUND AND THE LETTING AGENCY.

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

17 S 13. The president of the State University of New York at Buffalo
18 shall report every January first to the governor, and the temporary
19 president of the senate and the speaker of the assembly on the effec-
20 tiveness of the reforms enacted in this legislation. Specifically, the
21 report shall address, the University at Buffalo's progress in competing
22 with the top academic research institutions; the impact of the Universi-
23 ty at Buffalo's efforts to increase the well being of western New York's
24 economy including efforts to rebuild the downtown city of Buffalo,
25 progress in increasing with local vendors, especially women and minority
26 owned businesses; whether the minority and women workforce and business
27 enterprise goals set forth in the UB 2020 diversity plan were attained
28 during the preceding year and the impact of tuition increases and
29 efforts to ensure affordable access for economically deprived students.

30 S 14. This act shall take effect immediately.

31

PART B

32 Section 1. Paragraph a of subdivision 2 of section 355 of the educa-
33 tion law, as amended by chapter 552 of the laws of 1985, is amended to
34 read as follows:

35 a. To take, hold and administer on behalf of the state university or
36 any institution therein, real and personal property or any interest
37 therein and the income thereof either absolutely or in trust for any
38 educational or other purpose within the jurisdiction and corporate
39 purposes of the state university, AND, WITH RESPECT TO ANY PROPERTY
40 UTILIZED BY OR COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVER-
41 SITY OF NEW YORK AT BUFFALO, TO DISPOSE OF SUCH PROPERTY IN SUCH MANNER
42 AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE TRUSTEES SHALL
43 ALLOW AND REGULATE THE USE OF SUCH PROPERTY FOR OTHER THAN THE CORPORATE
44 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, BY PERMIT,
45 LEASE, LICENSE OR OTHER AGREEMENT, FOR PERIODS NOT TO EXCEED TEN YEARS,
46 AND PRESCRIBE THE FEES, IF ANY, THAT PERSONS, ASSOCIATIONS AND CORPO-
47 RATIONS ALLOWED THE USE OF SUCH PROPERTY SHALL PAY. The trustees may
48 acquire property for such purposes by purchase, appropriation or lease
49 and by the acceptance of gifts, grants, bequests and devises, and, with-
50 in appropriations made therefor, may equip and furnish buildings and
51 otherwise improve property owned, used or occupied by the state univer-
52 sity or any institution therein. THE TRUSTEES MAY ACQUIRE PROPERTY FOR
53 OR ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY THE
54 ACCEPTANCE OF CONDITIONAL GIFTS, GRANTS, DEVICES OR BEQUESTS, THE

1 PROVISIONS OF SECTION ELEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING.
2 Where real property is to be acquired by purchase or appropriation, such
3 acquisition shall be in accordance with the provisions of section three
4 hundred seven of this chapter except that the powers and duties in said
5 section mentioned to be performed by the commissioner [of education]
6 shall be performed by the state university trustees. THE PROVISIONS OF
7 SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF THE PUBLIC LANDS LAW
8 NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER
9 OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE
10 STATE UNIVERSITY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE
11 UNIVERSITY OF NEW YORK AT BUFFALO IN SUCH MANNER AND UPON SUCH TERMS AS
12 THE TRUSTEES SHALL DETERMINE. THE FOREGOING NOTWITHSTANDING, THE TRUS-
13 TEES MAY PROVIDE FOR THE LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO
14 EXCEED FIFTY YEARS IN SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE
15 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, UNLESS THE
16 SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION OF THE STATE UNIVERSITY
17 OF NEW YORK AT BUFFALO, INCLUDING BUT NOT LIMITED TO THE DEVELOPMENT AND
18 OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH CARE, RETAIL, FOOD
19 SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUSING, ENERGY, GOVERN-
20 MENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER AND RECREATIONAL
21 FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE OF NATURAL
22 RESOURCES; PROVIDED, HOWEVER, THE PRESIDENT OF THE STATE UNIVERSITY OF
23 NEW YORK AT BUFFALO SHALL PROVIDE NOTICE OF ANY SUCH LEASE TO THE CHAIRS
24 OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMIT-
25 TEE AND TO THE DIRECTOR OF THE BUDGET AT LEAST THIRTY DAYS PRIOR TO
26 EXECUTING SUCH LEASE. THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN
27 OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR
28 THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE
29 CUSTODY AND CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN
30 SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE
31 PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND SECTION
32 ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE
33 PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED
34 REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSI-
35 TY OF NEW YORK AT BUFFALO OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND
36 CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE RETAINED
37 BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO AND SHALL BE USED BY THE
38 STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE
39 UNIVERSITY OF NEW YORK AT BUFFALO.

