

S. 6

A. 6

Second Extraordinary Session

S E N A T E - A S S E M B L Y

July 30, 2010

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to tuition and self-supporting revenues of the state and city universities; and to repeal subdivision 8-b of section 355 and paragraph 4-a of subdivision A of section 6221 of the education law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part A); to amend the education law, the public authorities law and the public buildings law, in relation to capital facilities in support of the state university and community colleges; and providing for the repeal of certain provisions upon expiration thereof (Part B); to amend the education law and the state finance law, in relation to procurement in support of the state and city universities; and providing for the repeal of certain provisions upon expiration thereof (Part C); to amend the public officers law, the education law and the retirement and social security law, in relation to promoting efficiency and effect savings in support of the state university; and providing for the repeal of such provisions upon expiration thereof (Part D); to amend the civil service law and the education law, in relation to state university health care facilities; and providing for the repeal of such provisions upon expiration thereof (Part E); and to enact reporting requirements; and providing for the repeal of such provisions upon expiration thereof (Part F)

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

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

LBD12307-01-0

1 Section 1. This act shall be known and may be cited as the "New York
2 state public higher education empowerment and innovation act".

3 S 2. This act enacts into law major components of legislation which
4 are necessary to implement the state fiscal plan for the 2010-2011 state
5 fiscal year. Each component is wholly contained within a Part identified
6 as Parts A through F. The effective date for each particular provision
7 contained within such Parts is set forth in the last section of such
8 Part. Any provision in any section contained within a Part, including
9 the effective date of the Part, which makes a reference to a section "of
10 this act", when used in connection with that particular component, shall
11 be deemed to mean and refer to the corresponding section of the Part in
12 which it is found. Section four of this act sets forth the general
13 effective date of this act.

14 PART A

15 Section 1. Section 350 of the education law is amended by adding four
16 new subdivisions 7, 8, 9 and 10 to read as follows:

17 7. "ANNUAL TUITION" SHALL MEAN THE COST OF CREDIT HOUR ENROLLMENT AT
18 THE STATE-OPERATED INSTITUTIONS OF THE STATE UNIVERSITY OF NEW YORK OVER
19 THE COURSE OF AN ACADEMIC YEAR.

20 8. "DIFFERING RATES OF ANNUAL TUITION" SHALL MEAN THAT THE COST OF
21 CREDIT HOUR ENROLLMENT AT INDIVIDUAL STATE-OPERATED CAMPUSES AND FOR
22 PROGRAMS WITHIN A CAMPUS MAY VARY IN RELATION TO SIMILAR CAMPUSES AND
23 PROGRAMS WITHIN A CAMPUS AT SIMILAR INSTITUTIONS.

24 9. "GRADUATE DEGREE PROGRAM" AND "PROFESSIONAL DEGREE PROGRAM" SHALL
25 MEAN ANY COURSE OF STUDY OR CREDIT HOURS LEADING TO A SPECIFIC DEGREE
26 TYPE BEYOND A BACHELOR'S DEGREE AT THE STATE-OPERATED INSTITUTIONS OF
27 THE STATE UNIVERSITY OF NEW YORK.

28 10. "GENERAL TUITION POLICY" SHALL MEAN A POLICY ESTABLISHED BY THE
29 BOARD OF TRUSTEES GOVERNING A HOMOGENOUS TUITION INCREASE OR DECREASE
30 ACROSS ALL CAMPUSES EQUALLY FOR RESIDENT UNDERGRADUATE STUDENTS, EXCEPT
31 THAT NOTHING SHALL PRECLUDE THE STATE UNIVERSITY OF NEW YORK AT BUFFALO,
32 THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK, THE STATE UNIVERSITY OF
33 NEW YORK AT ALBANY, THE STATE UNIVERSITY OF NEW YORK AT BINGHAMTON, THE
34 STATE UNIVERSITY OF NEW YORK DOWNSTATE MEDICAL CENTER, THE STATE UNIVER-
35 SITY OF NEW YORK UPSTATE MEDICAL UNIVERSITY, THE STATE UNIVERSITY OF NEW
36 YORK COLLEGE OF ENVIRONMENTAL SCIENCES AND FORESTRY, AND THE STATE
37 UNIVERSITY OF NEW YORK COLLEGE OF OPTOMETRY FROM CHARGING DIFFERING
38 RATES OF ANNUAL TUITION PURSUANT TO CLAUSE (I) OF SUBPARAGRAPH FOUR OF
39 PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF
40 THE EDUCATION LAW.

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

44 (4) The trustees shall not impose a differential tuition charge based
45 upon need or income. All students enrolled in programs leading to like
46 degrees at state-operated institutions of the state university shall be
47 charged a uniform rate of tuition except for differential tuition rates
48 based on state residency, AND COMMENCING WITH THE TWO THOUSAND
49 ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, NON-STATE RESIDENTS, AND ALL
50 STUDENTS ENROLLED IN GRADUATE DEGREE PROGRAMS OR PROFESSIONAL DEGREE
51 PROGRAMS MAY BE CHARGED DIFFERING RATES OF ANNUAL TUITION BY CAMPUS AND
52 BY PROGRAM WITHIN A CAMPUS. Provided, however, that the trustees may
53 authorize the presidents of the colleges of technology and the colleges
54 of agriculture and technology to set differing rates of tuition for each

1 of the colleges for students enrolled in degree-granting programs lead-
2 ing to an associate degree and non-degree granting programs so long as
3 such tuition rate does not exceed the tuition rate charged to students
4 who are enrolled in like degree programs or degree-granting undergradu-
5 ate programs leading to a baccalaureate degree at other state-operated
6 institutions of the state university of New York[. The trustees shall
7 not adopt changes affecting tuition charges prior to the enactment of
8 the annual budget.]; AND PROVIDED FURTHER, THAT:

9 (I) NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR REGULATION TO
10 THE CONTRARY, FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC
11 YEAR, THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE
12 EMPOWERED TO INCREASE THE GENERAL ANNUAL RATE OF TUITION BY A MAXIMUM OF
13 TWO PERCENT OVER FINAL TWO THOUSAND NINE--TWO THOUSAND TEN ANNUAL RATES
14 OF TUITION;

15 (II) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
16 ACADEMIC YEAR, THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT
17 BUFFALO, THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK, THE STATE
18 UNIVERSITY OF NEW YORK AT ALBANY, THE STATE UNIVERSITY OF NEW YORK AT
19 BINGHAMTON, THE STATE UNIVERSITY OF NEW YORK DOWNSTATE MEDICAL CENTER,
20 THE STATE UNIVERSITY OF NEW YORK UPSTATE MEDICAL UNIVERSITY, THE STATE
21 UNIVERSITY OF NEW YORK COLLEGE OF ENVIRONMENTAL SCIENCES AND FORESTRY,
22 AND THE STATE UNIVERSITY OF NEW YORK COLLEGE OF OPTOMETRY, IN CONSULTA-
23 TION WITH THE RESPECTIVE STUDENT GOVERNMENT AND UPON THE RECOMMENDATION
24 OF THE RESPECTIVE COLLEGE COUNCIL, MAY RECOMMEND TO THE TRUSTEES, AND
25 THE TRUSTEES SHALL BE AUTHORIZED TO IMPLEMENT, DIFFERING RATES OF ANNUAL
26 TUITION WITHIN EACH ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND
27 TWELVE THROUGH TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN FOR STATE
28 RESIDENT UNDERGRADUATE STUDENTS UPON THE BASIS OF CAMPUS AND PROGRAM
29 WITHIN A CAMPUS, PROVIDED THAT NO SUCH DIFFERENTIAL INCREASE SHALL
30 EXCEED SEVEN PERCENT IN EACH OF THE YEARS OUTLINED ABOVE, FOR STUDENTS
31 WHO ARE NEW YORK STATE RESIDENTS IN COURSES OF STUDY LEADING TO UNDER-
32 GRADUATE, GRADUATE AND FIRST PROFESSIONAL DEGREES; PROVIDED, HOWEVER,
33 THAT ON OR BEFORE JUNE FIFTEENTH, TWO THOUSAND ELEVEN THE TRUSTEES SHALL
34 PROMULGATE GUIDELINES OUTLINING THE CRITERIA SUCH CAMPUS OR PROGRAM MUST
35 MEET IN ORDER TO QUALIFY FOR DIFFERENTIAL RATES. SUCH CRITERIA SHALL
36 INCLUDE, BUT NOT BE LIMITED TO, PROGRAM COST, PROGRAM MIX, NEED, COMPAR-
37 ISON WITH PEER PROGRAMS OR CAMPUSES, ECONOMIC ELASTICITY, IMPACT ON
38 ACCESS, FAIRNESS AND MEASURES TO ENSURE THAT STUDENTS ARE NOT STEERED
39 TOWARD CERTAIN COURSES OF STUDY BASED ON ABILITY TO PAY;

40 (III) NOTWITHSTANDING THE FOREGOING, COMMENCING WITH THE TWO THOUSAND
41 ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, THE PRESIDENT OF ANY
42 STATE-OPERATED INSTITUTION IN CONSULTATION WITH THE RESPECTIVE STUDENT
43 GOVERNMENT AND UPON THE RECOMMENDATION OF THE RESPECTIVE COLLEGE COUN-
44 CIL, MAY RECOMMEND TO THE TRUSTEES, AND THE TRUSTEES SHALL BE AUTHORIZED
45 TO IMPLEMENT, A GENERAL TUITION POLICY THAT SHALL APPLY IN A UNIFORM
46 MANNER FOR ALL STATE-OPERATED INSTITUTIONS TO INCREASE ANNUAL TUITION
47 WITHIN EACH ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
48 THROUGH TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN FOR RESIDENT UNDER-
49 GRADUATE STUDENTS UP TO FOUR PERCENT IN EACH OF THE YEARS OUTLINED
50 ABOVE;

51 (IV) TO THE EXTENT THAT THE STATE UNIVERSITY OF NEW YORK RATE OF ANNU-
52 AL RESIDENT UNDERGRADUATE TUITION EXCEEDS THE MAXIMUM AWARD GIVEN UNDER
53 SECTION SIX HUNDRED SIXTY-SEVEN OF THIS TITLE IN THE TWO THOUSAND
54 TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR, A PORTION OF SUCH UNIVERSITY'S
55 TUITION REVENUE SHALL BE USED TO PROVIDE NEED BASED AID TO THOSE
56 STUDENTS WHO QUALIFY FOR ADMISSION AND WHO QUALIFY FOR SUCH MAXIMUM

1 AWARD. IN ADDITION, THERE SHALL BE A COMPREHENSIVE REVIEW OF THE TUITION
2 ASSISTANCE PROGRAM CONDUCTED BY THE HIGHER EDUCATION SERVICES CORPO-
3 RATION TO ASSESS CURRENT PARAMETERS AND FUTURE NEEDS. UPON COMPLETION,
4 THE HIGHER EDUCATION SERVICES CORPORATION SHALL SUBMIT A REPORT OF ITS
5 FINDINGS NO LATER THAN NOVEMBER THIRTIETH, TWO THOUSAND TEN TO THE
6 GOVERNOR, THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE
7 ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE HIGHER EDUCA-
8 TION COMMITTEE, AND THE CHAIR OF THE ASSEMBLY HIGHER EDUCATION COMMIT-
9 TEE; AND

10 (V) NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR REGULATION TO
11 THE CONTRARY, THE STATE UNIVERSITY SHALL RECEIVE SUFFICIENT APPROPRI-
12 ATION AUTHORITY TO ALLOW THE EXPENDITURE OF TUITION REVENUE EXPECTED TO
13 BE RECEIVED.

