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

2020--B

2009-2010 Regular Sessions

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:

Section 1. This act shall be known and may be cited as the "UB 2020 flexibility and economic growth act".

S 2. Legislative findings and intent. The State University of New York at Buffalo ranks as one of the foremost research academic institutions in New York, and has the potential to become a regional economic engine. The University's UB 2020 initiative, through which it seeks to increase enrollment, expand its research capabilities and revitalize its campuses, can serve as the catalyst for re-energizing the western New York economy and workforce development.

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

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

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

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

PART A

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

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

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

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

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

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

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

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

THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION 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 ON LANDS HELD BY THE STATE OF NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO OR LANDS LEASED BY THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO.

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 OR THE ALUMNI OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTITIES, IN CONNECTION 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 THE USE OF STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO.

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

THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION 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 ON LANDS HELD BY THE STATE OF NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO

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

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 ONE OF THE FOREGOING ENTITIES, IN CONNECTION 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 THE USE OF STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO.

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

S 5. Any contracts awarded or entered into by 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, or by the State University of New York, the State University Construction Fund, or the Dormitory Authority of the State of New York, on behalf of the State University of New York at Buffalo, for construction, reconstruction, renovation, rehabilitation, improvement or expansion at the State University of New York at Buffalo shall not be subject to section 101 of the general municipal law, section 103 of the general municipal law, section 135 of the state finance law or subdivision 8 of section 376 of the education law, provided the wages paid to workers employed under such contracts shall comply with the requirements of section 220 of the labor law, the construction, reconstruction, renovation, rehabilitation, improvement or expansion to be effected under such contracts shall comply with sections 240 and 241 of the labor law and all contracts awarded or entered into by 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, or the State University of New York, the State University Construction Fund, the Dormitory Authority of the State of New York, on behalf of the State University of New York at Buffalo, for construction, reconstruction, renovation, rehabilitation, improvement or expansion at the State University of New York at Buffalo may be let pursuant to a competitive selection process to be determined by the contracting entity, which may consider factors other than cost alone, including, but not limited to an evaluation by the contracting entity of, among other things, the bidder's ability to provide maximum value at the lowest cost, the level of experience of the bidder, and the bidder's ability to meet the minority and women workforce and business enterprise goals for the State University of New York at Buffalo's UB 2020 initiative.

S 6. Any contracts awarded or entered into by 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, or by the State University of New York, the State University Construction Fund, or the Dormitory Authority of the State of New York, on behalf of the State University of New York at Buffalo, for construction, reconstruction, renovation, rehabilitation, improvement or expansion at the State University of New York at Buffalo, for any single construction project exceeding $20 million in the aggregate, for which more than twenty-five percent of such aggregate amount is to be paid from appropriations furnished by either the State of New York or the State University of New York, such construction, reconstruction, renovation, rehabilitation, improvement or expansion at the State University of New York at Buffalo shall be undertaken pursuant to a project labor agreement, as defined in subdivision 1 of section 222 of the labor law, provided a study done by or for the contracting entity determines that a project labor agreement will benefit such construction, reconstruction, renovation, rehabilitation, improvement or expansion through reduced risk of delay, potential cost savings or potential reduction in the risk of labor unrest in light of any pertinent local history thereof. For purposes of applying the dollar thresholds set forth in the preceding sentence, the term "single construction project" shall mean any functionally-interdependent construction, reconstruction, renovation, rehabilitation, improvement or expansion activity associated with a single building, structure or improvement, including all directly related infrastructure and site work in contemplation thereof.

S 7. Before any contract is awarded or entered into by 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, or by the State University of New York, the State University Construction Fund, or the Dormitory Authority of the State of New York, on behalf of the State University of New York at Buffalo, for construction, reconstruction, renovation, rehabilitation, improvement or expansion at the State University of New York at Buffalo, the State University of New York at 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:

