

5836

2009-2010 Regular Sessions

I N S E N A T E

June 8, 2009

Introduced by Sens. STAVISKY, LAVALLE, ADAMS, BRESLIN, DeFRANCISCO, FARLEY, FLANAGAN, FOLEY, HANNON, C. JOHNSON, LARKIN, LIBOUS, LITTLE, MAZIARZ, SKELOS, STACHOWSKI, VALESKY, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, the public authorities law and the general municipal law, in relation to authorizing tuition increases for four University Centers of the State University of New York at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and SUNY Downstate Medical Center (Part A); to amend the education law, in relation to the use of four University Centers of the State University of New York at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and SUNY Downstate Medical Center (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 four University Centers of the State University of New York at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and SUNY Downstate Medical Center (Part D); and to amend the education law, in relation to providing that certain leases of the four University Centers of the State University of New York at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and SUNY Downstate Medical Center 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 "SUNY inno-
- 2 vation and economic growth act".
- 3 S 2. Legislative findings and intent. This legislation will allow the
- 4 four University Centers in the State University of New York system -

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

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1 Albany, Binghamton, Buffalo, and Stony Brook - and the two stand-alone
2 medical schools in the State University of New York system - Upstate
3 Medical University (Syracuse) and Downstate Medical Center (Brooklyn) -
4 greater flexibility and autonomy in regard to leasing, contracting,
5 tuition increases, and overall daily operations.

6 The SUNY Innovation and Economic Growth Act will enable the four
7 University Centers of the State University of New York at Albany, Bing-
8 hamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and
9 SUNY Downstate Medical Center to seek: a more rational tuition policy
10 with regular increases and an acknowledgment that it costs more to
11 educate students at research universities and medical colleges; the
12 ability to retain the revenue generated by tuition; spending and
13 contracting flexibility as recommended by the New York state commission
14 on higher education to better serve students, faculty/researchers and
15 staff in a timely manner; access to capital markets to enable campuses
16 to build the infrastructure necessary to support the state's economic
17 development mission; and the ability to lease or purchase land and
18 facilities. The legislation will require the state of New York to main-
19 tain its current level of financial commitment to the four University
20 Centers of the State University of New York at Albany, Binghamton,
21 Buffalo, and Stony Brook, SUNY Upstate Medical University, and SUNY
22 Downstate Medical Center.

23 The State University of New York continues to be the most over-regu-
24 lated public university system in the nation. This legislation is long
25 overdue and necessary if the State University is to maintain accessibil-
26 ity and quality, while remaining at the forefront of peer institutions
27 across the nation. As the New York state commission on higher education
28 recommended, the state must unshackle SUNY, end micromanagement and free
29 the system to focus on achieving excellence in a competitive global
30 environment.

31 The four University Centers at Albany, Binghamton, Buffalo and Stony
32 Brook, SUNY Upstate Medical University, and SUNY Downstate Medical
33 Center are essential to sustaining growth in their respective regions
34 with a cumulative impact of more than \$10 billion. The university
35 centers and medical colleges return substantially more than they receive
36 in investment from the state. The SUNY Innovation and Economic Growth
37 Act will strengthen the ability of the four University Centers of the
38 State University of New York at Albany, Binghamton, Buffalo, and Stony
39 Brook, SUNY Upstate Medical University, and SUNY Downstate Medical
40 Center to lead economic revitalization and provide sustained growth.
41 Innovation and high-tech development present the most promising opportu-
42 nities to revitalize New York's economy. The University Centers and
43 medical colleges are building the next-generation industries that will
44 provide a stable, knowledge-based economic catalyst. The SUNY Innovation
45 and Economic Growth Act will further transform the State University
46 Centers and medical colleges into model twenty-first century public
47 universities.

48 The legislation provides a mechanism for the legislature to monitor
49 implementation of these reforms by the four University Centers of the
50 State University of New York at Albany, Binghamton, Buffalo, and Stony
51 Brook, SUNY Upstate Medical University, and SUNY Downstate Medical
52 Center, their impact in their respective regions, and their potential
53 for broader application. This monitoring shall include the efforts by
54 and on behalf of the four University Centers of the State University of
55 New York at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate
56 Medical University, and SUNY Downstate Medical Center to ensure a

1 diverse workforce in SUNY Innovation and Economic Growth Act capital
2 projects.
3 S 3. This act enacts into law major components of legislation which
4 are necessary for the efficient and productive operation of the four
5 University Centers of the State University of New York at Albany, Bing-
6 hamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and
7 SUNY Downstate Medical Center. Each component is wholly contained within
8 a Part identified as Parts A through E. The effective date or dates for
9 each particular provision contained within such Part are set forth in
10 the last section of such Part. Any provision in any section contained
11 within a Part, including the effective date of the Part, which makes
12 reference to a section "of this act", when used in connection with that
13 particular component, shall be deemed to mean and refer to the corre-
14 sponding section of the Part in which it is found.

15

PART A

16 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
17 355 of the education law, as amended by chapter 309 of the laws of 1996,
18 is amended to read as follows:

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

46 A. COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC
47 YEAR, THE PRESIDENTS OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVER-
48 SITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY
49 UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER, IN
50 CONSULTATION WITH THEIR RESPECTIVE COLLEGE COUNCILS, MAY RECOMMEND TO
51 THE TRUSTEES DIFFERING RATES OF TUITION BY PROGRAM AND, WITHIN EACH
52 PROGRAM, BY CLASS YEAR, AND DIFFERING RATES OF TUITION BASED UPON FULL-
53 TIME, PART-TIME, IN-STATE AND OUT-OF-STATE STATUS, FOR STUDENTS ENROLLED
54 IN DEGREE GRANTING PROGRAMS AT THE FOUR UNIVERSITY CENTERS OF THE STATE