14 S 3. Section 6202 of the education law is amended by adding four new
15 subdivisions 10, 11, 12 and 13 to read as follows:

16 10. "ANNUAL TUITION" SHALL MEAN THE COST OF CREDIT HOUR ENROLLMENT AT
17 THE SENIOR COLLEGES OF THE CITY UNIVERSITY OF NEW YORK OVER THE COURSE
18 OF AN ACADEMIC YEAR.

19 11. "DIFFERING RATES OF ANNUAL TUITION" SHALL MEAN THAT THE COST OF
20 CREDIT HOUR ENROLLMENT AT INDIVIDUAL SENIOR COLLEGE CAMPUSES AND FOR
21 PROGRAMS WITHIN A CAMPUS MAY VARY IN RELATION TO SIMILAR CAMPUSES AND
22 PROGRAMS WITHIN A CAMPUS AT SIMILAR INSTITUTIONS.

23 12. "GRADUATE DEGREE PROGRAM" AND "PROFESSIONAL DEGREE PROGRAM" SHALL
24 MEAN ANY COURSE OF STUDY OR CREDIT HOURS LEADING TO A SPECIFIC DEGREE
25 TYPE BEYOND A BACHELOR'S DEGREE AT THE SENIOR COLLEGES OF THE CITY
26 UNIVERSITY OF NEW YORK.

27 13. "GENERAL TUITION POLICY" SHALL MEAN A POLICY ESTABLISHED BY THE
28 BOARD OF TRUSTEES GOVERNING A HOMOGENOUS TUITION INCREASE OR DECREASE
29 ACROSS ALL CAMPUSES EQUALLY FOR RESIDENT UNDERGRADUATE STUDENTS, EXCEPT
30 THAT NOTHING SHALL PRECLUDE THE CITY UNIVERSITY OF NEW YORK: BARUCH
31 COLLEGE, THE CITY UNIVERSITY OF NEW YORK: BROOKLYN COLLEGE, THE CITY
32 UNIVERSITY OF NEW YORK: CITY COLLEGE, THE CITY UNIVERSITY OF NEW YORK:
33 HUNTER COLLEGE AND THE CITY UNIVERSITY OF NEW YORK: QUEENS COLLEGE FROM
34 CHARGING DIFFERING RATES OF ANNUAL TUITION PURSUANT TO SUBPARAGRAPH (I)
35 OF PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX
36 OF THIS ARTICLE.

37 S 4. Paragraph (a) of subdivision 7 of section 6206 of the education
38 law, as amended by chapter 327 of the laws of 2002, the opening para-
39 graph as amended by section 2 of part 0 of chapter 58 of the laws of
40 2006, is amended to read as follows:

41 (a) The board of trustees shall establish positions, departments,
42 divisions and faculties; appoint and in accordance with the provisions
43 of law fix salaries of instructional and non-instructional employees
44 therein; establish and conduct courses and curricula; prescribe condi-
45 tions of student admission, attendance and discharge; and shall have the
46 power to determine in its discretion whether tuition shall be charged
47 and to regulate tuition charges, and other instructional and non-in-
48 structional fees and other fees and charges at the educational units of
49 the city university. The trustees shall review any proposed community
50 college tuition increase and the justification for such increase. The
51 justification provided by the community college for such increase shall
52 include a detailed analysis of ongoing operating costs, capital, debt
53 service expenditures, and all revenues. The trustees shall not impose a
54 differential tuition charge based upon need or income. All students
55 enrolled in programs leading to like degrees at the senior colleges
56 shall be charged a uniform rate of tuition, except for differential

1 tuition rates based on state residency, AND COMMENCING WITH THE TWO
2 THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, NON-STATE RESIDENTS,
3 AND STUDENTS ENROLLED IN GRADUATE DEGREE PROGRAMS OR PROFESSIONAL DEGREE
4 PROGRAMS MAY BE CHARGED DIFFERING RATES OF ANNUAL TUITION BY CAMPUS AND
5 BY PROGRAM WITHIN A CAMPUS. PROVIDED, HOWEVER:

6 (I) NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR REGULATION TO
7 THE CONTRARY, FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC
8 YEAR, THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE
9 EMPOWERED, UPON THE RECOMMENDATION OF THE CHANCELLOR, TO INCREASE THE
10 GENERAL ANNUAL RATE OF TUITION BY A MAXIMUM OF TWO PERCENT OVER FINAL
11 TWO THOUSAND NINE--TWO THOUSAND TEN ANNUAL RATES OF TUITION;

12 (II) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
13 ACADEMIC YEAR, THE PRESIDENTS OF THE CITY UNIVERSITY OF NEW YORK: BARUCH
14 COLLEGE, THE CITY UNIVERSITY OF NEW YORK: BROOKLYN COLLEGE, THE CITY
15 UNIVERSITY OF NEW YORK: CITY COLLEGE, THE CITY UNIVERSITY OF NEW YORK:
16 HUNTER COLLEGE, AND THE CITY UNIVERSITY OF NEW YORK: QUEENS COLLEGE, IN
17 CONSULTATION WITH THE RESPECTIVE STUDENT GOVERNMENT, MAY RECOMMEND TO
18 THE CHANCELLOR, AND UPON RECOMMENDATION OF THE CHANCELLOR, THE TRUSTEES
19 SHALL BE AUTHORIZED TO IMPLEMENT, DIFFERING RATES OF ANNUAL TUITION
20 WITHIN EACH ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
21 THROUGH TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN FOR STATE RESIDENT
22 UNDERGRADUATE STUDENTS UPON THE BASIS OF CAMPUS AND PROGRAM WITHIN A
23 CAMPUS, PROVIDED THAT NO SUCH DIFFERENTIAL INCREASE SHALL EXCEED SEVEN
24 PERCENT IN EACH OF THE YEARS OUTLINED ABOVE, FOR STUDENTS WHO ARE NEW
25 YORK STATE RESIDENTS IN COURSES OF STUDY LEADING TO UNDERGRADUATE, GRAD-
26 UATE AND FIRST PROFESSIONAL DEGREES; PROVIDED, HOWEVER, THAT ON OR
27 BEFORE JUNE FIFTEENTH, TWO THOUSAND ELEVEN THE TRUSTEES SHALL PROMULGATE
28 GUIDELINES OUTLINING THE CRITERIA SUCH CAMPUS OR PROGRAM MUST MEET IN
29 ORDER TO QUALIFY FOR DIFFERENTIAL RATES. SUCH CRITERIA SHALL INCLUDE,
30 BUT NOT BE LIMITED TO, PROGRAM COST, PROGRAM MIX, NEED, COMPARISON WITH
31 PEER PROGRAMS OR CAMPUSES, ECONOMIC ELASTICITY, IMPACT ON ACCESS, FAIR-
32 NESS AND MEASURES TO ENSURE THAT STUDENTS ARE NOT STEERED TOWARD CERTAIN
33 COURSES OF STUDY BASED ON ABILITY TO PAY;

34 (III) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
35 ACADEMIC YEAR, THE PRESIDENT OF ANY SENIOR COLLEGE, IN CONSULTATION WITH
36 THE RESPECTIVE STUDENT GOVERNMENT, MAY RECOMMEND TO THE CHANCELLOR, AND
37 UPON RECOMMENDATION OF THE CHANCELLOR, THE TRUSTEES SHALL BE AUTHORIZED
38 TO IMPLEMENT, A GENERAL TUITION POLICY THAT SHALL APPLY IN A UNIFORM
39 MANNER TO ALL SENIOR COLLEGES TO INCREASE ANNUAL TUITION WITHIN EACH
40 ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE THROUGH TWO THOU-
41 SAND FOURTEEN--TWO THOUSAND FIFTEEN FOR RESIDENT UNDERGRADUATE STUDENTS
42 UP TO FOUR PERCENT IN EACH OF THE YEARS OUTLINED ABOVE;

43 (IV) TO THE EXTENT THAT THE CITY UNIVERSITY OF NEW YORK RATE OF ANNUAL
44 RESIDENT UNDERGRADUATE TUITION EXCEEDS THE MAXIMUM AWARD GIVEN UNDER
45 SECTION SIX HUNDRED SIXTY-SEVEN OF THIS TITLE IN THE TWO THOUSAND
46 TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR, A PORTION OF SUCH UNIVERSITY'S
47 TUITION REVENUE SHALL BE USED TO PROVIDE NEED BASED AID TO THOSE
48 STUDENTS WHO QUALIFY FOR ADMISSION AND WHO QUALIFY FOR SUCH MAXIMUM
49 AWARD. IN ADDITION, THERE SHALL BE A COMPREHENSIVE REVIEW OF THE TUITION
50 ASSISTANCE PROGRAM CONDUCTED BY THE HIGHER EDUCATION SERVICES CORPO-
51 RATION TO ASSESS CURRENT PARAMETERS AND FUTURE NEEDS. UPON COMPLETION,
52 THE HIGHER EDUCATION SERVICES CORPORATION SHALL SUBMIT A REPORT OF ITS
53 FINDINGS NO LATER THAN NOVEMBER THIRTIETH, TWO THOUSAND TEN TO THE
54 GOVERNOR, THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE
55 ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE HIGHER EDUCA-

1 TION COMMITTEE, AND THE CHAIR OF THE ASSEMBLY HIGHER EDUCATION COMMIT-
2 TEE; AND

3 (V) NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR REGULATION TO
4 THE CONTRARY, THE CITY UNIVERSITY SHALL RECEIVE SUFFICIENT APPROPRIATION
5 AUTHORITY TO ALLOW THE EXPENDITURE OF TUITION REVENUE EXPECTED TO BE
6 RECEIVED.