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

43 s. To lease or make available to the state university construction
44 fund, the dormitory authority or other public benefit corporation, the
45 New York state teachers' retirement system [or], the New York state
46 employees' retirement system OR, IN THE CASE OF STATE-OWNED REAL PROPER-
47 TY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW
48 YORK AT BUFFALO, ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT
49 ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION
50 ORGANIZED UNDER SECTION ONE THOUSAND FOUR HUNDRED ELEVEN OF THE
51 NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
52 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, a
53 portion of the grounds or real property occupied by a state-operated
54 institution or statutory or contract college for the construction,
55 acquisition, reconstruction, rehabilitation or improvement of academic
56 buildings, dormitories or other facilities thereon pursuant to article

1 eight-A of this chapter and for the purpose of facilitating such
2 construction, acquisition, reconstruction, rehabilitation or improve-
3 ment, to enter into leases and agreements for the use of any such
4 academic building, dormitory or other facility in accordance with the
5 provisions of section three hundred seventy-eight of this chapter;
6 provided, however, that nothing herein contained shall affect the
7 provisions of any lease or agreement heretofore executed by the state
8 university with the dormitory authority. The state university trustees
9 may also enter into agreements with the state university construction
10 fund, the dormitory authority or other public benefit corporation, the
11 New York state teachers' retirement system [or], the New York state
12 employees' retirement system AND, IN THE CASE OF STATE-OWNED REAL PROP-
13 ERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW
14 YORK AT BUFFALO, WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PRO-
15 FIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPO-
16 RATION ORGANIZED UNDER SECTION ONE THOUSAND FOUR HUNDRED ELEVEN OF THE
17 NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
18 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, to
19 furnish heat from a central heating plant to any academic building,
20 dormitory or other facility erected by them or with moneys supplied by
21 them. Any such academic building, dormitory or other facility shall not
22 be subject to taxation for any purpose.

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

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

52 S 4. This act shall take effect immediately.

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

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

10 A. (I) PURCHASE MATERIALS, EQUIPMENT AND SUPPLIES, INCLUDING COMPUTER
11 EQUIPMENT AND MOTOR VEHICLES, (II) EXECUTE CONTRACTS FOR SERVICES,
12 PERMITS, LICENSES, LEASES, CONTRACTS FOR THE PURCHASE OR SALE OF REAL
13 PROPERTY, AND CONSTRUCTION CONTRACTS, AND (III) CONTRACT FOR PRINTING,
14 WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY IN ACCORD-
15 ANCE WITH GUIDELINES, RULES OR REGULATIONS PROMULGATED BY THE STATE
16 UNIVERSITY BOARD OF TRUSTEES. GUIDELINES, RULES, OR REGULATIONS PROMUL-
17 GATED BY THE STATE UNIVERSITY BOARD OF TRUSTEES SHALL, TO THE EXTENT
18 PRACTICABLE, REQUIRE THAT COMPETITIVE PROPOSALS BE SOLICITED FOR
19 PURCHASES, AND SHALL INCLUDE REQUIREMENTS THAT PURCHASES AND CONTRACTS
20 AUTHORIZED UNDER THIS SECTION BE AT THE LOWEST AVAILABLE PRICE, INCLUD-
21 ING CONSIDERATION OF PRICES AVAILABLE THROUGH OTHER STATE AGENCIES,
22 CONSISTENT WITH QUALITY REQUIREMENTS, AND AS WILL BEST PROMOTE THE
23 PUBLIC INTEREST. SUCH PURCHASES MAY BE MADE DIRECTLY FROM ANY CONTRACTOR
24 PURSUANT TO ANY CONTRACT FOR COMMODITIES LET BY THE OFFICE OF GENERAL
25 SERVICES OR ANY OTHER STATE AGENCY;