1 UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK,
2 SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER.

3 B. THE STATE OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK SHALL
4 DISREGARD ANY TUITION INCREASES FOR STUDENTS AT THE FOUR UNIVERSITY
5 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
6 BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY
7 DOWNSTATE MEDICAL CENTER PURSUANT TO CLAUSE A OF THIS SUBPARAGRAPH IN
8 DETERMINING ANY ANNUAL CORE INSTRUCTIONAL SUPPORT OR OTHER ANNUAL APPRO-
9 PRIATIONS TO BE PROVIDED TO EITHER THE STATE UNIVERSITY OF NEW YORK OR
10 THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBA-
11 NY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSI-
12 TY, AND SUNY DOWNSTATE MEDICAL CENTER. IN AMPLIFICATION AND NOT IN
13 LIMITATION OF THE FOREGOING, NEITHER THE STATE OF NEW YORK NOR THE STATE
14 UNIVERSITY OF NEW YORK SHALL PROVIDE ANY INCREASES TO ANNUAL CORE
15 STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENE-
16 FIT PAYMENTS OR OTHER ANNUAL APPROPRIATIONS OF ANY KIND OR NATURE TO OR
17 ON BEHALF OF ANY SUNY FOUR YEAR COLLEGE AT A LEVEL, THAT IS, IN ANY WAY,
18 INCONSISTENT WITH OR INFERIOR TO THE FUNDING METHODS EMPLOYED FOR
19 INCREASES IN ANNUAL CORE STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOY-
20 EE SALARY OR FRINGE BENEFIT PAYMENTS OR OTHER APPROPRIATIONS OF ANY KIND
21 OR NATURE MADE TO OR ON BEHALF OF THE FOUR UNIVERSITY CENTERS OF THE
22 STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY
23 BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL
24 CENTER. FURTHERMORE, UNTIL SUCH TIME AS THE PROGRAM OBJECTIVES OF THE
25 SUNY INNOVATION AND ECONOMIC GROWTH ACT ARE ACHIEVED, NEITHER THE STATE
26 OF NEW YORK NOR THE STATE UNIVERSITY OF NEW YORK WILL REDUCE ANNUAL CORE
27 STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENE-
28 FIT PAYMENTS OR OTHER APPROPRIATIONS OF ANY KIND OR NATURE MADE TO OR ON
29 BEHALF OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW
30 YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE
31 MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER SO AS TO CAUSE THE
32 PROPORTIONATE LEVEL OF SUPPORT, PAYMENTS AND APPROPRIATIONS FOR ANY SUNY
33 FOUR YEAR COLLEGE TO BE GREATER THAN THE LEVEL OF SUCH SUPPORT, PAYMENTS
34 AND APPROPRIATIONS AFFORDED THE FOUR UNIVERSITY CENTERS OF THE STATE
35 UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK,
36 SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER IN
37 COMPARISON TO SUCH OTHER INSTITUTIONS FOR THE TWO THOUSAND EIGHT--TWO
38 THOUSAND NINE STATE FISCAL YEAR.

39 C. NOTWITHSTANDING ITEM (C) OF SUBCLAUSE ONE OF CLAUSE (A) OF SUBPARA-
40 GRAPH (I) OF PARAGRAPH A OF SUBDIVISION THREE OF SECTION SIX HUNDRED
41 SIXTY-SEVEN OF THIS TITLE, COMMENCING WITH THE TWO THOUSAND TEN--TWO
42 THOUSAND ELEVEN ACADEMIC YEAR, THE STATE OF NEW YORK SHALL CALCULATE
43 TUITION ASSISTANCE PROGRAM (TAP) PAYMENTS FOR STUDENTS AT THE FOUR
44 UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BING-
45 HAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND
46 SUNY DOWNSTATE MEDICAL CENTER USING THE APPLICABLE TUITION RATES FOR
47 STUDENTS AT FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK
48 AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL
49 UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER AS THE BASE TAP AMOUNT FOR
50 SUCH STUDENTS.

51 D. A PORTION OF THE NET TUITION REVENUE GENERATED BY THE TUITION
52 INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH, TO BE NOT LESS
53 THAN TEN PERCENT NOR MORE THAN TWENTY PERCENT OF SUCH NET TUITION REVEN-
54 UE, SHALL BE DIRECTED TO FINANCIAL AID PROGRAMS TO ASSIST
55 FINANCIALLY-DISADVANTAGED STUDENTS IN THE CORRESPONDING FOUR UNIVERSITY
56 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,

BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER DEGREE GRANTING PROGRAMS.

E. THE PRESIDENTS OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER 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 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER AND THE PROJECTED IMPACT OF THE TUITION INCREASES ON THE ACCESS TO AND QUALITY OF THE AFFECTED DEGREE GRANTING PROGRAMS.

F. ALL MONEYS RECEIVED BY THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER 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 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER TO BE USED BY THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER FOR EXPENSES OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER, 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 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER, 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 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER OR LANDS LEASED BY THE STATE OF NEW YORK OR THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER FOR USE BY STUDENTS, FACULTY AND STAFF OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER.

ANY OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER CAMPUS-RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY THE PRESIDENTS OR THE ALUMNI OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BING-

1 HAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR
2 SUNY DOWNSTATE MEDICAL CENTER TO FURTHER ITS PURPOSES, OR ANY LIMITED
3 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 FOUR UNIVERSITY
9 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
10 BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY
11 DOWNSTATE MEDICAL CENTER.

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

14 THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT
15 ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL
16 UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER IN CONNECTION WITH THE
17 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,
18 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
19 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-
20 INGS, DORMITORIES, AND OTHER FACILITIES ON LANDS HELD BY THE STATE OF
21 NEW YORK FOR THE BENEFIT OF THE FOUR UNIVERSITY CENTERS OF THE STATE
22 UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK,
23 SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER OR
24 LANDS LEASED BY THE STATE OF NEW YORK OR THE FOUR UNIVERSITY CENTERS OF
25 THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR
26 STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL
27 CENTER FOR USE BY STUDENTS, FACULTY AND STAFF OF THE FOUR UNIVERSITY
28 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
29 BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY
30 DOWNSTATE MEDICAL CENTER.

31 ANY OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK
32 AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL
33 UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER CAMPUS-RELATED FOUNDATION,
34 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION
35 OR ASSOCIATION ORGANIZED BY THE PRESIDENTS OF THE FOUR UNIVERSITY
36 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
37 BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY
38 DOWNSTATE MEDICAL CENTER TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABIL-
39 ITY COMPANY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTITIES, IN
40 CONNECTION WITH THE FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVEL-
41 OPMENT, CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION,
42 IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING OF, OR OTHERWISE
43 PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES, AND OTHER FACILITIES FOR
44 THE USE OF STUDENTS, FACULTY AND STAFF OF THE FOUR UNIVERSITY CENTERS OF
45 THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND
46 STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL
47 CENTER.