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

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

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

HUNDRED THIRTY-SIX, ONE HUNDRED THIRTY-NINE OR ONE HUNDRED FORTY OF THE STATE FINANCE LAW OR ANY OTHER LAW, PROVIDED, HOWEVER, THAT WHERE THE ESTIMATED EXPENSE OF ANY CONTRACT WHICH MAY BE AWARDED PURSUANT TO THIS SUBDIVISION IS LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, A PERFORMANCE BOND AND A BOND FOR THE PAYMENT OF LABOR AND MATERIAL MAY, IN THE DISCRETION OF THE FUND, NOT BE REQUIRED, AND EXCEPT THAT IN THE DISCRETION OF THE FUND, A CONTRACT MAY BE ENTERED INTO FOR SUCH PURPOSES WITHOUT PUBLIC LETTING WHERE THE ESTIMATED EXPENSE THEREOF IS LESS THAN TWENTY THOUSAND DOLLARS, OR WHERE IN THE JUDGMENT OF THE FUND AN EMERGENCY CONDITION EXISTS AS A RESULT OF DAMAGE TO AN EXISTING ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY WHICH HAS BEEN CAUSED BY AN ACT OF GOD, FIRE OR OTHER CASUALTY, OR ANY OTHER UNANTICIPATED, SUDDEN AND UNEXPECTED OCCURRENCE, THAT HAS RESULTED IN DAMAGE TO OR A MALFUNCTION IN AN EXISTING ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY AND INVOLVES A PRESSING NECESSITY FOR IMMEDIATE REPAIR, RECONSTRUCTION OR MAINTENANCE IN ORDER TO PERMIT THE SAFE CONTINUATION OF THE USE OR FUNCTION OF SUCH FACILITY, OR TO PROTECT THE FACILITY OR THE LIFE, HEALTH OR SAFETY OF ANY PERSON, AND THE NATURE OF THE WORK IS SUCH THAT IN THE JUDGMENT OF THE FUND IT WOULD BE IMPRACTICAL AND AGAINST THE PUBLIC INTEREST TO HAVE THE PUBLIC LETTING; PROVIDED, HOWEVER, THAT THE FUND, PRIOR TO AWARDING A CONTRACT HEREUNDER BECAUSE OF AN EMERGENCY CONDITION NOTIFY THE COMPTROLLER OF ITS INTENT TO AWARD SUCH A CONTRACT:

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

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

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

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

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

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

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

S 14. This act shall take effect immediately.

PART B

Section 1. Paragraph a of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

a. To take, hold and administer on behalf of the state university or any institution therein, real and personal property or any interest therein and the income thereof either absolutely or in trust for any educational or other purpose within the jurisdiction and corporate purposes of the state university, AND, WITH RESPECT TO ANY PROPERTY UTILIZED BY OR COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, TO DISPOSE OF SUCH PROPERTY IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE TRUSTEES SHALL ALLOW AND REGULATE THE USE OF SUCH PROPERTY FOR OTHER THAN THE CORPORATE PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, BY PERMIT, LEASE, LICENSE OR OTHER AGREEMENT, FOR PERIODS NOT TO EXCEED TEN YEARS, AND PRESCRIBE THE FEES, IF ANY, THAT PERSONS, ASSOCIATIONS AND CORPORATIONS ALLOWED THE USE OF SUCH PROPERTY SHALL PAY. The trustees may acquire property for such purposes by purchase, appropriation or lease and by the acceptance of gifts, grants, bequests and devises, and, within appropriations made therefor, may equip and furnish buildings and otherwise improve property owned, used or occupied by the state university or any institution therein. THE TRUSTEES MAY ACQUIRE PROPERTY FOR OR ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY THE ACCEPTANCE OF CONDITIONAL GIFTS, GRANTS, DEVISES OR BEQUESTS, THE PROVISIONS OF SECTION ELEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING. Where real property is to be acquired by purchase or appropriation, such acquisition shall be in accordance with the provisions of section three hundred seven of this chapter except that the powers and duties in said section mentioned to be performed by the commissioner [of education] shall be performed by the state university trustees. THE PROVISIONS OF SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF THE PUBLIC LANDS LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE FOREGOING NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO EXCEED FIFTY YEARS IN SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, UNLESS THE SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION OF THE STATE UNIVERSITY

OF NEW YORK AT BUFFALO, INCLUDING BUT NOT LIMITED TO THE DEVELOPMENT AND OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH CARE, RETAIL, FOOD SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUSING, ENERGY, GOVERNMENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER AND RECREATIONAL FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE OF NATURAL RESOURCES; PROVIDED, HOWEVER, THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL PROVIDE NOTICE OF ANY SUCH LEASE TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE AND TO THE DIRECTOR OF THE BUDGET AT LEAST THIRTY DAYS PRIOR TO EXECUTING SUCH LEASE. THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE RETAINED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO AND SHALL BE USED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO.