7 (A-1) The trustees shall further provide that the payment of tuition
8 and fees by any student who is not a resident of New York state, other
9 than a non-immigrant alien within the meaning of paragraph (15) of
10 subsection (a) of section 1101 of title 8 of the United States Code,
11 shall be paid at a rate or charge no greater than that imposed for
12 students who are residents of the state if such student:

13 (i) attended an approved New York high school for two or more years,
14 graduated from an approved New York high school and applied for attend-
15 ance at an institution or educational unit of the city university within
16 five years of receiving a New York state high school diploma; or

17 (ii) attended an approved New York state program for general equiv-
18 alency diploma exam preparation, received a general equivalency diploma
19 issued within New York state and applied for attendance at an institu-
20 tion or educational unit of the city university within five years of
21 receiving a general equivalency diploma issued within New York state; or

22 (iii) was enrolled in an institution or educational unit of the city
23 university in the fall semester or quarter of the two thousand one--two
24 thousand two academic year and was authorized by such institution or
25 educational unit to pay tuition at the rate or charge imposed for
26 students who are residents of the state.

27 A student without lawful immigration status shall also be required to
28 file an affidavit with such institution or educational unit stating that
29 the student has filed an application to legalize his or her immigration
30 status, or will file such an application as soon as he or she is eligi-
31 ble to do so. [The trustees shall not adopt changes in tuition charges
32 prior to the enactment of the annual budget.] The board of trustees may
33 accept as partial reimbursement for the education of veterans of the
34 armed forces of the United States who are otherwise qualified such sums
35 as may be authorized by federal legislation to be paid for such educa-
36 tion. The board of trustees may conduct on a fee basis extension courses
37 and courses for adult education appropriate to the field of higher
38 education. In all courses and courses of study it may, in its
39 discretion, require students to pay library, laboratory, locker, break-
40 age and other instructional and non-instructional fees and meet the cost
41 of books and consumable supplies. In addition to the foregoing fees and
42 charges, the board of trustees may impose and collect fees and charges
43 for student government and other student activities and receive and
44 expend them as agent or trustee.

45 S 5. Subdivision 8-b of section 355 of the education law is REPEALED.

46 S 6. Section 4 of the state finance law is amended by adding a new
47 subdivision 12 to read as follows:

48 12. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE MONEYS DEPOS-
49 ITED IN SPECIAL REVENUE FUNDS - OTHER APPROPRIATED FOR USE BY THE STATE
50 UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK SHALL BE
51 AVAILABLE FOR DISBURSEMENT WITHOUT A CERTIFICATE OF APPROVAL OR ALLO-
52 CATION.

53 S 7. Section 359 of the education law is amended by adding a new
54 subdivision 5 to read as follows:

55 5. ON OR BEFORE MARCH FIRST, ANNUALLY, FOR THE SIX MONTH PERIOD ENDING
56 THE PRECEDING DECEMBER THIRTY-FIRST, AND ON OR BEFORE SEPTEMBER FIRST,

FOR THE SIX MONTH PERIOD ENDING THE PRECEDING JUNE THIRTIETH, THE STATE UNIVERSITY SHALL PROVIDE TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND ASSEMBLY WAYS AND MEANS COMMITTEE AND THE DIRECTOR OF THE BUDGET A REPORT THAT SHALL INCLUDE THE FOLLOWING:

A. THE ALLOCATION BY THE STATE UNIVERSITY, BY STATE-OPERATED CAMPUS, SYSTEM ADMINISTRATION AND UNIVERSITY-WIDE PROGRAM, OF STATE AID APPROPRIATED TO THE STATE UNIVERSITY;

B. REVENUE RECEIVED BY EACH STATE-OPERATED CAMPUS FROM TUITION, FEES AND OTHER SOURCES AND ACTIVITIES OF THE STATE UNIVERSITY THAT ARE INTENDED TO BE SELF-SUPPORTING (I) WITH RESPECT TO TUITION REVENUE, BY PROGRAM OR DEGREE CATEGORY, (II) WITH RESPECT TO FEE REVENUE, BY A LISTING OF EACH FEE, THE AMOUNT THEREOF, AND AGGREGATE REVENUE PER FEE, AND (III) WITH RESPECT TO REVENUE DERIVED FROM OTHER SOURCES AND ACTIVITIES, BY A LISTING OF EACH SOURCE, AND THE AGGREGATE REVENUE DERIVED FROM EACH SOURCE;

C. EXPENDITURES MADE BY EACH STATE-OPERATED CAMPUS FOR PERSONAL SERVICE AND NON-PERSONAL SERVICE, AND (I) WITH RESPECT TO PERSONAL SERVICE, FOR PERSONAL SERVICE-REGULAR, TEMPORARY SERVICE AND HOLIDAY/OVERTIME COMPENSATION, AND (II) WITH RESPECT TO NON-PERSONAL SERVICE, BY SUPPLIES AND MATERIALS, TRAVEL, CONTRACTUAL SERVICES AND EQUIPMENT;

D. PROGRAMS AND ACTIVITIES THE STATE UNIVERSITY HAS FUNDED WITH TUITION REVENUE DERIVED FROM DIFFERING RATES OF TUITION UPON THE BASIS OF CAMPUS OR PROGRAM AUTHORIZED PURSUANT TO CLAUSE (I) OF SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE;

E. ENROLLMENT AT EACH STATE-OPERATED CAMPUS (I) IN THE AGGREGATE, AND (II) BY PROGRAM OR DEGREE CATEGORY AS SET FORTH IN SUBPARAGRAPH (I) OF PARAGRAPH B OF THIS SUBDIVISION; AND

F. SUCH OTHER INFORMATION AS THE DIRECTOR OF THE BUDGET SHALL REQUEST.

S 8. Section 352 of the education law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE STATE SHALL ANNUALLY APPROPRIATE AND PAY AN AMOUNT EQUAL TO AVAILABLE STATE SUPPORT FOR THE STATE UNIVERSITY. SUCH STATE PAYMENT SHALL BE MADE IN FOUR INSTALLMENTS, ON OR BEFORE THE FIRST WEEK OF JULY, OCTOBER, JANUARY AND APRIL.

S 9. Paragraph 4-a of subdivision A of section 6221 of the education law is REPEALED.

S 10. Section 6233 of the education law is amended by adding a new subdivision 4 to read as follows:

4. ON OR BEFORE MARCH FIRST, ANNUALLY, FOR THE SIX MONTH PERIOD ENDING THE PRECEDING DECEMBER THIRTY-FIRST, AND ON OR BEFORE SEPTEMBER FIRST, FOR THE SIX MONTH PERIOD ENDING THE PRECEDING JUNE THIRTIETH, THE CITY UNIVERSITY SHALL PROVIDE TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND ASSEMBLY WAYS AND MEANS COMMITTEE AND THE DIRECTOR OF THE BUDGET A REPORT THAT SHALL INCLUDE THE FOLLOWING:

A. THE ALLOCATION BY THE CITY UNIVERSITY, BY SENIOR COLLEGE CAMPUS, CENTRAL ADMINISTRATION AND UNIVERSITY-WIDE PROGRAMS, OF STATE AID APPROPRIATED TO THE CITY UNIVERSITY;

B. REVENUE RECEIVED BY EACH SENIOR COLLEGE CAMPUS FROM TUITION, FEES AND OTHER SOURCES AND ACTIVITIES OF THE CITY UNIVERSITY THAT ARE INTENDED TO BE SELF-SUPPORTING (I) WITH RESPECT TO TUITION REVENUE, BY PROGRAM OR DEGREE CATEGORY, (II) WITH RESPECT TO FEE REVENUE, BY A LISTING OF EACH FEE, THE AMOUNT THEREOF, AND AGGREGATE REVENUE PER FEE, AND (III) WITH RESPECT TO REVENUE DERIVED FROM OTHER SOURCES AND ACTIVITIES,

1 BY A LISTING OF EACH SOURCE, AND THE AGGREGATE REVENUE DERIVED FROM EACH
2 SOURCE;

3 C. EXPENDITURES MADE BY EACH SENIOR COLLEGE CAMPUS FOR PERSONAL
4 SERVICE AND NON-PERSONAL SERVICE, AND (I) WITH RESPECT TO PERSONAL
5 SERVICE, FOR PERSONAL SERVICE-REGULAR, TEMPORARY SERVICE AND
6 HOLIDAY/OVERTIME COMPENSATION, AND (II) WITH RESPECT TO NON-PERSONAL
7 SERVICE, BY SUPPLIES AND MATERIALS, TRAVEL, CONTRACTUAL SERVICES AND
8 EQUIPMENT;

9 D. PROGRAMS AND ACTIVITIES THE CITY UNIVERSITY HAS FUNDED WITH TUITION
10 REVENUE DERIVED FROM DIFFERING RATES OF TUITION UPON THE BASIS OF CAMPUS
11 OR PROGRAM AUTHORIZED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) OF
12 SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS ARTICLE;

13 E. ENROLLMENT AT EACH SENIOR COLLEGE CAMPUS (I) IN THE AGGREGATE, AND
14 (II) BY PROGRAM OR DEGREE CATEGORY AS SET FORTH IN SUBPARAGRAPH (I) OF
15 PARAGRAPH B OF THIS SUBDIVISION; AND