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

53 S 5. Any contracts awarded or entered into by any of the four Univer-
54 sity Centers of the State University of New York at Albany, Binghamton,
55 Buffalo, or Stony Brook, SUNY Upstate Medical University, or SUNY Down-
56 state Medical Center campus related foundation, alumni association or

1 affiliate thereof, any not-for-profit corporation or association organ-
2 ized by the presidents of the four University Centers of the State
3 University of New York at Albany, Binghamton, Buffalo, or Stony Brook,
4 SUNY Upstate Medical University, or SUNY Downstate Medical Center to
5 further their purposes, or any limited liability company whose sole
6 member is any of the foregoing entities, or by the State University of
7 New York, the State University Construction Fund, or the Dormitory
8 Authority of the State of New York, on behalf of the four University
9 Centers of the State University of New York at Albany, Binghamton,
10 Buffalo, or Stony Brook, SUNY Upstate Medical University, or SUNY Down-
11 state Medical Center, for construction, reconstruction, renovation,
12 rehabilitation, improvement or expansion at the four University Centers
13 of the State University of New York at Albany, Binghamton, Buffalo, or
14 Stony Brook, SUNY Upstate Medical University, or SUNY Downstate Medical
15 Center shall not be subject to section 101 of the general municipal law,
16 section 103 of the general municipal law, section 135 of the state
17 finance law or subdivision 8 of section 376 of the education law,
18 provided the wages paid to workers employed under such contracts shall
19 comply with the requirements of section 220 of the labor law, the
20 construction, reconstruction, renovation, rehabilitation, improvement or
21 expansion to be effected under such contracts shall comply with sections
22 240 and 241 of the labor law and all contracts awarded or entered into
23 by any of the four University Centers of the State University of New
24 York at Albany, Binghamton, Buffalo, or Stony Brook, SUNY Upstate
25 Medical University, or SUNY Downstate Medical Center campus related
26 foundation, alumni association or affiliate thereof; any not-for-profit
27 corporation or association organized by the presidents of the four
28 University Centers of the State University of New York at Albany, Bing-
29 hamton, Buffalo, or Stony Brook, SUNY Upstate Medical University, or
30 SUNY Downstate Medical Center to further their purposes, or any limited
31 liability company whose sole member is any of the foregoing entities, or
32 the State University of New York, the State University Construction
33 Fund, the Dormitory Authority of the State of New York, on behalf of the
34 four University Centers of the State University of New York at Albany,
35 Binghamton, Buffalo, or Stony Brook, SUNY Upstate Medical University, or
36 SUNY Downstate Medical Center, for construction, reconstruction, reno-
37 vation, rehabilitation, improvement or expansion at the four University
38 Centers of the State University of New York at Albany, Binghamton,
39 Buffalo, or Stony Brook, SUNY Upstate Medical University, or SUNY Down-
40 state Medical Center may be let pursuant to a competitive selection
41 process to be determined by the contracting entity, which may consider
42 factors other than cost alone, including, but not limited to an evalu-
43 ation by the contracting entity of, among other things, the bidder's
44 ability to provide maximum value at the lowest cost, the level of expe-
45 rience of the bidder, and the bidder's ability to meet the minority and
46 women workforce and business enterprise goals for the SUNY Innovation
47 and Economic Growth Act.

48 S 6. Any contracts awarded or entered into by any of the four Univer-
49 sity Centers of the State University of New York at Albany, Binghamton,
50 Buffalo, or Stony Brook, SUNY Upstate Medical University, or SUNY Down-
51 state Medical Center campus related foundation, alumni association or
52 affiliate thereof, any not-for-profit corporation or association organ-
53 ized by the presidents of the four University Centers of the State
54 University of New York at Albany, Binghamton, Buffalo, or Stony Brook,
55 SUNY Upstate Medical University, or SUNY Downstate Medical Center to
56 further their purposes, or any limited liability company whose sole

1 member is any of the foregoing entities, or by the State University of
2 New York, the State University Construction Fund, or the Dormitory
3 Authority of the State of New York, on behalf of the four University
4 Centers of the State University of New York at Albany, Binghamton,
5 Buffalo, or Stony Brook, SUNY Upstate Medical University, or SUNY Down-
6 state Medical Center, for construction, reconstruction, renovation,
7 rehabilitation, improvement or expansion at the four University Centers
8 of the State University of New York at Albany, Binghamton, Buffalo, or
9 Stony Brook, SUNY Upstate Medical University, or SUNY Downstate Medical
10 Center, for any single construction project exceeding \$20 million in the
11 aggregate, for which more than twenty-five percent of such aggregate
12 amount is to be paid from appropriations furnished by either the State
13 of New York or the State University of New York, such construction,
14 reconstruction, renovation, rehabilitation, improvement or expansion at
15 the four University Centers of the State University of New York at Alba-
16 ny, Binghamton, Buffalo, or Stony Brook, SUNY Upstate Medical Universi-
17 ty, or SUNY Downstate Medical Center shall be undertaken pursuant to a
18 project labor agreement, as defined in subdivision 1 of section 222 of
19 the labor law, provided a study done by or for the contracting entity
20 determines that a project labor agreement will benefit such
21 construction, reconstruction, renovation, rehabilitation, improvement or
22 expansion through reduced risk of delay, potential cost savings or
23 potential reduction in the risk of labor unrest in light of any perti-
24 nent local history thereof. For purposes of applying the dollar thresh-
25 olds set forth in the preceding sentence, the term "single construction
26 project" shall mean any functionally-interdependent construction, recon-
27 struction, renovation, rehabilitation, improvement or expansion activity
28 associated with a single building, structure or improvement, including
29 all directly related infrastructure and site work in contemplation ther-
30 eof.

31 S 7. Before any contract is awarded or entered into by any of the four
32 University Centers of the State University of New York at Albany, Bing-
33 hamton, Buffalo, or Stony Brook, SUNY Upstate Medical University, or
34 SUNY Downstate Medical Center campus related foundation, alumni associ-
35 ation or affiliate thereof, any not-for-profit corporation or associ-
36 ation organized by the presidents of the four University Centers of the
37 State University of New York at Albany, Binghamton, Buffalo, or Stony
38 Brook, SUNY Upstate Medical University, or SUNY Downstate Medical Center
39 to further their purposes, or any limited liability company whose sole
40 member is any of the foregoing entities, or by the State University of
41 New York, the State University Construction Fund, or the Dormitory
42 Authority of the State of New York, on behalf of the four University
43 Centers of the State University of New York at Albany, Binghamton,
44 Buffalo, or Stony Brook, SUNY Upstate Medical University, or SUNY Down-
45 state Medical Center, for construction, reconstruction, renovation,
46 rehabilitation, improvement or expansion at the four University Centers
47 of the State University of New York at Albany, Binghamton, Buffalo, or
48 Stony Brook, SUNY Upstate Medical University, or SUNY Downstate Medical
49 Center; the four University Centers of the State University of New York
50 at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate Medical
51 University, and SUNY Downstate Medical Center shall create or cause to
52 be created a diversity plan for SUNY Innovation and Economic Growth Act
53 capital projects and shall take or cause to be taken steps to ensure
54 that such diversity plan is successfully implemented on a program-wide
55 basis. The SUNY Innovation and Economic Growth Act diversity plan shall
56 include, at a minimum, targets for workforce diversity, targets for

1 retention of minority and women owned businesses, retention of an inde-
2 pendent monitor by or on behalf of the four University Centers of the
3 State University of New York at Albany, Binghamton, Buffalo, and Stony
4 Brook, SUNY Upstate Medical University, and SUNY Downstate Medical
5 Center for all SUNY Innovation and Economic Growth Act capital projects
6 and regular review of periodic reports from such independent monthly
7 monitor as to the attainment of the work force and business diversity
8 goals of the SUNY Innovation and Economic Growth Act diversity plan.