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

s. To lease or make available to the state university construction fund, the dormitory authority or other public benefit corporation, the New York state teachers' retirement system [or], the New York state employees' retirement system OR, IN THE CASE OF STATE-OWNED REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION 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, a portion of the grounds or real property occupied by a state-operated institution or statutory or contract college for the construction, acquisition, reconstruction, rehabilitation or improvement of academic buildings, dormitories or other facilities thereon pursuant to article eight-A of this chapter and for the purpose of facilitating such construction, acquisition, reconstruction, rehabilitation or improvement, to enter into leases and agreements for the use of any such academic building, dormitory or other facility in accordance with the provisions of section three hundred seventy-eight of this chapter; provided, however, that nothing herein contained shall affect the provisions of any lease or agreement heretofore executed by the state university with the dormitory authority. The state university trustees may also enter into agreements with the state university construction fund, the dormitory authority or other public benefit corporation, the New York state teachers' retirement system [or], the New York state employees' retirement system AND, IN THE CASE OF STATE-OWNED REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPORATION 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

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

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

C. ESTABLISH GUIDELINES IN CONSULTATION WITH THE COMMISSIONER OF GENERAL SERVICES AUTHORIZING PARTICIPATION BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN PROGRAMS ADMINISTERED BY THE OFFICE OF GENERAL SERVICES FOR THE PURCHASE OF AVAILABLE NEW YORK STATE FOOD PRODUCTS. THE COMMISSIONER OF GENERAL SERVICES SHALL PROVIDE ASSISTANCE TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO NECESSARY TO ENABLE THE STATE UNIVERSITY OF NEW YORK AT BUFFALO TO PARTICIPATE IN THESE PROGRAMS.

21. TO ENTER INTO ANY CONTRACT OR AGREEMENT DEEMED NECESSARY OR ADVISABLE AFTER CONSULTATION WITH APPROPRIATE STATE AGENCIES FOR CARRYING OUT THE OBJECTS AND PURPOSES OF STATE UNIVERSITY OF NEW YORK AT BUFFALO WITHOUT PRIOR REVIEW OR APPROVAL BY ANY STATE OFFICER OR AGENCY INCLUDING ENERGY PERFORMANCE CONTRACTS (AS DEFINED IN SECTION 9-102 OF THE ENERGY LAW), ENERGY PROCUREMENT OR SUPPLY CONTRACTS, CONTRACTS OR AGREEMENTS WITH NON-PROFIT CORPORATIONS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR THE FURTHERANCE OF ITS OBJECTS AND PURPOSES, AS WELL AS CONTRACTS OR AGREEMENTS WITH ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NON-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 FOR THE FURTHERANCE OF THE OBJECTS AND 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. CONTRACTS OR AGREEMENTS 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 public authorities law; (5) any public authority or public benefit corporation, at least one of whose members is appointed by the governor or who serves as a member by virtue of holding a civil office of the state; (6) a municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of the legislative law; or (7) a subsidiary or affiliate of such a public authority.

S 4. Paragraph a of subdivision 1 of section 139-k 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 public authorities law; (5) a public authority or public benefit corpo-

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

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

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

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

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

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

CENTRALIZED CONTRACTS FOR SERVICES, SUBJECT, IN THE CASE OF SUCH POLITICAL SUBDIVISIONS, TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THE GENERAL MUNICIPAL LAW; PROVIDED, HOWEVER, THAT IN THE CASE OF ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IT SHALL ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASE AND PROVIDED, FURTHER THAT SERVICES SO PURCHASED BY ANY SUCH NON-PROFIT CORPORATION SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR OTHER FOR-PROFIT ENTITY WHICH CONTRACTS WITH THE NON-PROFIT ORGANIZATION. THE COMMISSIONER MAY PERMIT AND PRESCRIBE THE CONDITIONS FOR THE PURCHASE OF SERVICES THROUGH THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS FOR SERVICES BY ANY PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION OF THE STATE INCLUDING THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, OR ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO. THE COMMISSIONER IS AUTHORIZED TO PERMIT ANY PUBLIC LIBRARY, ASSOCIATION LIBRARY, LIBRARY SYSTEM, COOPERATIVE LIBRARY SYSTEM, THE NEW YORK LIBRARY ASSOCIATION, AND THE NEW YORK STATE ASSOCIATION OF LIBRARY BOARDS OR ANY OTHER LIBRARY EXCEPT THOSE WHICH ARE OPERATED BY FOR-PROFIT ENTITIES, TO MAKE PURCHASES OF SERVICES THROUGH THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS; PROVIDED, HOWEVER, THAT SUCH ENTITY SO EMPOWERED SHALL ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO SUCH PURCHASE.

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

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

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

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

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

PART D

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.

PART E

Section 1. Paragraph i of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

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

S 2. This act shall take effect immediately.

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

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