26 B. ESTABLISH CASH ADVANCE ACCOUNTS FOR THE PURPOSE OF PURCHASING
27 MATERIALS, SUPPLIES, OR SERVICES, FOR CASH ADVANCES FOR TRAVEL EXPENSES
28 AND PER DIEM ALLOWANCES, OR FOR ADVANCE PAYMENT OF WAGES AND SALARY. THE
29 ACCOUNT MAY BE USED TO PURCHASE SUCH MATERIALS, SUPPLIES, OR SERVICES
30 WHERE THE AMOUNT OF A SINGLE PURCHASE DOES NOT EXCEED TWO HUNDRED FIFTY
31 DOLLARS, IN ACCORDANCE WITH SUCH GUIDELINES AS SHALL BE PRESCRIBED BY
32 THE STATE UNIVERSITY TRUSTEES.

33 C. ESTABLISH GUIDELINES IN CONSULTATION WITH THE COMMISSIONER OF
34 GENERAL SERVICES AUTHORIZING PARTICIPATION BY THE STATE UNIVERSITY OF
35 NEW YORK AT BUFFALO IN PROGRAMS ADMINISTERED BY THE OFFICE OF GENERAL
36 SERVICES FOR THE PURCHASE OF AVAILABLE NEW YORK STATE FOOD PRODUCTS. THE
37 COMMISSIONER OF GENERAL SERVICES SHALL PROVIDE ASSISTANCE TO THE STATE
38 UNIVERSITY OF NEW YORK AT BUFFALO NECESSARY TO ENABLE THE STATE UNIVER-
39 SITY OF NEW YORK AT BUFFALO TO PARTICIPATE IN THESE PROGRAMS.

40 21. TO ENTER INTO ANY CONTRACT OR AGREEMENT DEEMED NECESSARY OR ADVIS-
41 ABLE AFTER CONSULTATION WITH APPROPRIATE STATE AGENCIES FOR CARRYING OUT
42 THE OBJECTS AND PURPOSES OF STATE UNIVERSITY OF NEW YORK AT BUFFALO
43 WITHOUT PRIOR REVIEW OR APPROVAL BY ANY STATE OFFICER OR AGENCY INCLUD-
44 ING ENERGY PERFORMANCE CONTRACTS (AS DEFINED IN SECTION 9-102 OF THE
45 ENERGY LAW), ENERGY PROCUREMENT OR SUPPLY CONTRACTS, CONTRACTS OR AGREE-
46 MENTS WITH NON-PROFIT CORPORATIONS ORGANIZED BY OFFICERS, EMPLOYEES,
47 ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR
48 THE FURTHERANCE OF ITS OBJECTS AND PURPOSES, AS WELL AS CONTRACTS OR
49 AGREEMENTS WITH ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RE-
50 LATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NON-PRO-
51 FIT CORPORATION OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE
52 UNIVERSITY OF NEW YORK AT BUFFALO TO FURTHER ITS PURPOSES OR ANY LIMITED
53 LIABILITY COMPANY, WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES
54 FOR THE FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY
55 OF NEW YORK AT BUFFALO, INCLUDING, WITHOUT LIMITATION, THE STATE UNIVER-
56 SITY OF NEW YORK AT BUFFALO'S UB 2020 INITIATIVE. CONTRACTS OR AGREE-

MENTS ENTERED INTO WITH THE FEDERAL GOVERNMENT TO ENABLE PARTICIPATION IN FEDERAL STUDENT LOAN PROGRAMS, INCLUDING ANY AND ALL INSTRUMENTS REQUIRED THEREUNDER, SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF SECTION FORTY-ONE OF THE STATE FINANCE LAW; PROVIDED, HOWEVER, THAT THE STATE SHALL NOT BE LIABLE FOR ANY PORTION OF ANY DEFAULTS WHICH IT HAS AGREED TO ASSUME PURSUANT TO ANY SUCH AGREEMENT IN AN AMOUNT IN EXCESS OF MONEY APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE THEREFOR AT THE TIME THE LIABILITY FOR PAYMENT ARISES.