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

11 3. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
12 TITLE ONE OF ARTICLE EIGHTEEN-A OF THIS CHAPTER, NOTWITHSTANDING ANY
13 OTHER STATE OR LOCAL LAW TO THE CONTRARY, THE AGENCY SHALL HAVE THE
14 POWER TO PROVIDE FINANCIAL ASSISTANCE, INCLUDING, BUT NOT LIMITED TO,
15 THE ISSUANCE OF BONDS AND NOTES BY THE AGENCY, IN CONJUNCTION WITH THE
16 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,
17 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,
18 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-
19 INGS, DORMITORIES AND OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND
20 STAFF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY OR ON BEHALF OF
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 OF THE FOREGOING ENTITIES.

26 S 9. Section 892 of the general municipal law, as amended by chapter
27 393 of the laws of 1980, is amended by adding a new subdivision 3 to
28 read as follows:

29 3. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
30 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
31 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
32 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
33 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
34 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
35 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
36 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
37 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
38 UNIVERSITY OF NEW YORK AT STONY BROOK BY OR ON BEHALF OF THE STATE
39 UNIVERSITY OF NEW YORK AT STONY BROOK CAMPUS RELATED FOUNDATION, ALUMNI
40 ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR
41 ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW
42 YORK AT STONY BROOK TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY
43 COMPANY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES.

44 S 10. Section 895 of the general municipal law is amended by adding a
45 new subdivision 3 to read as follows:

46 3. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
47 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
48 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
49 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
50 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
51 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
52 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
53 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
54 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE SUNY
55 UPSTATE MEDICAL UNIVERSITY BY OR ON BEHALF OF THE SUNY UPSTATE MEDICAL
56 UNIVERSITY CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE

1 THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY THE
2 PRESIDENT OF THE SUNY UPSTATE MEDICAL UNIVERSITY TO FURTHER ITS
3 PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY OF
4 THE FOREGOING ENTITIES.

5 S 11. Section 895-a of the general municipal law is amended by adding
6 a new undesignated paragraph to read as follows:

7 IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
8 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
9 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
10 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
11 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
12 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
13 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
14 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
15 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
16 UNIVERSITY OF NEW YORK AT BINGHAMTON BY OR ON BEHALF OF THE STATE
17 UNIVERSITY OF NEW YORK AT BINGHAMTON CAMPUS RELATED FOUNDATION, ALUMNI
18 ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR
19 ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW
20 YORK AT BINGHAMTON TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY
21 COMPANY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES.

22 S 12. Section 903-a of the general municipal law is amended by adding
23 a new undesignated paragraph to read as follows:

24 IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
25 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
26 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
27 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
28 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
29 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
30 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
31 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
32 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
33 UNIVERSITY OF NEW YORK AT ALBANY BY OR ON BEHALF OF THE STATE UNIVERSITY
34 OF NEW YORK AT ALBANY CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR
35 AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGAN-
36 IZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY TO
37 FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER
38 IS ANY OF THE FOREGOING ENTITIES.

39 S 13. Section 903-b of the general municipal law is amended by adding
40 a new undesignated paragraph to read as follows:

41 IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
42 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
43 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
44 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
45 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
46 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
47 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
48 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
49 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
50 UNIVERSITY OF NEW YORK AT ALBANY BY OR ON BEHALF OF THE STATE UNIVERSITY
51 OF NEW YORK AT ALBANY CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR
52 AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGAN-
53 IZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY TO
54 FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER
55 IS ANY OF THE FOREGOING ENTITIES.

1 S 14. Section 903-c of the general municipal law is amended by adding
2 a new undesignated paragraph to read as follows:

3 IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
4 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
5 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
6 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
7 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
8 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
9 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
10 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
11 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
12 UNIVERSITY OF NEW YORK AT ALBANY BY OR ON BEHALF OF THE STATE UNIVERSITY
13 OF NEW YORK AT ALBANY CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR
14 AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGAN-
15 IZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY TO
16 FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER
17 IS ANY OF THE FOREGOING ENTITIES.

18 S 15. Section 903-d of the general municipal law is amended by adding
19 a new undesignated paragraph to read as follows:

20 IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
21 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
22 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
23 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
24 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
25 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
26 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
27 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
28 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
29 UNIVERSITY OF NEW YORK AT ALBANY BY OR ON BEHALF OF THE STATE UNIVERSITY
30 OF NEW YORK AT ALBANY CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR
31 AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGAN-
32 IZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY TO
33 FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER
34 IS ANY OF THE FOREGOING ENTITIES.

35 S 16. Section 911-a of the general municipal law is amended by adding
36 a new subdivision 4 to read as follows:

37 4. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
38 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
39 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
40 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
41 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
42 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
43 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
44 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
45 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE SUNY
46 DOWNSTATE MEDICAL CENTER BY OR ON BEHALF OF THE SUNY DOWNSTATE MEDICAL
47 CENTER CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THERE-
48 OF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY THE PRES-
49 IDENT OF THE SUNY DOWNSTATE MEDICAL CENTER TO FURTHER ITS PURPOSES, OR
50 ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING
51 ENTITIES.

52 S 17. The opening paragraph of section 914-a of the general municipal
53 law, as added by chapter 579 of the laws of 1973, is designated subdivi-
54 sion 1 and a new subdivision 2 is added to read as follows:

55 2. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
56 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW

1 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
2 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
3 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
4 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
5 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
6 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
7 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE
8 UNIVERSITY OF NEW YORK AT BUFFALO BY OR ON BEHALF OF ANY STATE UNIVERSI-
9 TY OF NEW YORK AT BUFFALO CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION
10 OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION
11 ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT
12 BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE
13 SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES.

14 S 18. Section 917 of the general municipal law, as added by chapter
15 1082 of the laws of 1974, is amended by adding a new subdivision (m) to
16 read as follows:

17 (M) IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
18 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
19 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
20 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
21 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
22 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
23 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
24 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
25 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE SUNY
26 DOWNSTATE MEDICAL CENTER BY OR ON BEHALF OF THE SUNY DOWNSTATE MEDICAL
27 CENTER CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THERE-
28 OF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY THE PRES-
29 IDENT OF THE SUNY DOWNSTATE MEDICAL CENTER TO FURTHER ITS PURPOSES, OR
30 ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING
31 ENTITIES.