16 F. SUCH OTHER INFORMATION AS THE DIRECTOR OF THE BUDGET SHALL REQUEST.

17 S 11. Item (c) of subclause 1 of clause (A) of subparagraph (i) of
18 paragraph a of subdivision 3 of section 667 of the education law, as
19 amended by section 1 of part B of chapter 60 of the laws of 2000, is
20 amended to read as follows:

21 (c) For students first receiving aid in [the] two thousand--two thou-
22 sand one and thereafter, five thousand dollars[.] , UNLESS, COMMENCING
23 IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND THERE-
24 AFTER, THE ANNUAL RESIDENT UNDERGRADUATE TUITION AT EITHER THE STATE
25 UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK EXCEEDS SUCH
26 AMOUNT, IN WHICH CASE THE MAXIMUM BASIS ON WHICH TO COMPUTE A TUITION
27 ASSISTANCE PROGRAM AWARD PURSUANT TO THIS SUBDIVISION SHALL BE EQUAL TO
28 FIVE THOUSAND DOLLARS PLUS SIX-TENTHS THE DIFFERENCE BETWEEN THE HIGHEST
29 ANNUAL RESIDENT UNDERGRADUATE TUITION AT THE STATE UNIVERSITY OF NEW
30 YORK OR THE CITY UNIVERSITY OF NEW YORK, WHICHEVER IS HIGHER, AND FIVE
31 THOUSAND DOLLARS;

32 S 12. This act shall take effect immediately and shall expire and be
33 deemed repealed June 30, 2015.

34

PART B

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

38 a. (1) To take, hold and administer on behalf of the state university
39 or any institution therein, real and personal property or any interest
40 therein and the income thereof either absolutely or in trust for any
41 educational or other purpose within the jurisdiction and corporate
42 purposes of the state university. The trustees may acquire property for
43 such purposes by purchase, appropriation or lease and by the acceptance
44 of gifts, grants, bequests and devises, and, within appropriations made
45 therefor, may equip and furnish buildings and otherwise improve property
46 owned, used or occupied by the state university or any institution ther-
47 ein. THE TRUSTEES MAY ACQUIRE PROPERTY BY THE ACCEPTANCE OF CONDITIONAL
48 GIFTS, GRANTS, DEVISES OR BEQUESTS, THE PROVISIONS OF SECTION ELEVEN OF
49 THE STATE FINANCE LAW NOTWITHSTANDING. Where real property is to be
50 acquired by purchase or appropriation, such acquisition shall be in
51 accordance with the provisions of section three hundred seven of this
52 chapter except that the powers and duties in said section mentioned to
53 be performed by the commissioner [of education] shall be performed by
54 the state university trustees.

1 (2) THE PROVISIONS OF SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF
2 THE PUBLIC LANDS LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE
3 LEASE, TRANSFER OR CONVEYANCE, OTHER THAN CONVEYANCE OF TITLE, OF
4 STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY
5 OF NEW YORK AT BUFFALO, THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK,
6 THE STATE UNIVERSITY OF NEW YORK AT ALBANY AND THE STATE UNIVERSITY OF
7 NEW YORK AT BINGHAMTON, AND THE STATE UNIVERSITY HEALTH CARE FACILITIES,
8 UPON APPROVAL OF THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD
9 CREATED PURSUANT TO SECTION THREE HUNDRED SIXTY-ONE OF THIS ARTICLE. THE
10 FOREGOING NOTWITHSTANDING, THE TRUSTEES, UPON APPROVAL OF THE STATE
11 UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD, MAY PROVIDE FOR THE LEASE OF
12 SUCH REAL PROPERTY FOR PERIODS NOT TO EXCEED FIFTY YEARS IN SUPPORT OF
13 THE EDUCATIONAL AND OTHER CORPORATE PURPOSES OF THE STATE UNIVERSITY,
14 UNLESS THE SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION OF THE CAMPUS
15 TO WHICH IT RELATES, INCLUDING BUT NOT LIMITED TO, THE DEVELOPMENT AND
16 OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH CARE, RETAIL, FOOD
17 SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUSING, ENERGY, GOVERN-
18 MENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER AND RECREATIONAL
19 FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE OF NATURAL
20 RESOURCES; PROVIDED, HOWEVER, THAT WITH REGARD TO ANY SUCH LEASE, TRANS-
21 FER OR CONVEYANCE:

22 (I) SUCH LEASE OR AGREEMENT SHALL BE DEEMED A STATE CONTRACT FOR
23 PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, AND THE ENTITY
24 ENTERING INTO SUCH CONTRACT SHALL BE DEEMED A STATE AGENCY FOR PURPOSES
25 OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

26 (II) ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF
27 INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECON-
28 STRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR
29 IMPROVEMENT SHALL BE DEEMED A PUBLIC WORK AND SHALL BE SUBJECT TO AND
30 PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE
31 LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE
32 STATE, AND COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE
33 LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR OR
34 SUBCONTRACTOR ON THE PROJECT.

35 (III) THE LESSEE OR SUBLESSEE SHALL INDEMNIFY AND DEFEND THE STATE
36 UNIVERSITY OF NEW YORK AGAINST ALL CLAIMS, SUITS, ACTIONS AND LIABILITY
37 TO ALL PERSONS ARISING OUT OF THE LESSEE OR SUBLESSEE'S USE OR OCCUPANCY
38 OF THE DEMISED PREMISES.

39 (IV) NOTHING IN THE LEASE OR AGREEMENT SHALL BE DEEMED TO WAIVE OR
40 IMPAIR ANY RIGHTS OR BENEFITS OF EMPLOYEES OF THE STATE UNIVERSITY OF
41 NEW YORK THAT OTHERWISE WOULD BE AVAILABLE TO THEM PURSUANT TO THE TERMS
42 OF COLLECTIVE BARGAINING AGREEMENTS. ALL WORK PERFORMED ON THE DEMISED
43 PREMISES THAT ORDINARILY WOULD BE PERFORMED BY EMPLOYEES SUBJECT TO
44 ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SHALL CONTINUE TO BE PERFORMED
45 BY SUCH EMPLOYEES.

46 (V) UPON THE EXPIRATION OF THE LEASE OR AGREEMENT, THE DEMISED PREM-
47 ISES SHALL REVERT TO THE STATE UNIVERSITY OF NEW YORK.

48 (VI) IN THE EVENT THE DEMISED PREMISES SHALL CEASE TO BE USED FOR THE
49 PURPOSES DESCRIBED IN THE LEASE OR AGREEMENT, THE LEASE OR AGREEMENT
50 SHALL IMMEDIATELY TERMINATE, AND THE DEMISED PREMISES SHALL REVERT TO
51 THE STATE UNIVERSITY OF NEW YORK.

52 (VII) ANY CONTRACTS AWARDED OR ENTERED INTO BY A CAMPUS RELATED FOUN-
53 DATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT
54 CORPORATION OR ASSOCIATION ORGANIZED BY A STATE-OPERATED INSTITUTION TO
55 FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER
56 IS ANY OF THE FOREGOING ENTITIES, FOR CONSTRUCTION, RECONSTRUCTION,

1 RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPER-
2 ATED INSTITUTION, FOR ANY SINGLE CONSTRUCTION PROJECT EXCEEDING TEN
3 MILLION DOLLARS IN THE AGGREGATE, FOR WHICH MORE THAN TWENTY-FIVE
4 PERCENT OF SUCH AGGREGATE AMOUNT IS TO BE PAID FROM APPROPRIATIONS
5 FURNISHED BY EITHER THE STATE OF NEW YORK OR THE STATE UNIVERSITY, SUCH
6 CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR
7 EXPANSION AT THE STATE-OPERATED INSTITUTION SHALL BE UNDERTAKEN PURSUANT
8 TO A PROJECT LABOR AGREEMENT, AS DEFINED IN SUBDIVISION ONE OF SECTION
9 TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, PROVIDED A STUDY DONE BY OR FOR
10 THE CONTRACTING ENTITY DETERMINES THAT A PROJECT LABOR AGREEMENT WILL
11 BENEFIT SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION,
12 IMPROVEMENT OR EXPANSION THROUGH REDUCED RISK OF DELAY, POTENTIAL COST
13 SAVINGS OR POTENTIAL REDUCTION IN THE RISK OF LABOR UNREST IN LIGHT OF
14 ANY PERTINENT LOCAL HISTORY THEREOF. FOR PURPOSES OF APPLYING THE DOLLAR
15 THRESHOLDS SET FORTH IN THIS CLAUSE, THE TERM "SINGLE CONSTRUCTION
16 PROJECT" SHALL MEAN ANY CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHA-
17 BILITATION, IMPROVEMENT OR EXPANSION ACTIVITY ASSOCIATED WITH ONE OR
18 MORE BUILDINGS, STRUCTURES OR IMPROVEMENTS, INCLUDING ALL DIRECTLY
19 RELATED INFRASTRUCTURE AND SITE WORK IN CONTEMPLATION THEREOF, THAT ARE
20 FUNCTIONALLY INTERDEPENDENT.

21 (3) THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE
22 FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE,
23 LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE CUSTODY AND
24 CONTROL OF THE STATE UNIVERSITY IN SUCH MANNER AND UPON SUCH TERMS AS
25 THE TRUSTEES SHALL DETERMINE. THE PROVISIONS OF SECTION TWENTY-THREE OF
26 THE PUBLIC LANDS LAW AND SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE
27 FINANCE LAW NOTWITHSTANDING, THE PROCEEDS FROM THE SALE, LEASE, TRANSFER
28 OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE
29 STATE UNIVERSITY OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL
30 OF THE STATE UNIVERSITY SHALL BE RETAINED BY THE STATE UNIVERSITY.

31 S 2. The education law is amended by adding a new section 361 to read
32 as follows:

33 S 361. STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD; CREATION;
34 PROCEDURE. 1. CREATION. (A) THE STATE UNIVERSITY ASSET MAXIMIZATION
35 REVIEW BOARD ("THE BOARD") IS HEREBY CREATED TO HAVE AND EXERCISE THE
36 POWERS, DUTIES AND PREROGATIVES PROVIDED BY THE PROVISIONS OF THIS
37 SECTION AND ANY OTHER PROVISION OF LAW.