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

2. (a) Before any contract made for or by any state agency, department, board, officer, commission, or institution, except the office of general services AND THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, shall be executed or become effective, whenever such contract exceeds fifty thousand dollars in amount and before any contract made for or by the office of general services shall be executed or become effective, whenever such contract exceeds eighty-five thousand dollars in amount, it shall first be approved by the comptroller and filed in his or her office, provided, however, that the comptroller shall make a final written determination with respect to approval of such contract within ninety days of the submission of such contract to his or her office unless the comptroller shall notify, in writing, the state agency, department, board, officer, commission, or institution, prior to the expiration of the ninety day period, and for good cause, of the need for an extension of not more than fifteen days, or a reasonable period of time agreed to by such state agency, department, board, officer, commission, or institution and provided, further, that such written determination or extension shall be made part of the procurement record pursuant to paragraph f of subdivision one of section one hundred sixty-three of this chapter.

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

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

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

a. "Governmental entity" shall mean: (1) any department, board, bureau, commission, division, office, council, committee or officer of the state, whether permanent or temporary, OTHER THAN THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO; (2) each house of the state legislature; (3) the unified court system; (4) any public authority, public benefit corporation or commission created by or existing pursuant to the

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

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

10 a. "Governmental entity" shall mean: (1) any department, board,
11 bureau, commission, division, office, council, committee or officer of
12 the state, whether permanent or temporary, OTHER THAN THE STATE UNIVER-
13 SITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE
14 UNIVERSITY OF NEW YORK AT BUFFALO; (2) each house of the state legisla-
15 ture; (3) the unified court system; (4) any public authority, public
16 benefit corporation or commission created by or existing pursuant to the
17 public authorities law; (5) a public authority or public benefit corpo-
18 ration, at least one of whose members is appointed by the governor or
19 who serves as a member by virtue of holding a civil office of the state;
20 (6) municipal agency, as that term is defined in paragraph (ii) of
21 subdivision (s) of section one-c of the legislative law; or (7) a
22 subsidiary or affiliate of such a public authority.

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

26 (iv) The commissioner is authorized to permit any officer, body or
27 agency of the state or of a political subdivision or a district therein,
28 or fire company or volunteer ambulance service as such are defined in
29 section one hundred of the general municipal law, to make purchases of
30 commodities through the office of general services' centralized
31 contracts, pursuant to the provisions of section one hundred four of the
32 general municipal law. The commissioner is authorized to permit any
33 county extension service association as authorized under subdivision
34 eight of section two hundred twenty-four of the county law, or any asso-
35 ciation or other entity as specified in and in accordance with section
36 one hundred nine-a of the general municipal law, OR ANY NON-PROFIT
37 CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE
38 STATE UNIVERSITY OF NEW YORK AT BUFFALO, or any other association or
39 entity as specified in state law, to make purchases of commodities
40 through the office of general services' centralized contracts; provided,
41 however, that such entity so empowered shall accept sole responsibility
42 for any payment due with respect to such purchase; AND PROVIDED FURTHER,
43 HOWEVER, THAT COMMODITIES SO PURCHASED BY A NON-PROFIT CORPORATION
44 ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE
45 UNIVERSITY OF NEW YORK AT BUFFALO SHALL NOT BE USED DIRECTLY OR INDI-
46 RECTLY BY A FOR-PROFIT CORPORATION OR OTHER FOR-PROFIT ENTITY WHICH
47 CONTRACTS WITH THE NON-PROFIT CORPORATION, NOR SHALL SUCH COMMODITIES SO
48 PURCHASED BY SUCH NON-PROFIT CORPORATION BE OFFERED FOR RESALE.