32 S 19. Section 926 of the general municipal law is amended by adding a
33 new subdivision (c) to read as follows:

34 (C) IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY
35 TITLE ONE OF THIS ARTICLE, NOTWITHSTANDING ANY OTHER STATE OR LOCAL LAW
36 TO THE CONTRARY, THE AGENCY SHALL HAVE THE POWER TO PROVIDE FINANCIAL
37 ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF BONDS AND
38 NOTES BY THE AGENCY, IN CONJUNCTION WITH THE FINANCING, REFINANCING,
39 ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENO-
40 VATION, REHABILITATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING
41 OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES AND
42 OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND STAFF OF THE SUNY
43 UPSTATE MEDICAL UNIVERSITY BY OR ON BEHALF OF THE SUNY UPSTATE MEDICAL
44 UNIVERSITY CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE
45 THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY THE
46 PRESIDENT OF THE SUNY UPSTATE MEDICAL UNIVERSITY TO FURTHER ITS
47 PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY OF
48 THE FOREGOING ENTITIES.

49 S 20. Subdivision 12 of section 373 of the education law, as added by
50 chapter 251 of the laws of 1962, is amended to read as follows:

51 12. To [make] PROCURE and execute contracts, lease agreements, and all
52 other instruments necessary or convenient for the exercise of its corpo-
53 rate powers and the fulfillment of its corporate purposes under this
54 article. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND
55 PROCUREMENTS ON BEHALF OF THE FOUR UNIVERSITY CENTERS OF THE STATE
56 UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK,

1 SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER SHALL
2 BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY ADOPTED BY
3 THE FUND TRUSTEES, WHICH SHALL SUBSTANTIALLY CONFORM TO THE PROVISIONS
4 OF TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW;

5 S 21. Section 373 of the education law is amended by adding a new
6 subdivision 20 to read as follows:

7 20. TO DESIGN, CONSTRUCT, ACQUIRE, RECONSTRUCT, REHABILITATE AND
8 IMPROVE ACADEMIC BUILDINGS, DORMITORIES AND OTHER FACILITIES FOR USE BY
9 STUDENTS, FACULTY AND STAFF OF THE FOUR UNIVERSITY CENTERS OF THE STATE
10 UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK,
11 SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER USING
12 ANY PROJECT DELIVERY METHOD, INCLUDING BUT NOT LIMITED TO,
13 DESIGN/BID/BUILD, DESIGN/BUILD OR CONSTRUCTION MANAGER AT RISK, THAT
14 WILL ASSIST THE FUND IN FULFILLING ITS PURPOSES UNDER SECTION THREE
15 HUNDRED SEVENTY-TWO OF THIS ARTICLE.

16 S 22. Subdivisions 9 and 10 of section 376 of the education law are
17 renumbered subdivisions 10 and 11 and a new subdivision 9 is added to
18 read as follows:

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

50 A. THE LETTING AGENCY SHALL ADVERTISE THE INVITATION TO BID OR THE
51 REQUEST FOR PROPOSALS IN A NEWSPAPER PUBLISHED IN THE CITY OF ALBANY,
52 CITY OF BINGHAMTON, CITY OF BUFFALO, COUNTY OF SUFFOLK, CITY OF SYRACUSE
53 AND COUNTY OF KINGS AND IN SUCH OTHER NEWSPAPERS AS WILL BE MOST LIKELY
54 IN ITS OPINION TO GIVE ADEQUATE NOTICE TO CONTRACTORS OF THE WORK
55 REQUIRED PROVIDED, HOWEVER, THAT WHERE THE ESTIMATED EXPENSE OF ANY
56 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 23. The Board of Trustees shall report every January first to the governor, 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 four University Centers of the State University of New York at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and SUNY Downstate Medical Center's progress in competing with the top academic research institutions; the impact of the four University Centers of the State University of New York at Albany, Binghamton, Buffalo, and Stony Brook, SUNY Upstate Medical University, and SUNY Downstate Medical Center's efforts to increase the economic well-being of New York; whether the minority and women workforce and business enterprise goals set forth in the SUNY Innovation and Economic Growth Act 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 24. 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 FOUR UNIVERSI-

1 TY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
2 BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY
3 DOWNSTATE MEDICAL CENTER, TO DISPOSE OF SUCH PROPERTY IN SUCH MANNER AND
4 UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE TRUSTEES SHALL
5 ALLOW AND REGULATE THE USE OF SUCH PROPERTY FOR OTHER THAN THE CORPORATE
6 PURPOSES OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW
7 YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
8 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, BY PERMIT, LEASE,
9 LICENSE OR OTHER AGREEMENT, FOR PERIODS NOT TO EXCEED TEN YEARS, AND
10 PRESCRIBE THE FEES, IF ANY, THAT PERSONS, ASSOCIATIONS AND CORPORATIONS
11 ALLOWED THE USE OF SUCH PROPERTY SHALL PAY. The trustees may acquire
12 property for such purposes by purchase, appropriation or lease and by
13 the acceptance of gifts, grants, bequests and devises, and, within
14 appropriations made therefor, may equip and furnish buildings and other-
15 wise improve property owned, used or occupied by the state university or
16 any institution therein. THE TRUSTEES MAY ACQUIRE PROPERTY FOR OR ON
17 BEHALF OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW
18 YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
19 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER BY THE ACCEPTANCE
20 OF CONDITIONAL GIFTS, GRANTS, DEVISES OR BEQUESTS, THE PROVISIONS OF
21 SECTION ELEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING. Where real
22 property is to be acquired by purchase or appropriation, such acquisi-
23 tion shall be in accordance with the provisions of section three hundred
24 seven of this chapter except that the powers and duties in said section
25 mentioned to be performed by the commissioner [of education] shall be
26 performed by the state university trustees. THE PROVISIONS OF SECTIONS
27 THREE, THIRTY-A, AND THIRTY-THREE OF THE PUBLIC LANDS LAW NOTWITHSTAND-
28 ING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER OR CONVEY-
29 ANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE
30 UNIVERSITY COMPRISING ANY PART OF THE CAMPUSES OF THE FOUR UNIVERSITY
31 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
32 BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWN-
33 STATE MEDICAL CENTER IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES
34 SHALL DETERMINE. THE FOREGOING NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE
35 FOR THE LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO EXCEED FIFTY
36 YEARS IN SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE PURPOSES OF THE
37 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY,
38 BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR
39 SUNY DOWNSTATE MEDICAL CENTER, UNLESS THE SUBJECT PROJECT IS IN CONFLICT
40 WITH THE MISSION OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY
41 OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
42 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, INCLUDING BUT NOT
43 LIMITED TO THE DEVELOPMENT AND OPERATION OF RESEARCH, INCUBATOR, COMMU-
44 NITY, HEALTH CARE, RETAIL, FOOD SERVICE, TELECOMMUNICATION, STUDENT AND
45 FACULTY HOUSING, ENERGY, GOVERNMENTAL, SENIOR COMMUNITY, HOTEL, CONFER-
46 ENCE CENTER AND RECREATIONAL FACILITIES, AND FOR THE PURPOSE OF MAXIMIZ-
47 ING THE USE OF NATURAL RESOURCES; PROVIDED, HOWEVER, THE PRESIDENTS OF
48 THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBA-
49 NY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSI-
50 TY, OR SUNY DOWNSTATE MEDICAL CENTER SHALL PROVIDE NOTICE OF ANY SUCH
51 LEASE TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY
52 WAYS AND MEANS COMMITTEE AND TO THE DIRECTOR OF THE BUDGET AT LEAST
53 THIRTY DAYS PRIOR TO EXECUTING SUCH LEASE. THE PROVISIONS OF SECTION ONE
54 HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUS-
55 TEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL
56 PROPERTY UNDER THE CUSTODY AND CONTROL OF THE FOUR UNIVERSITY CENTERS OF