38 (B) THE VOTING MEMBERSHIP OF THE BOARD SHALL CONSIST OF THREE PERSONS
39 APPOINTED BY THE GOVERNOR, OF WHICH ONE SHALL BE UPON THE RECOMMENDATION
40 OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE UPON THE RECOMMENDATION
41 OF THE SPEAKER OF THE ASSEMBLY. UPON RECOMMENDATION OF THE NOMINATING
42 PARTY, THE GOVERNOR SHALL REPLACE ANY MEMBER IN ACCORDANCE WITH THE
43 PROVISION CONTAINED IN THIS SUBDIVISION FOR THE APPOINTMENT OF MEMBERS.
44 THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS TO SERVE AS CHAIRPERSON.
45 THE BOARD SHALL ACT BY UNANIMOUS VOTE OF THE MEMBERS OF THE BOARD;
46 PROVIDED, HOWEVER THAT WITHIN FORTY-FIVE DAYS OF RECEIPT OF AN APPLICA-
47 TION SPECIFIED IN PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION,
48 THE DESIGNATED BOARD CHAIRPERSON SHALL CONVENE A MEETING OF THE BOARD,
49 CONSISTING OF ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD PURSUANT TO
50 THIS PARAGRAPH AND PARAGRAPHS (C), (D) AND (E) OF THIS SUBDIVISION
51 PROVIDED, HOWEVER THAT ALL VOTING MEMBERS OR THEIR DESIGNEE MUST PARTIC-
52 IPATE TO APPROVE OR DENY AN APPLICATION. ANY DETERMINATION OF THE BOARD
53 SHALL BE EVIDENCED BY A CERTIFICATION THEREOF EXECUTED BY ALL THE
54 MEMBERS. EACH MEMBER OF THE BOARD SHALL BE ENTITLED TO DESIGNATE A
55 REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD ON THE DESIGNATING
56 MEMBER'S BEHALF, AND TO VOTE OR OTHERWISE ACT ON THE DESIGNATING

MEMBER'S BEHALF IN THE DESIGNATING MEMBER'S ABSENCE. NOTICE OF SUCH DESIGNATION SHALL BE FURNISHED IN WRITING TO THE BOARD BY THE DESIGNATING MEMBER. A REPRESENTATIVE SHALL SERVE AT THE PLEASURE OF THE DESIGNATING MEMBER DURING THE MEMBER'S TERM OF OFFICE. A REPRESENTATIVE SHALL NOT BE AUTHORIZED TO DELEGATE ANY OF HIS OR HER DUTIES OR FUNCTIONS TO ANY OTHER PERSON.

(C) THE GOVERNOR SHALL ALSO APPOINT TWO NON-VOTING MEMBERS TO THE BOARD OF WHICH ONE SHALL BE UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. EACH NON-VOTING MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(D) TWO EX-OFFICIO NON-VOTING MEMBERS OF THE BOARD SHALL BE THE STATE COMPTROLLER AND THE STATE ATTORNEY GENERAL. EACH EX-OFFICIO MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(E) TWO EX-OFFICIO NON-VOTING MEMBERS OF THE BOARD SHALL BE THE PRESIDENT OF THE AFL-CIO AND THE DIRECTOR OF THE DIVISION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES OF THE EMPIRE STATE DEVELOPMENT CORPORATION. EACH EX-OFFICIO MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(F) EVERY OFFICER, EMPLOYEE, OR MEMBER OF A GOVERNING BOARD OR OTHER BOARD OF ANY COLLEGE OR GROUP OR ASSOCIATION OF COLLEGES, AND EVERY NEW YORK STATE REGENT, EVERY OFFICER OR EMPLOYEE OF THE BOARD OF REGENTS OR THE DEPARTMENT AND EVERY TRUSTEE, OFFICER OR EMPLOYEE OF THE STATE UNIVERSITY OF NEW YORK SHALL BE INELIGIBLE FOR APPOINTMENT AS A MEMBER, REPRESENTATIVE, OFFICER, EMPLOYEE OR AGENT OF THE BOARD.

(G) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT SALARY OR PER DIEM ALLOWANCE BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES PURSUANT TO THIS SECTION OR OTHER PROVISION OF LAW, PROVIDED HOWEVER THAT SUCH MEMBERS AND REPRESENTATIVES ARE NOT, AT THE TIME SUCH EXPENSES ARE INCURRED, PUBLIC OFFICERS OR EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

(H) THE MEMBERS, THEIR REPRESENTATIVES, OFFICERS AND STAFF TO THE BOARD SHALL BE DEEMED EMPLOYEES WITHIN THE MEANING OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

2. POWERS, FUNCTIONS AND DUTIES OF THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD; LIMITATIONS. PURSUANT TO THIS CHAPTER, THE BOARD SHALL HAVE THE POWER AND IT SHALL BE ITS DUTY TO APPROVE OR DENY: (A) REQUESTS RECEIVED FROM THE TRUSTEES OF THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE, OTHER THAN THE CONVEYANCE OF TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY, AND (B) REQUESTS FROM THE TRUSTEES OF THE STATE UNIVERSITY TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY PARAGRAPH Z OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE.

3. (A) THE TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL SUBMIT, IN WRITING, AN APPLICATION TO ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD FOR THE LEASE, TRANSFER, CONVEYANCE, OTHER THAN THE CONVEYANCE OF TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OR NAMES OF THE PROSPECTIVE ENTITY FOR WHICH A LEASE OR AGREEMENT

1 SHALL BE ENTERED, THE GEOGRAPHICAL LOCATION AND PARCEL OF REAL PROPERTY
2 THAT WOULD BE UTILIZED, THE PERIOD OF TIME FOR WHICH THE LEASE, TRANSFER
3 OR CONVEYANCE IS TO BE EXECUTED AND ANY CONSIDERATION WHICH IS TO BE
4 GRANTED TO THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE OF
5 SUCH REAL PROPERTY. WHERE A LEASE AGREEMENT FOR STUDENT AND/OR FACULTY
6 HOUSING IS SUBMITTED TO THE BOARD FOR APPROVAL, IF APPLICABLE, THE BOARD
7 MAY TAKE INTO CONSIDERATION WHETHER THE AGREEMENT WOULD IMPACT OCCUPANCY
8 IN DORMITORIES FINANCED PURSUANT TO AGREEMENTS BETWEEN THE DORMITORY
9 AUTHORITY OF THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK OR
10 THE STATE UNIVERSITY CONSTRUCTION FUND. THE TRUSTEES SHALL ALSO FURNISH
11 ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS
12 OF THE REQUEST.

13 (B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL
14 HAVE NO MORE THAN FORTY-FIVE DAYS TO EVALUATE SUCH APPLICATION AND
15 RECORD A VOTE OF APPROVE OR DENY FOR EACH VOTING MEMBER OF THE BOARD.

16 (C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE
17 CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE
18 WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND
19 WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE
20 OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY
21 VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS
22 THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING,
23 ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A
24 VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE
25 DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE
26 A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL
27 MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE
28 APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR
29 TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE
30 APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION.
31 IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES
32 NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE
33 APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE
34 CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST
35 SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN
36 FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF
37 RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE
38 TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER
39 OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY
40 VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION,
41 THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE
42 APPLICATION.

43 (D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A
44 MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER
45 OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO
46 CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITE-
47 RIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE
48 CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOT-
49 MENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION
50 SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT
51 SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
52 PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE
53 NOTICE TO ALL MEMBERS OF THE BOARD.

54 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, ANY
55 ADVANCE NOTICE REQUIREMENTS MAY BE WAIVED UPON THE CONSENT OF ALL VOTING
56 MEMBERS OF THE BOARD.

1 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IF ANY
2 VOTING MEMBER CASTS A VOTE TO TABLE THE APPLICATION, NO OTHER VOTES
3 SHALL BE RECORDED UNTIL A SUBSEQUENT MEETING IS CONVENED. PROVIDED,
4 HOWEVER, THAT A VOTE TO TABLE THE APPLICATION SHALL NOT BE ALLOWABLE
5 AFTER THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION.

6 (G) ALL MEETINGS CONVENED BY THE BOARD SHALL BE SUBJECT TO THE OPEN
7 MEETINGS LAW, AND ANY VOTES RECORDED BY ANY VOTING MEMBER OF THE BOARD
8 SHALL BE MADE PUBLIC.

9 (H) UPON APPROVAL OF AN APPLICATION, THE TRUSTEES SHALL SUBMIT TO THE
10 BOARD PROOF OF COMPLIANCE WITH ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
11 AND UPON NON-COMPLIANCE, SHALL PROVIDE GOOD CAUSE SHOWN FOR SUCH
12 NON-COMPLIANCE. UPON REVIEW OF SUCH INFORMATION, THE BOARD SHALL REPORT
13 ITS FINDINGS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
14 THE ASSEMBLY, THE CHAIR OF ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR
15 OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE HIGHER EDUCATION
16 COMMITTEES IN BOTH HOUSES.

17 4. (A) THE TRUSTEES OF THE STATE UNIVERSITY SHALL SUBMIT, IN WRITING,
18 AN APPLICATION TO ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD TO
19 PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-
20 PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF
21 NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND
22 SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY PARAGRAPH Z OF
23 SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE. THE
24 APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OF THE ENTITY
25 WITH WHICH THE STATE UNIVERSITY SEEKS TO PARTICIPATE, THE TYPE OF LEGAL
26 ENTITY TO BE CREATED, AND THE TRANSACTION THAT THE STATE UNIVERSITY AND
27 THE OTHER PARTICIPANT SEEK TO UNDERTAKE. THE TRUSTEES SHALL ALSO FURNISH
28 INFORMATION RELATED TO THEIR PLANS TO ADVERTISE PROSPECTIVE PROJECTS IN
29 THE PROCUREMENT OPPORTUNITIES NEWSLETTER AND IN LOCAL NEWSPAPERS AND
30 TAKE ANY OTHER STEPS TO MAXIMIZE THE OPPORTUNITY FOR LOCAL BUSINESS
31 PARTICIPATION AND THE BOARD MAY REQUEST ANY OTHER INFORMATION THAT THE
32 BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS OF THE REQUEST.