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

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, may make purchases of services through the office of general
55 services' centralized contracts for services, subject to the provisions
56 of section one hundred four of the general municipal law. The commis-

1 sioner may permit and prescribe the conditions for the purchase of
2 services through the office of general services' centralized contracts
3 for services by any public authority or public benefit corporation of
4 the state including the port authority of New York and New Jersey. The
5 commissioner is authorized to permit any public library, association
6 library, library system, cooperative library system, the New York
7 Library Association, and the New York State Association of Library
8 Boards or any other library except those which are operated by for
9 profit entities, to make purchases of services through the office of
10 general services' centralized contracts; provided, however, that such
11 entity so empowered shall accept sole responsibility for any payment due
12 with respect to such purchase.]

13 E. ANY OFFICER, BODY OR AGENCY OF A POLITICAL SUBDIVISION AS DEFINED
14 IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW OR A DISTRICT THERE-
15 IN AND ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE
16 OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, MAY
17 MAKE PURCHASES OF SERVICES THROUGH THE OFFICE OF GENERAL SERVICES'
18 CENTRALIZED CONTRACTS FOR SERVICES, SUBJECT, IN THE CASE OF SUCH POLI-
19 TICAL SUBDIVISIONS, TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THE
20 GENERAL MUNICIPAL LAW; PROVIDED, HOWEVER, THAT IN THE CASE OF ANY
21 NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND
22 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IT SHALL ACCEPT
23 SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASE
24 AND PROVIDED, FURTHER THAT SERVICES SO PURCHASED BY ANY SUCH NON-PROFIT
25 CORPORATION SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT
26 CORPORATION OR OTHER FOR-PROFIT ENTITY WHICH CONTRACTS WITH THE NON-PRO-
27 FIT ORGANIZATION. THE COMMISSIONER MAY PERMIT AND PRESCRIBE THE CONDI-
28 TIONS FOR THE PURCHASE OF SERVICES THROUGH THE OFFICE OF GENERAL
29 SERVICES' CENTRALIZED CONTRACTS FOR SERVICES BY ANY PUBLIC AUTHORITY OR
30 PUBLIC BENEFIT CORPORATION OF THE STATE INCLUDING THE PORT AUTHORITY OF
31 NEW YORK AND NEW JERSEY, OR ANY NON-PROFIT CORPORATION ORGANIZED IN
32 FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW
33 YORK AT BUFFALO. THE COMMISSIONER IS AUTHORIZED TO PERMIT ANY PUBLIC
34 LIBRARY, ASSOCIATION LIBRARY, LIBRARY SYSTEM, COOPERATIVE LIBRARY
35 SYSTEM, THE NEW YORK LIBRARY ASSOCIATION, AND THE NEW YORK STATE ASSOCI-
36 ATION OF LIBRARY BOARDS OR ANY OTHER LIBRARY EXCEPT THOSE WHICH ARE
37 OPERATED BY FOR-PROFIT ENTITIES, TO MAKE PURCHASES OF SERVICES THROUGH
38 THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS; PROVIDED, HOWEV-
39 ER, THAT SUCH ENTITY SO EMPOWERED SHALL ACCEPT SOLE RESPONSIBILITY FOR
40 ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASE.

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

43 (III) THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH
44 SHALL NOT APPLY TO SINGLE OR SOLE SOURCE PROCUREMENTS FOR SERVICES OR
45 COMMODITIES BY THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR
46 WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, WHICH
47 SINGLE OR SOLE SOURCE PROCUREMENTS SHALL BE MADE IN ACCORDANCE WITH SUCH
48 RULES AND GUIDELINES AS MAY BE PROMULGATED BY THE TRUSTEES OF THE STATE
49 UNIVERSITY OF NEW YORK.