1 THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR
2 STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL
3 CENTER IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETER-
4 MINE. THE PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND
5 SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTAND-
6 ING, THE PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF
7 STATE-OWNED REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF THE
8 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY,
9 BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR
10 SUNY DOWNSTATE MEDICAL CENTER OR OF PERSONAL PROPERTY UNDER THE CUSTODY
11 AND CONTROL OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF
12 NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
13 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER SHALL BE RETAINED
14 BY THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT
15 ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL
16 UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER AND SHALL BE USED BY THE
17 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY,
18 BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR
19 SUNY DOWNSTATE MEDICAL CENTER FOR EXPENSES OF THE FOUR UNIVERSITY
20 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
21 BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWN-
22 STATE MEDICAL CENTER.

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

26 s. To lease or make available to the state university construction
27 fund, the dormitory authority or other public benefit corporation, the
28 New York state teachers' retirement system [or], the New York state
29 employees' retirement system OR, IN THE CASE OF STATE-OWNED REAL PROPER-
30 TY COMPRISING ANY PART OF THE CAMPUSES OF THE FOUR UNIVERSITY CENTERS OF
31 THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR
32 STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL
33 CENTER, ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY,
34 INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION ORGANIZED
35 UNDER SECTION ONE THOUSAND FOUR HUNDRED ELEVEN OF THE NOT-FOR-PROFIT
36 CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER
37 ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, a portion of the
38 grounds or real property occupied by a state-operated institution or
39 statutory or contract college for the construction, acquisition, recon-
40 struction, rehabilitation or improvement of academic buildings, dormito-
41 ries or other facilities thereon pursuant to article eight-A of this
42 chapter and for the purpose of facilitating such construction, acquisi-
43 tion, reconstruction, rehabilitation or improvement, to enter into leas-
44 es and agreements for the use of any such academic building, dormitory
45 or other facility in accordance with the provisions of section three
46 hundred seventy-eight of this chapter; provided, however, that nothing
47 herein contained shall affect the provisions of any lease or agreement
48 heretofore executed by the state university with the dormitory authori-
49 ty. The state university trustees may also enter into agreements with
50 the state university construction fund, the dormitory authority or other
51 public benefit corporation, the New York state teachers' retirement
52 system [or], the New York state employees' retirement system AND, IN THE
53 CASE OF STATE-OWNED REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF
54 THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBA-
55 NY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSI-
56 TY, OR SUNY DOWNSTATE MEDICAL CENTER, 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 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, INCLUDING, WITHOUT LIMITATION, THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER'S SUNY INNOVATION AND ECONOMIC GROWTH ACT, 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 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER 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 THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER OFFICERS AND EMPLOYEES FROM ENGAGING IN ACTIVITIES FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER 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

1 AND SIX OF THE NEW YORK STATE PRINTING AND PUBLIC DOCUMENTS LAW OR ANY
2 OTHER LAW TO THE CONTRARY, THE STATE UNIVERSITY TRUSTEES ARE AUTHORIZED
3 AND EMPOWERED ON BEHALF OF OR WITH RESPECT TO THE FOUR UNIVERSITY
4 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
5 BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY
6 DOWNSTATE MEDICAL CENTER TO:

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

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

30 C. ESTABLISH GUIDELINES IN CONSULTATION WITH THE COMMISSIONER OF
31 GENERAL SERVICES AUTHORIZING PARTICIPATION BY THE FOUR UNIVERSITY
32 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
33 BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, AND SUNY
34 DOWNSTATE MEDICAL CENTER IN PROGRAMS ADMINISTERED BY THE OFFICE OF
35 GENERAL SERVICES FOR THE PURCHASE OF AVAILABLE NEW YORK STATE FOOD
36 PRODUCTS. THE COMMISSIONER OF GENERAL SERVICES SHALL PROVIDE ASSISTANCE
37 TO THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT
38 ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL
39 UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER NECESSARY TO ENABLE THE
40 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY,
41 BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY,
42 AND SUNY DOWNSTATE MEDICAL CENTER TO PARTICIPATE IN THESE PROGRAMS.

43 21. TO ENTER INTO ANY CONTRACT OR AGREEMENT DEEMED NECESSARY OR ADVIS-
44 ABLE AFTER CONSULTATION WITH APPROPRIATE STATE AGENCIES FOR CARRYING OUT
45 THE OBJECTS AND PURPOSES OF THE FOUR UNIVERSITY CENTERS OF THE STATE
46 UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK,
47 SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER WITH-
48 OUT PRIOR REVIEW OR APPROVAL BY ANY STATE OFFICER OR AGENCY INCLUDING
49 ENERGY PERFORMANCE CONTRACTS (AS DEFINED IN SECTION 9-102 OF THE ENERGY
50 LAW), ENERGY PROCUREMENT OR SUPPLY CONTRACTS, CONTRACTS OR AGREEMENTS
51 WITH NON-PROFIT CORPORATIONS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
52 STUDENTS OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW
53 YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
54 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER FOR THE FURTHERANCE
55 OF ITS OBJECTS AND PURPOSES, AS WELL AS CONTRACTS OR AGREEMENTS WITH ANY
56 OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT

1 ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL
2 UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER CAMPUS-RELATED FOUNDATION,
3 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NON-PROFIT CORPORATION OR
4 ASSOCIATION ORGANIZED BY THE PRESIDENTS OF THE FOUR UNIVERSITY CENTERS
5 OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR
6 STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL
7 CENTER TO FURTHER ITS PURPOSES OR ANY LIMITED LIABILITY COMPANY, WHOSE
8 SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES FOR THE FURTHERANCE OF THE
9 OBJECTS AND PURPOSES OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVER-
10 SITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY
11 UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, INCLUDING,
12 WITHOUT LIMITATION, THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY
13 OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY
14 UPSTATE MEDICAL UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER'S SUNY
15 INNOVATION AND ECONOMIC GROWTH ACT. CONTRACTS OR AGREEMENTS ENTERED
16 INTO WITH THE FEDERAL GOVERNMENT TO ENABLE PARTICIPATION IN FEDERAL
17 STUDENT LOAN PROGRAMS, INCLUDING ANY AND ALL INSTRUMENTS REQUIRED THERE-
18 UNDER, SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF SECTION FORTY-ONE OF
19 THE STATE FINANCE LAW; PROVIDED, HOWEVER, THAT THE STATE SHALL NOT BE
20 LIABLE FOR ANY PORTION OF ANY DEFAULTS WHICH IT HAS AGREED TO ASSUME
21 PURSUANT TO ANY SUCH AGREEMENT IN AN AMOUNT IN EXCESS OF MONEY APPROPRI-
22 ATED OR OTHERWISE LAWFULLY AVAILABLE THEREFOR AT THE TIME THE LIABILITY
23 FOR PAYMENT ARISES.

