

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

3693--A

2009-2010 Regular Sessions

I N S E N A T E

March 27, 2009

Introduced by Sens. PERKINS, THOMPSON -- (at request of the Dormitory Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to providing for the financing and construction of capital facilities for certain not-for-profit entities affiliated with the state university of New York

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

1 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the
2 public authorities law is amended by adding a new undesignated paragraph
3 to read as follows:
4 FOR THE PURPOSES OF ANY PROJECT SPECIFICALLY ENUMERATED IN THIS PARA-
5 GRAPH, ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
6 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
7 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
8 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY
9 ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSI-
10 TY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION,
11 RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF
12 ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMI-
13 LIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORA-
14 TORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUC-
15 TURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC,
16 CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE STATE UNIVERSITY OF NEW
17 YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES
18 AND EQUIPMENT. FOR PURPOSES OF THIS PARAGRAPH, "PROJECT" SHALL MEAN
19 ONLY THE FOLLOWING: ONE OR MORE FACILITIES TO BE LOCATED ON OR ADJACENT
20 TO ONE OR MORE CAMPUSES OF THE STATE UNIVERSITY OF BUFFALO IN THE TOWN

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

LBD09048-05-9

1 OF AMHERST AND THE CITY OF BUFFALO FOR ANY OF THE FOREGOING PURPOSES,
2 INCLUDING, BUT NOT LIMITED TO, A HOTEL, CONFERENCE CENTER, RETAIL FACIL-
3 ITIES AND CERTAIN OTHER FACILITIES TO PROVIDE EDUCATIONAL, TRAINING AND
4 ECONOMIC OPPORTUNITIES TO RESIDENTS OF THE TOWN OF AMHERST AND THE CITY
5 OF BUFFALO; AND, STUDENT HOUSING FACILITIES IN THE CITY OF SYRACUSE FOR
6 USE BY STUDENTS ATTENDING THE COLLEGE OF ENVIRONMENTAL SCIENCE AND
7 FORESTRY.

8 S 2. Subdivision 1 of section 1680 of the public authorities law is
9 amended by adding a new undesignated paragraph to read as follows:

10 FOR THE PURPOSES OF ANY PROJECT SPECIFICALLY ENUMERATED IN THIS PARA-
11 GRAPH, ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
12 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
13 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
14 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY
15 ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSI-
16 TY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION,
17 RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF
18 ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMI-
19 LIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORA-
20 TORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR
21 STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC,
22 CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE STATE UNIVERSITY OF NEW
23 YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES
24 AND EQUIPMENT. FOR PURPOSES OF THIS PARAGRAPH, "PROJECT" SHALL MEAN ONLY
25 THE FOLLOWING: ONE OR MORE FACILITIES TO BE LOCATED ON OR ADJACENT TO
26 ONE OR MORE CAMPUSES OF THE STATE UNIVERSITY OF BUFFALO IN THE TOWN OF
27 AMHERST AND THE CITY OF BUFFALO FOR ANY OF THE FOREGOING PURPOSES,
28 INCLUDING, BUT NOT LIMITED TO, A HOTEL, CONFERENCE CENTER, RETAIL FACIL-
29 ITIES AND CERTAIN OTHER FACILITIES TO PROVIDE EDUCATIONAL, TRAINING AND
30 ECONOMIC OPPORTUNITIES TO RESIDENTS OF THE TOWN OF AMHERST AND THE CITY
31 OF BUFFALO; AND, STUDENT HOUSING FACILITIES IN THE CITY OF SYRACUSE FOR
32 USE BY STUDENTS ATTENDING THE COLLEGE OF ENVIRONMENTAL SCIENCE AND
33 FORESTRY; PROVIDED, HOWEVER, THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN
34 PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE STATE UNIVER-
35 SITY OF THE STATE OF NEW YORK; PROVIDED FURTHER AND NOTWITHSTANDING ANY
36 PROVISION OF LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY,
37 THE STATE UNIVERSITY OF THE STATE OF NEW YORK AND THE STATE UNIVERSITY
38 CONSTRUCTION FUND ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO
39 ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY
40 TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN,
41 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING
42 AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING,
43 BUT NOT LIMITED TO, PROVIDING FOR THE SALE, LEASE, TRANSFER OR CONVEY-
44 ANCE OF STATE-OWNED PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVER-
45 SITY TO THE NOT-FOR-PROFIT ENTITY OR (II) GRANT THE AUTHORITY A LIEN ON
46 ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE
47 NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR
48 MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY TO SECURE
49 THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY
50 PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER, THAT
51 ANY PROJECT UNDERTAKEN BY THE DORMITORY AUTHORITY PURSUANT TO THIS PARA-
52 GRAPH SHALL CONSTITUTE A PUBLIC WORK FOR PURPOSES OF THE LABOR LAW AND
53 SHALL BE SUBJECT TO THE REQUIREMENTS OF ARTICLE FIFTEEN-A OF THE EXECU-
54 TIVE LAW. ALL STATE OFFICERS ARE HEREBY AUTHORIZED AND REQUIRED TO PAY
55 ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR,
56 UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY

1 DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK,
2 THE STATE UNIVERSITY OF NEW YORK NOR THE STATE UNIVERSITY CONSTRUCTION
3 FUND SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE
4 RIGHTS AND REMEDIES OF THE AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND
5 ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO
6 THIS PARAGRAPH. NO AGREEMENT PROVIDING FOR THE FINANCING, REFINANCING,
7 ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION,
8 IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT PURSUANT TO THIS
9 PARAGRAPH SHALL PROVIDE FOR THE OPERATION AND MAINTENANCE OF SUCH
10 PROJECT AFTER ITS COMPLETION BY AN ENTITY OTHER THAN THE STATE UNIVERSI-
11 TY OF NEW YORK.

12 S 3. This act shall take effect immediately.