33 (B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL
34 HAVE NO MORE THAN FORTY-FIVE DAYS TO EVALUATE SUCH APPLICATION AND
35 RECORD A VOTE OF APPROVE OR DENY FOR EACH VOTING MEMBER OF THE BOARD.

36 (C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE
37 CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE
38 WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND
39 WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE
40 OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY
41 VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS
42 THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING,
43 ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A
44 VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE
45 DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE
46 A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL
47 MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE
48 APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR
49 TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE
50 APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION.
51 IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES
52 NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE
53 APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE
54 CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST
55 SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN
56 FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF

1 RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE
2 TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER
3 OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY
4 VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION,
5 THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE
6 APPLICATION.

7 (D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A
8 MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER
9 OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO
10 CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITE-
11 RIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE
12 CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOT-
13 MENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION
14 SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT
15 SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
16 PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE
17 NOTICE TO ALL MEMBERS OF THE BOARD.

18 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, ANY
19 ADVANCE NOTICE REQUIREMENTS MAY BE WAIVED UPON THE CONSENT OF ALL VOTING
20 MEMBERS OF THE BOARD.

21 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IF ANY
22 VOTING MEMBER CASTS A VOTE TO TABLE THE APPLICATION, NO OTHER VOTES
23 SHALL BE RECORDED UNTIL A SUBSEQUENT MEETING IS CONVENED. PROVIDED,
24 HOWEVER, THAT A VOTE TO TABLE THE APPLICATION SHALL NOT BE ALLOWABLE
25 AFTER THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION.

26 (G) ALL MEETINGS CONVENED BY THE BOARD SHALL BE SUBJECT TO THE OPEN
27 MEETINGS LAW, AND ANY VOTES RECORDED BY ANY VOTING MEMBER OF THE BOARD
28 SHALL BE MADE PUBLIC.

29 (H) UPON APPROVAL OF AN APPLICATION, THE TRUSTEES SHALL SUBMIT TO THE
30 BOARD PROOF OF COMPLIANCE WITH ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
31 AND UPON NON-COMPLIANCE, SHALL PROVIDE GOOD CAUSE SHOWN FOR SUCH
32 NON-COMPLIANCE. UPON REVIEW OF SUCH INFORMATION, THE BOARD SHALL REPORT
33 ITS FINDINGS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
34 THE ASSEMBLY, THE CHAIR OF ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR
35 OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE HIGHER EDUCATION
36 COMMITTEES IN BOTH HOUSES.

37 5. INsofar AS THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE
38 PROVISIONS OF ANY LAW, GENERAL, SPECIAL OR LOCAL, THE PROVISIONS OF THIS
39 SECTION SHALL BE CONTROLLING, EXCEPT THAT NOTHING IN THIS SECTION SHALL
40 PRECLUDE THE STATE UNIVERSITY OF NEW YORK FROM ENTERING INTO CONTRACTS
41 OR AGREEMENTS OTHERWISE PERMITTED BY LAW WITHOUT BOARD APPROVAL.

42 S 3. Subdivision 2 of section 355 of the education law is amended by
43 adding two new paragraphs y and z to read as follows:

44 Y. TO LEASE OR MAKE AVAILABLE TO ANY OTHER PUBLIC OR PRIVATE FOR-PRO-
45 FIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVEL-
46 OPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF
47 THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
48 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, A
49 PORTION OF THE GROUNDS OR REAL PROPERTY OCCUPIED BY A STATE OPERATED
50 INSTITUTION AT ALBANY, BUFFALO, STONY BROOK, BINGHAMTON, OR AT ANY STATE
51 UNIVERSITY HEALTH CARE FACILITY FOR THE CONSTRUCTION, ACQUISITION,
52 RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF ACADEMIC BUILDINGS,
53 DORMITORIES OR OTHER FACILITIES THEREON AND FOR THE PURPOSE OF FACILI-
54 TATING SUCH CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR
55 IMPROVEMENT, TO ENTER INTO LEASES AND AGREEMENTS FOR THE USE OF ANY SUCH
56 ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY; PROVIDED, HOWEVER, THAT

1 NOTHING HEREIN CONTAINED SHALL AFFECT THE PROVISIONS OF ANY LEASE OR
2 AGREEMENT HERETOFORE EXECUTED BY THE STATE UNIVERSITY WITH THE DORMITORY
3 AUTHORITY. THE STATE UNIVERSITY TRUSTEES MAY ALSO ENTER INTO AGREEMENTS
4 AS THEY PERTAIN TO THE STATE UNIVERSITY OF NEW YORK AT ALBANY, THE STATE
5 UNIVERSITY OF NEW YORK AT BUFFALO, THE STATE UNIVERSITY OF NEW YORK AT
6 STONY BROOK AND THE STATE UNIVERSITY OF NEW YORK AT BINGHAMTON, OR ANY
7 STATE UNIVERSITY HEALTH CARE FACILITY WITH ANY OTHER PUBLIC OR PRIVATE
8 FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL
9 DEVELOPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN
10 OF THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGEN-
11 CY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, TO
12 FURNISH HEAT FROM A CENTRAL HEATING PLANT TO ANY ACADEMIC BUILDING,
13 DORMITORY OR OTHER FACILITY ERECTED BY THEM OR WITH MONEYS SUPPLIED BY
14 THEM.

15 Z. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS AT THE STATE
16 UNIVERSITY OF NEW YORK AT ALBANY, THE STATE UNIVERSITY OF NEW YORK AT
17 BUFFALO, THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK AND THE STATE
18 UNIVERSITY OF NEW YORK AT BINGHAMTON, AND IN SUPPORT OF THE CORPORATE
19 PURPOSES OF THE STATE UNIVERSITY, TO PARTICIPATE IN JOINT AND COOPER-
20 ATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTITIES AS
21 PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPORATIONS,
22 MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS
23 CORPORATIONS. THE STATE UNIVERSITY'S PARTICIPATION SHALL BE SUBJECT TO
24 GUIDELINES OF THE STATE UNIVERSITY WITH RESPECT TO CONFLICTS OF INTEREST
25 AND TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE APPLICABLE
26 PROVISIONS OF AGREEMENTS BETWEEN THE STATE AND EMPLOYEE ORGANIZATIONS
27 PURSUANT TO SUCH ARTICLE FOURTEEN. NOTWITHSTANDING ANY INCONSISTENT
28 PROVISION IN SECTION EIGHT OF THE COURT OF CLAIMS ACT, THE STATE UNIVER-
29 SITY MAY INCLUDE IN A CONTRACT RELATING TO SUCH PARTICIPATION, OTHER
30 THAN A CONTRACT WITH STATE EMPLOYEES RELATING TO TERMS AND CONDITIONS OF
31 THEIR EMPLOYMENT, A PROVISION THAT SOME OR ALL DISPUTES ARISING UNDER OR
32 RELATED TO SUCH CONTRACT SHALL BE RESOLVED BY BINDING ARBITRATION IN
33 ACCORDANCE WITH THE RULES OF A NATIONALLY-RECOGNIZED ARBITRATION ASSOCI-
34 ATION. NOTHING CONTAINED IN THE PUBLIC OFFICERS LAW OR IN ANY OTHER LAW,
35 RULE OR REGULATION SHALL BE CONSTRUED OR APPLIED TO PROHIBIT STATE
36 UNIVERSITY OFFICERS AND EMPLOYEES FROM ENGAGING IN ACTIVITIES FOR WHICH
37 NO COMPENSATION IS PAID AS DESIGNEES OF THE STATE UNIVERSITY IN
38 CONNECTION WITH SUCH JOINT AND COOPERATIVE ARRANGEMENTS, INCLUDING SERV-
39 ING AS DESIGNEES OF THE STATE UNIVERSITY AS DIRECTORS ON BOARDS OR OTHER
40 GOVERNING BODIES OF CORPORATIONS OR OTHER ENTITIES.

41 S 4. Subdivisions 8 and 12 of section 373 of the education law, as
42 added by chapter 251 of the laws of 1962, are amended to read as
43 follows:

44 8. (A) To design, construct, acquire, reconstruct, rehabilitate and
45 improve academic buildings, dormitories and other facilities for the
46 state university [in accordance with sections three hundred seventy-five
47 and three hundred seventy-six of this chapter] USING ANY PROJECT DELIV-
48 ERY METHOD, INCLUDING BUT NOT LIMITED TO, DESIGN, BID, BUILD,
49 DESIGN/BUILD, OR CONSTRUCTION MANAGER AT RISK, THAT WILL ASSIST THE FUND
50 IN FULFILLING ITS PURPOSES UNDER SECTION THREE HUNDRED SEVENTY-TWO OF
51 THIS ARTICLE, PROVIDED THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR
52 ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR SUCH CONSTRUCTION,
53 DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENO-
54 VATION, ALTERATION OR IMPROVEMENTS SHALL BE DEEMED PUBLIC WORK AND SHALL
55 BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE
56 EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A

1 CONTRACT OF THE STATE. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE
2 EIGHT OF THE LABOR LAW AND ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW SHALL
3 BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON
4 THE PROJECT. IN NO EVENT SHALL MORE THAN FIFTEEN PERCENT OF THE TOTAL
5 ANNUAL COST OF ALL STATE UNIVERSITY CAPITAL PROJECTS BE AWARDED FOR
6 PROJECTS THAT USE A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID,
7 BUILD.

8 (B) THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION NOTWITHSTAND-
9 ING, THE AUTHORITY OF THE FUND TO USE A PROJECT DELIVERY METHOD OTHER
10 THAN DESIGN, BID, BUILD SHALL EXPIRE WITH RESPECT TO ANY PROJECT INITI-
11 ATED SUBSEQUENT TO JUNE THIRTIETH, TWO THOUSAND EIGHTEEN. NO LATER THAN
12 DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN THE FUND SHALL SUBMIT TO
13 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
14 THE ASSEMBLY A REPORT DESCRIBING THE EFFICACY OF THE FUND'S USE OF
15 PROJECT DELIVERY METHODS OTHER THAN DESIGN, BID, BUILD. COMMENTS, IF
16 ANY, OF THE NEW YORK STATE BUILDING AND CONSTRUCTION TRADES COUNCIL
17 SHALL BE INCLUDED IN SUCH REPORT.