24 S 2. Subdivisions 2 and 3 of section 112 of the state finance law, as
25 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision
26 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,
27 are amended to read as follows:

28 2. (a) Before any contract made for or by any state agency, depart-
29 ment, board, officer, commission, or institution, except the office of
30 general services AND THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF
31 OF OR WITH RESPECT TO THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSI-
32 TY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY
33 UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, shall be
34 executed or become effective, whenever such contract exceeds fifty thou-
35 sand dollars in amount and before any contract made for or by the office
36 of general services shall be executed or become effective, whenever such
37 contract exceeds eighty-five thousand dollars in amount, it shall first
38 be approved by the comptroller and filed in his or her office, provided,
39 however, that the comptroller shall make a final written determination
40 with respect to approval of such contract within ninety days of the
41 submission of such contract to his or her office unless the comptroller
42 shall notify, in writing, the state agency, department, board, officer,
43 commission, or institution, prior to the expiration of the ninety day
44 period, and for good cause, of the need for an extension of not more
45 than fifteen days, or a reasonable period of time agreed to by such
46 state agency, department, board, officer, commission, or institution and
47 provided, further, that such written determination or extension shall be
48 made part of the procurement record pursuant to paragraph f of subdivi-
49 sion one of section one hundred sixty-three of this chapter.

50 (b) Whenever any liability of any nature shall be incurred by or for
51 any state department, board, officer, commission, or institution OTHER
52 THAN THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR WITH
53 RESPECT TO THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW
54 YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
55 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, notice that such

1 liability has been incurred shall be immediately given in writing to the
2 state comptroller.

3 3. A contract or other instrument wherein the state or any of its
4 officers, agencies, boards or commissions OTHER THAN THE STATE UNIVERSI-
5 TY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE FOUR UNIVERSI-
6 TY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
7 BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWN-
8 STATE MEDICAL CENTER agrees to give a consideration other than the
9 payment of money, when the value or reasonably estimated value of such
10 consideration exceeds ten thousand dollars, shall not become a valid
11 enforceable contract unless such contract or other instrument shall
12 first be approved by the comptroller and filed in his office.

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

16 a. "Governmental entity" shall mean: (1) any department, board,
17 bureau, commission, division, office, council, committee or officer of
18 the state, whether permanent or temporary, OTHER THAN THE STATE UNIVER-
19 SITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE FOUR UNIVER-
20 SITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
21 BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWN-
22 STATE MEDICAL CENTER; (2) each house of the state legislature; (3) the
23 unified court system; (4) any public authority, public benefit corpo-
24 ration or commission created by or existing pursuant to the public
25 authorities law; (5) any public authority or public benefit corporation,
26 at least one of whose members is appointed by the governor or who serves
27 as a member by virtue of holding a civil office of the state; (6) a
28 municipal agency, as that term is defined in paragraph (ii) of subdivi-
29 sion (s) of section one-c of the legislative law; or (7) a subsidiary or
30 affiliate of such a public authority.

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

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

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

52 (iv) The commissioner is authorized to permit any officer, body or
53 agency of the state or of a political subdivision or a district therein,
54 or fire company or volunteer ambulance service as such are defined in
55 section one hundred of the general municipal law, to make purchases of
56 commodities through the office of general services' centralized

1 contracts, pursuant to the provisions of section one hundred four of the
2 general municipal law. The commissioner is authorized to permit any
3 county extension service association as authorized under subdivision
4 eight of section two hundred twenty-four of the county law, or any asso-
5 ciation or other entity as specified in and in accordance with section
6 one hundred nine-a of the general municipal law, OR ANY NON-PROFIT
7 CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE
8 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY,
9 BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR
10 SUNY DOWNSTATE MEDICAL CENTER, or any other association or entity as
11 specified in state law, to make purchases of commodities through the
12 office of general services' centralized contracts; provided, however,
13 that such entity so empowered shall accept sole responsibility for any
14 payment due with respect to such purchase; AND PROVIDED FURTHER, HOWEV-
15 ER, THAT COMMODITIES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED
16 IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE FOUR UNIVERSITY
17 CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
18 BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWN-
19 STATE MEDICAL CENTER SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-
20 PROFIT CORPORATION OR OTHER FOR-PROFIT ENTITY WHICH CONTRACTS WITH THE
21 NON-PROFIT CORPORATION, NOR SHALL SUCH COMMODITIES SO PURCHASED BY SUCH
22 NON-PROFIT CORPORATION BE OFFERED FOR RESALE.

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

26 e. [Any officer, body or agency of a political subdivision as defined
27 in section one hundred of the general municipal law or a district there-
28 in, may make purchases of services through the office of general
29 services' centralized contracts for services, subject to the provisions
30 of section one hundred four of the general municipal law. The commis-
31 sioner may permit and prescribe the conditions for the purchase of
32 services through the office of general services' centralized contracts
33 for services by any public authority or public benefit corporation of
34 the state including the port authority of New York and New Jersey. The
35 commissioner is authorized to permit any public library, association
36 library, library system, cooperative library system, the New York
37 Library Association, and the New York State Association of Library
38 Boards or any other library except those which are operated by for
39 profit entities, to make purchases of services through the office of
40 general services' centralized contracts; provided, however, that such
41 entity so empowered shall accept sole responsibility for any payment due
42 with respect to such purchase.] ANY OFFICER, BODY OR AGENCY OF A POLI-
43 TICAL SUBDIVISION AS DEFINED IN SECTION ONE HUNDRED OF THE GENERAL
44 MUNICIPAL LAW OR A DISTRICT THEREIN AND ANY NON-PROFIT CORPORATION
45 ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE FOUR UNIVER-
46 SITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON,
47 BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWN-
48 STATE MEDICAL CENTER, MAY MAKE PURCHASES OF SERVICES THROUGH THE OFFICE
49 OF GENERAL SERVICES' CENTRALIZED CONTRACTS FOR SERVICES, SUBJECT, IN THE
50 CASE OF SUCH POLITICAL SUBDIVISIONS, TO THE PROVISIONS OF SECTION ONE
51 HUNDRED FOUR OF THE GENERAL MUNICIPAL LAW; PROVIDED, HOWEVER, THAT IN
52 THE CASE OF ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE
53 OBJECTS AND PURPOSES OF THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVER-
54 SITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY
55 UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, IT SHALL
56 ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH RESPECT TO SUCH