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

53 (e) "Covered agency" means a "state agency" for purposes of article
54 eleven of the state finance law, the legislature, the judiciary, or a
55 public authority or public benefit corporation at least one of whose
56 members is appointed by the governor; PROVIDED, HOWEVER, THAT THE TERM

1 "COVERED AGENCY" SHALL NOT INCLUDE THE STATE UNIVERSITY OF NEW YORK
2 ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK
3 AT BUFFALO.

4 S 9. This act shall take effect immediately; provided, however, that
5 the amendments to section 139-j of the state finance law made by section
6 three of this act, the amendments to section 139-k of the state finance
7 law made by section four of this act, and the amendments to section 163
8 of the state finance law made by sections five, six, and seven of this
9 act shall not affect the repeal of such sections and shall expire and be
10 deemed repealed therewith.

11

PART D

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

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

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

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

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

48 2. There are excepted from payment to the treasury as provided by
49 subdivision one of this section: (i) all moneys to which the provisions
50 of subdivision four of section four of this chapter apply unless such
51 moneys are held in a fund subject to appropriation; (ii) moneys held as
52 part of the principal of an endowment of the state university of New
53 York, units thereof and other state agencies; (III) MONEYS RECEIVED BY
54 THE STATE UNIVERSITY OF NEW YORK DERIVED FROM TUITION, FEES, USER CHARG-

1 ES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE,
2 PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIVITIES OF THE
3 STATE UNIVERSITY OF NEW YORK AT BUFFALO THAT ARE INTENDED TO BE
4 SELF-SUPPORTING, INCLUDING, WITHOUT LIMITATION, ANY REVENUE RESULTING
5 FROM TUITION INCREASES AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
6 DESCRIBED IN CLAUSE (A) OF SUBPARAGRAPH FOUR OF PARAGRAPH H OF SUBDIVI-
7 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW; and
8 [(iii)] (IV) moneys received pursuant to a clinical practice plan estab-
9 lished pursuant to subdivision fourteen of section two hundred six of
10 the public health law. In those cases where such moneys are held in the
11 custody of the state officer other than the comptroller, the officer
12 shall file with the comptroller, at such times as the comptroller shall
13 determine, a detailed statement, in such form and content as the comp-
14 troller shall prescribe, for the period covered by the statement. The
15 comptroller shall from time to time, but not less than once in every
16 three years, examine the books and accounts relating to such moneys
17 heretofore or hereinafter established, including its receipts, disburse-
18 ments, investments, and any financial matters. An independent audit of
19 such moneys may be authorized by the comptroller in lieu of his own
20 examination, which examination shall be undertaken within twelve months
21 of such authorization.

22 S 4. This act shall take effect immediately.

23

PART E

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

27 i. To lease to alumni associations of institutions of the state
28 university a portion of the grounds occupied by any institution of the
29 state university, for the erection thereon of dormitories to be used by
30 students in attendance at such institutions. The terms of any lease and
31 the character of the building to be erected shall be determined by the
32 state university trustees. Such lease, EXCEPT IN THE CASE OF LANDS OCCU-
33 PIED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, prior to its
34 execution, shall be submitted to the attorney general for his approval
35 as to its form, contents and legal effect. Nothing contained in this
36 paragraph shall affect the provisions of any lease heretofore executed
37 by a board of visitors of any state-operated institution pursuant to
38 law. The state university trustees may similarly enter into an agreement
39 with an alumni association of an institution of the state university to
40 furnish heat from a central heating plant to any dormitory erected by
41 such alumni association. Any such dormitory shall not be subject to
42 taxation for any purpose.

43 S 2. This act shall take effect immediately.

44 S 4. Severability clause. If any clause, sentence, paragraph, subdivi-
45 sion, section or part of this act shall be adjudged by any court of
46 competent jurisdiction to be invalid, such judgment shall not affect,
47 impair, or invalidate the remainder thereof, but shall be confined in
48 its operation to the clause, sentence, paragraph, subdivision, section
49 or part thereof directly involved in the controversy in which such judg-
50 ment shall have been rendered. It is hereby declared to be the intent of
51 the legislature that this act would have been enacted even if such
52 invalid provisions had not been included herein.

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