18 (C) WITH RESPECT TO ANY PROJECT BY THE FUND FOR WHICH A PROJECT DELIV-
19 ERY METHOD OTHER THAN DESIGN, BID, BUILD IS PROPOSED, THE PROJECT SHALL
20 BE UNDERTAKEN PURSUANT TO A PROJECT LABOR AGREEMENT, AS DEFINED IN
21 SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW.
22 UNLESS THE FUND DETERMINES, UPON THE BASIS OF A STUDY DONE BY OR FOR THE
23 CONTRACTING ENTITY BY A QUALIFIED ENTITY ACCEPTABLE TO THE FUND, THAT
24 THE FUND'S INTEREST IN OBTAINING THE BEST WORK AT THE LOWEST POSSIBLE
25 PRICE, PREVENTING FAVORITISM, FRAUD AND CORRUPTION, AND OTHER CONSIDER-
26 ATIONS SUCH AS THE IMPACT OF DELAY, THE POSSIBILITY OF COST SAVINGS
27 ADVANTAGES, AND ANY LOCAL HISTORY OF LABOR UNREST, ARE BEST MET BY
28 REQUIRING A PROJECT LABOR AGREEMENT, THE FUND SHALL NOT UNDERTAKE THE
29 PROJECT USING A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD;

30 12. To [make] PROCURE and execute contracts, lease agreements, and all
31 other instruments necessary or convenient for the exercise of its corpo-
32 rate powers and the fulfillment of its corporate purposes under this
33 article. NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE
34 LAW OR ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND PROCUREMENTS SHALL
35 BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY ADOPTED BY
36 THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF TITLE FOUR
37 OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW EXCEPT SECTION
38 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW;

39 S 5. Subdivisions 2 and 8 of section 376 of the education law, as
40 added by chapter 251 of the laws of 1962, the opening paragraph and
41 paragraph a of subdivision 8 as amended by chapter 877 of the laws of
42 1990 and paragraph f of subdivision 8 as added by chapter 769 of the
43 laws of 1978, are amended to read as follows:

44 2. The fund may construct, acquire, reconstruct, rehabilitate and
45 improve such facilities, other than dormitories, by its own employees,
46 by agreement with a state retirement system or any state agency author-
47 ized to perform such work, or by contract awarded pursuant to subdivi-
48 sion eight of this section. IF THE FUND AND THE STATE UNIVERSITY ENTER
49 INTO AN AGREEMENT WHEREBY THE STATE UNIVERSITY IS AUTHORIZED BY THE FUND
50 TO CONSTRUCT, ACQUIRE, RECONSTRUCT, REHABILITATE AND IMPROVE SUCH FACIL-
51 ITIES, SUCH AGREEMENT MAY ALLOW THE STATE UNIVERSITY TO USE THE SAME
52 PROJECT DELIVERY METHODS CONTAINED IN SUBDIVISION EIGHT OF SECTION THREE
53 HUNDRED SEVENTY-THREE OF THIS CHAPTER.

54 8. All contracts which are to be awarded pursuant to this subdivision
55 shall be awarded by public letting in accordance with the following
56 provisions, notwithstanding any contrary provision of section ONE

1 HUNDRED TWELVE, one hundred thirty-five, one hundred thirty-six, one
2 hundred thirty-nine or one hundred forty of the state finance law OR ANY
3 OTHER LAW, provided, however, that where the estimated expense of any
4 contract which may be awarded pursuant to this subdivision is less than
5 TWO HUNDRED fifty thousand dollars, a performance bond and a bond for
6 the payment of labor and material may, in the discretion of the fund,
7 not be required, and except that in the discretion of the fund, a
8 contract may be entered into for such purposes without public letting
9 where the estimated expense thereof is less than twenty thousand
10 dollars, or where in the judgment of the fund an emergency condition
11 exists as a result of damage to an existing academic building, dormitory
12 or other facility which has been caused by an act of God, fire or other
13 casualty, or any other unanticipated, sudden and unexpected occurrence,
14 that has resulted in damage to or a malfunction in an existing academic
15 building, dormitory or other facility and involves a pressing necessity
16 for immediate repair, reconstruction or maintenance in order to permit
17 the safe continuation of the use or function of such facility, or to
18 protect the facility or the life, health or safety of any person, and
19 the nature of the work is such that in the judgment of the fund it would
20 be impractical and against the public interest to have public letting;
21 provided, however, that the fund, prior to awarding a contract hereunder
22 because of an emergency condition notify the comptroller of its intent
23 to award such a contract:

24 a. [If contracts are to be publicly let, the] THE letting agency shall
25 advertise the invitation to bid OR THE REQUEST FOR PROPOSALS in [a news-
26 paper published in the city of Albany and in] such [other newspapers]
27 NEWSPAPER as will be most likely in its opinion to give adequate notice
28 to contractors of the work required [and of the invitation to bid]
29 provided, however, that where the estimated expense of any contract
30 which may be awarded pursuant to this subdivision is less than TWO
31 HUNDRED fifty thousand dollars, the letting agency may advertise the
32 invitation to bid solely through the procurement opportunities newslet-
33 ter published pursuant to section one hundred forty-two of the economic
34 development law. The invitation to bid OR REQUEST FOR PROPOSALS shall
35 contain such information as the letting agency shall deem appropriate
36 [and a statement of the time and place where all bids received pursuant
37 to such notice will be publicly opened and read].

38 b. The letting agency shall not award any contract after public
39 bidding except to the lowest bidder who in its opinion is qualified to
40 perform the work required and is responsible and reliable. The letting
41 agency may, however, reject any or all bids, again advertise for bids,
42 or waive any informality in a bid if it believes that the public inter-
43 est will be promoted thereby.

44 c. The invitation to bid, REQUEST FOR PROPOSALS and the contract
45 awarded shall contain such other terms and conditions, and such
46 provisions for penalties, as the letting agency may deem desirable.

47 d. [The form of any] ANY contract awarded pursuant to this subdivision
48 shall [be approved by the attorney general and by the comptroller and
49 shall] contain a clause that the contract shall be deemed executory to
50 the extent of the moneys available and that no liability shall be
51 incurred by the fund beyond the moneys available therefor.

52 e. The letting agency shall require such deposits, bonds and security
53 in connection with the submission of bids OR REQUEST FOR PROPOSALS, the
54 award of contracts and the performance of work as it shall determine to
55 be in the public interest and for the protection of the state, the state
56 university, the fund and the letting agency.

1 f. Notwithstanding the provisions of any other law to the contrary,
2 all contracts for public work awarded by the state university
3 construction fund pursuant to this subdivision shall be in accordance
4 with section one hundred thirty-nine-f of the state finance law.

5 S 6. Paragraph (b) of subdivision 2 of section 1676 of the public
6 authorities law is amended by adding three new undesignated paragraphs
7 to read as follows:

8 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
9 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
10 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
11 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE
12 RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH
13 IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE
14 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
15 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
16 HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES
17 OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY,
18 CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUCTURE
19 ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL,
20 HEALTH OR RESEARCH PROGRAMS OF THE STATE UNIVERSITY OF NEW YORK, INCLUD-
21 ING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIP-
22 MENT.

23 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
24 STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY
25 SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY
26 COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE
27 EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND
28 WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL
29 REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS
30 ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY
31 COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN,
32 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING
33 AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY,
34 STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILD-
35 ING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY,
36 BUILDING OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE
37 ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE LOCALLY SPONSORED
38 COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND
39 RELATED FACILITIES AND EQUIPMENT.

40 A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN,
41 CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUS-
42 ING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES
43 AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF
44 AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

45 S 7. Subdivision 1 of section 1680 of the public authorities law is
46 amended by adding three new undesignated paragraphs to read as follows:

47 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
48 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
49 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
50 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE
51 RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH
52 IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE
53 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
54 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
55 HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES
56 OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY,

1 CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE
2 ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL,
3 HEALTH OR RESEARCH PROGRAMS FOR THE STATE UNIVERSITY OF NEW YORK,
4 INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND
5 EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN
6 PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE STATE UNIVER-
7 SITY OF NEW YORK; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF
8 LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE STATE
9 UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY CONSTRUCTION FUND ARE
10 HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS
11 WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE
12 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
13 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
14 PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO,
15 PROVIDING FOR THE CONVEYANCE OF STATE-OWNED PROPERTY UNDER THE JURISDIC-
16 TION OF THE STATE UNIVERSITY TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT
17 THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE
18 RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES,
19 PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY
20 TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF
21 ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER,
22 THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF
23 INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECON-
24 STRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR
25 IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND
26 PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE
27 LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE
28 STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A
29 STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
30 AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A
31 COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE
32 EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE,
33 CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFI-
34 CERS ARE HEREBY AUTHORIZED TO PAY ALL FUNDS SO ASSIGNED AND PLEDGED TO
35 THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORI-
36 TY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE.
37 NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR THE
38 STATE UNIVERSITY CONSTRUCTION FUND SHALL TAKE ANY ACTION IN SUCH MANNER
39 AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE AUTHORITY PURSU-
40 ANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY
41 INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

42 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
43 STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY
44 SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY
45 COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE
46 EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND
47 WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL
48 REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS
49 ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY
50 COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN,
51 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING
52 AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY,
53 STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILD-
54 ING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILD-
55 ING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING
56 THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE LOCALLY

1 SPONSORED COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT
2 AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT
3 PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE
4 APPROVED BY THE BOARD OF TRUSTEES OF THE LOCALLY SPONSORED COMMUNITY
5 COLLEGE; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO
6 THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE LOCALLY SPONSORED
7 COMMUNITY COLLEGE AND THE LOCAL SPONSOR ARE HEREBY AUTHORIZED TO TAKE
8 SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY
9 AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING,
10 ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION,
11 IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS
12 PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE
13 OF PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES
14 OF THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE NOT-FOR-PROFIT ENTITY;
15 OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY
16 MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT
17 SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE
18 DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE
19 AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARA-
20 GRAPH; PROVIDED FURTHER, ALL WORK PERFORMED ON A PROJECT WHERE ALL OR
21 ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION,
22 DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENO-
23 VATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL
24 BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE
25 EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A
26 CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL
27 ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF
28 THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND
29 SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE
30 PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY
31 LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL
32 STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL SUCH FUNDS SO
33 ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION
34 OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY
35 BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE LOCAL SPONSOR
36 NOR THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL TAKE ANY ACTION IN
37 SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE
38 AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR
39 OTHER SECURITY INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

40 A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN,
41 CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUS-
42 ING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES
43 AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF
44 AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

45 S 8. Section 6304 of the education law is amended by adding a new
46 subdivision 14 to read as follows:

47 14. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE
48 DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND
49 ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED,
50 CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE
51 PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE
52 PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS,
53 MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A COMMUNITY
54 COLLEGE.