1 PURCHASE AND PROVIDED, FURTHER THAT SERVICES SO PURCHASED BY ANY SUCH
2 NON-PROFIT CORPORATION SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A
3 FOR-PROFIT CORPORATION OR OTHER FOR-PROFIT ENTITY WHICH CONTRACTS WITH
4 THE NON-PROFIT ORGANIZATION. THE COMMISSIONER MAY PERMIT AND PRESCRIBE
5 THE CONDITIONS FOR THE PURCHASE OF SERVICES THROUGH THE OFFICE OF GENER-
6 AL SERVICES' CENTRALIZED CONTRACTS FOR SERVICES BY ANY PUBLIC AUTHORITY
7 OR PUBLIC BENEFIT CORPORATION OF THE STATE INCLUDING THE PORT AUTHORITY
8 OF NEW YORK AND NEW JERSEY, OR ANY NON-PROFIT CORPORATION ORGANIZED IN
9 FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE FOUR UNIVERSITY CENTERS
10 OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR
11 STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL
12 CENTER. THE COMMISSIONER IS AUTHORIZED TO PERMIT ANY PUBLIC LIBRARY,
13 ASSOCIATION LIBRARY, LIBRARY SYSTEM, COOPERATIVE LIBRARY SYSTEM, THE NEW
14 YORK LIBRARY ASSOCIATION, AND THE NEW YORK STATE ASSOCIATION OF LIBRARY
15 BOARDS OR ANY OTHER LIBRARY EXCEPT THOSE WHICH ARE OPERATED BY FOR-PRO-
16 FIT ENTITIES, TO MAKE PURCHASES OF SERVICES THROUGH THE OFFICE OF GENER-
17 AL SERVICES' CENTRALIZED CONTRACTS; PROVIDED, HOWEVER, THAT SUCH ENTITY
18 SO EMPOWERED SHALL ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE WITH
19 RESPECT TO SUCH PURCHASE.

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

22 (III) THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH
23 SHALL NOT APPLY TO SINGLE OR SOLE SOURCE PROCUREMENTS FOR SERVICES OR
24 COMMODITIES BY THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR
25 WITH RESPECT TO THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF
26 NEW YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
27 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER, WHICH SINGLE OR
28 SOLE SOURCE PROCUREMENTS SHALL BE MADE IN ACCORDANCE WITH SUCH RULES AND
29 GUIDELINES AS MAY BE PROMULGATED BY THE TRUSTEES OF THE STATE UNIVERSITY
30 OF NEW YORK.

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

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

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

50

PART D

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

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

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

38 11. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, MONEYS HELD BY
39 THE STATE UNIVERSITY OF NEW YORK DERIVED FROM TUITION, FEES, USER CHARG-
40 ES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE,
41 PROCUREMENT OR SUPPLY CONTRACTS AND SOURCES AND ACTIVITIES OF THE FOUR
42 UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, BING-
43 HAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY, OR
44 SUNY DOWNSTATE MEDICAL CENTER THAT ARE INTENDED TO BE SELF-SUPPORTING
45 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-
55 ES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE,
56 PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIVITIES OF THE

1 FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY,
2 BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL UNIVERSITY,
3 AND SUNY DOWNSTATE MEDICAL CENTER THAT ARE INTENDED TO BE SELF-SUPPORT-
4 ING, INCLUDING, WITHOUT LIMITATION, ANY REVENUE RESULTING FROM TUITION
5 INCREASES AT THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW
6 YORK AT ALBANY, BINGHAMTON, BUFFALO, OR STONY BROOK, SUNY UPSTATE
7 MEDICAL UNIVERSITY, OR SUNY DOWNSTATE MEDICAL CENTER DESCRIBED IN CLAUSE
8 (A) OF SUBPARAGRAPH FOUR OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION
9 THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW; and [(iii)] (IV) moneys
10 received pursuant to a clinical practice plan established pursuant to
11 subdivision fourteen of section two hundred six of the public health
12 law. In those cases where such moneys are held in the custody of the
13 state officer other than the comptroller, the officer shall file with
14 the comptroller, at such times as the comptroller shall determine, a
15 detailed statement, in such form and content as the comptroller shall
16 prescribe, for the period covered by the statement. The comptroller
17 shall from time to time, but not less than once in every three years,
18 examine the books and accounts relating to such moneys heretofore or
19 hereinafter established, including its receipts, disbursements, invest-
20 ments, and any financial matters. An independent audit of such moneys
21 may be authorized by the comptroller in lieu of his own examination,
22 which examination shall be undertaken within twelve months of such
23 authorization.
24 S 4. This act shall take effect immediately.

25

PART E

26 Section 1. Paragraph i of subdivision 2 of section 355 of the educa-
27 tion law, as amended by chapter 552 of the laws of 1985, is amended to
28 read as follows:
29 i. To lease to alumni associations of institutions of the state
30 university a portion of the grounds occupied by any institution of the
31 state university, for the erection thereon of dormitories to be used by
32 students in attendance at such institutions. The terms of any lease and
33 the character of the building to be erected shall be determined by the
34 state university trustees. Such lease, EXCEPT IN THE CASE OF LANDS OCCU-
35 PIED BY THE FOUR UNIVERSITY CENTERS OF THE STATE UNIVERSITY OF NEW YORK
36 AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, SUNY UPSTATE MEDICAL
37 UNIVERSITY, AND SUNY DOWNSTATE MEDICAL CENTER, prior to its execution,
38 shall be submitted to the attorney general for his approval as to its
39 form, contents and legal effect. Nothing contained in this paragraph
40 shall affect the provisions of any lease heretofore executed by a board
41 of visitors of any state-operated institution pursuant to law. The state
42 university trustees may similarly enter into an agreement with an alumni
43 association of an institution of the state university to furnish heat
44 from a central heating plant to any dormitory erected by such alumni
45 association. Any such dormitory shall not be subject to taxation for any
46 purpose.
47 S 2. This act shall take effect immediately.
48 S 4. Severability clause. If any clause, sentence, paragraph, subdivi-
49 sion, section or part of this act shall be adjudged by any court of
50 competent jurisdiction to be invalid, such judgment shall not affect,
51 impair, or invalidate the remainder thereof, but shall be confined in
52 its operation to the clause, sentence, paragraph, subdivision, section
53 or part thereof directly involved in the controversy in which such judg-
54 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.
3 S 5. This act shall take effect immediately provided, however, that
4 the applicable effective date of Parts A through E of this act shall be
5 as specifically set forth in the last section of such Parts.