55 B. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A COMMUNITY
56 COLLEGE IS AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREE-

1 MENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE
2 THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
3 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A
4 COMMUNITY COLLEGE DORMITORY, INCLUDING, BUT NOT LIMITED TO, PROVIDING
5 FOR THE LEASING OR OTHERWISE MAKING AVAILABLE TO THE DORMITORY AUTHORITY
6 REAL PROPERTY HELD BY THE LOCAL SPONSOR IN TRUST FOR THE USES AND
7 PURPOSES OF THE COMMUNITY COLLEGE; OR (II) GRANT THE DORMITORY AUTHORITY
8 A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE
9 COMMUNITY COLLEGE DERIVED FROM THE OPERATIONS OF THE PROJECT BEING
10 FINANCED TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE
11 PLEDGED BY THE COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY TO SECURE
12 THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY
13 COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION;
14 PROVIDED, FURTHER, THAT ANY SUCH AGREEMENTS MAY PROVIDE THAT THE OBLI-
15 GATION OF THE COMMUNITY COLLEGE TO MAKE RENTAL OR OTHER PAYMENTS TO THE
16 DORMITORY AUTHORITY SHALL CONSTITUTE A GENERAL OBLIGATION OF THE COMMU-
17 NITY COLLEGE PAYABLE FROM ALL MONIES LEGALLY AVAILABLE TO THE COMMUNITY
18 COLLEGE (INCLUDING AMOUNTS PROVIDED FOR OPERATING AID BY THE LOCAL SPON-
19 SOR OR SPONSORS TO THE COMMUNITY COLLEGE PURSUANT TO SUBDIVISION ONE OF
20 THIS SECTION OR AMOUNTS PROVIDED FOR OPERATING AID BY THE STATE TO THE
21 COMMUNITY COLLEGE); AND PROVIDED FURTHER, THAT ALL WORK PERFORMED ON A
22 COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION
23 WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR
24 CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION,
25 REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC
26 WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE
27 PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN
28 THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORM-
29 ING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF
30 ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF
31 SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE
32 WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE
33 REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE
34 PROJECT. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED AND
35 REQUIRED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY
36 AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY
37 TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE
38 OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR A LOCAL SPONSOR SHALL
39 TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND
40 REMEDIES OF THE DORMITORY AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND
41 ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO
42 THIS SUBDIVISION.

43 C. A LOCAL SPONSOR IS AUTHORIZED TO LEASE OR OTHERWISE MAKE AVAILABLE
44 TO THE DORMITORY AUTHORITY FOR THE PURPOSES SET FORTH IN THIS SUBDIVI-
45 SION REAL PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND
46 PURPOSES OF THE COMMUNITY COLLEGE.

47 D. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NEITHER A
48 LOCAL SPONSOR NOR THE STATE OF NEW YORK SHALL BE REQUIRED TO PROVIDE A
49 SHARE OF THE CAPITAL COSTS OF A COMMUNITY COLLEGE DORMITORY. THE
50 PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY PROJECT FOR WHICH
51 THE STATE APPROPRIATES FUNDS PURSUANT TO SUBDIVISION EIGHT OF THIS
52 SECTION.

53 S 9. Section 1680 of the public authorities law is amended by adding a
54 new subdivision 41 to read as follows:

55 41. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE
56 DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND

1 ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED,
2 CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE
3 PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE
4 PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS,
5 MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A LOCALLY
6 SPONSORED COMMUNITY COLLEGE.

7 B. THE DORMITORY AUTHORITY IS HEREBY EMPOWERED AND AUTHORIZED TO ENTER
8 INTO A LEASE OR OTHER AGREEMENT WITH A LOCALLY SPONSORED COMMUNITY
9 COLLEGE TO FINANCE, REFINANCE, ACQUIRE, DESIGN, CONSTRUCT, RECONSTRUCT,
10 REHABILITATE, IMPROVE, FURNISH AND EQUIP ONE OR MORE COMMUNITY COLLEGE
11 DORMITORIES. SUCH LEASE OR OTHER AGREEMENT MAY PROVIDE FOR THE PAYMENT
12 OF ANNUAL RENTALS AND OTHER PAYMENTS BY THE LOCALLY SPONSORED COMMUNITY
13 COLLEGE TO THE DORMITORY AUTHORITY AND CONTAIN SUCH OTHER TERMS AND
14 CONDITIONS AS MAY BE AGREED UPON BY THE PARTIES THERETO, INCLUDING BUT
15 NOT LIMITED TO PROVISIONS RELATING TO THE MAINTENANCE AND OPERATION OF
16 THE COMMUNITY COLLEGE DORMITORIES, THE ESTABLISHMENT OF RESERVE FUNDS,
17 INDEMNITIES AND THE DISPOSITION OF A COMMUNITY COLLEGE DORMITORY OR THE
18 INTEREST OF THE AUTHORITY THEREIN PRIOR TO OR UPON THE TERMINATION OR
19 EXPIRATION OF SUCH LEASE OR OTHER AGREEMENT.

20 C. IN THE EVENT OF A FAILURE OF A LOCALLY SPONSORED COMMUNITY COLLEGE
21 TO PAY THE DORMITORY AUTHORITY WHEN DUE ALL OR PART OF AMOUNTS PAYABLE
22 BY THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY
23 PURSUANT TO A LEASE OR AGREEMENT AUTHORIZED BY THIS SUBDIVISION, THE
24 DORMITORY AUTHORITY SHALL FORTHWITH MAKE AND DELIVER TO THE STATE COMP-
25 TROLLER A CERTIFICATE STATING THE AMOUNT OF THE PAYMENT REQUIRED TO HAVE
26 BEEN MADE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, THE AMOUNT PAID BY
27 THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE AMOUNT REMAINING UNPAID
28 BY THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE STATE COMPTROLLER, AFTER
29 GIVING WRITTEN NOTICE TO THE DIRECTOR OF THE BUDGET, SHALL PAY TO THE
30 DORMITORY AUTHORITY THE AMOUNT SET FORTH IN SUCH CERTIFICATE AS REMAIN-
31 ING UNPAID, WHICH AMOUNT SHALL BE PAID FROM ANY MONIES APPROPRIATED BY
32 THE STATE FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPON-
33 SORED COMMUNITY COLLEGE AND NOT YET PAID. THE AMOUNT REQUIRED TO BE PAID
34 BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH SHALL BE PAID TO THE
35 DORMITORY AUTHORITY AS SOON AS PRACTICABLE AFTER RECEIPT OF THE CERTIF-
36 ICATE OF THE DORMITORY AUTHORITY AND NOTICE TO THE DIRECTOR OF THE BUDG-
37 ET IS GIVEN, WHETHER OR NOT THE MONEYS FROM WHICH SUCH PAYMENT IS TO BE
38 MADE ARE THEN DUE AND PAYABLE TO THE LOCALLY SPONSORED COMMUNITY
39 COLLEGE. THE AMOUNT OF STATE APPROPRIATIONS PAYABLE TO THE LOCALLY SPON-
40 SORED COMMUNITY COLLEGE FROM WHICH THE STATE COMPTROLLER HAS MADE A
41 PAYMENT PURSUANT TO THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT SO
42 PAID TO THE DORMITORY AUTHORITY, NOTWITHSTANDING THE AMOUNT APPROPRIATED
43 AND APPORTIONED BY THE STATE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE,
44 AND THE STATE SHALL NOT BE OBLIGATED TO MAKE AND THE LOCALLY SPONSORED
45 COMMUNITY COLLEGE SHALL NOT BE ENTITLED TO RECEIVE ANY ADDITIONAL APPOR-
46 TIONMENT OR PAYMENT OF STATE MONEYS. NOTHING CONTAINED IN THIS SUBDIVI-
47 SION SHALL BE CONSTRUED TO CREATE AN OBLIGATION UPON THE STATE TO APPRO-
48 PRIATE MONEYS FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY
49 SPONSORED COMMUNITY COLLEGE, TO PRECLUDE THE STATE FROM REDUCING THE
50 AMOUNT OF MONEYS APPROPRIATED OR LEVEL OF SUPPORT PROVIDED FOR THE OPER-
51 ATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM THE AMOUNT
52 APPROPRIATED OR LEVEL OF SUPPORT PROVIDED IN ANY PRIOR FISCAL YEAR, OR
53 TO PRECLUDE THE STATE FROM ALTERING OR MODIFYING THE MANNER IN WHICH IT
54 PROVIDES FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY
55 COLLEGE.

D. THE PROVISIONS OF THIS SUBDIVISION SHALL BE IN ADDITION TO ANY AUTHORIZATION CONTAINED IN THIS TITLE GOVERNING THE PROVISION OF FACILITIES BY THE DORMITORY AUTHORITY FOR THE LOCAL SPONSOR OF A LOCALLY SPONSORED COMMUNITY COLLEGE, AND ALL PROVISIONS OF THIS TITLE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE APPLICABLE WITH RESPECT TO ANY BONDS OF THE AUTHORITY ISSUED TO OBTAIN FUNDS FOR ANY PURPOSE AUTHORIZED UNDER THIS SUBDIVISION FOR THE BENEFIT OF A LOCALLY SPONSORED COMMUNITY COLLEGE AND WITH RESPECT TO THE POWERS OF THE DORMITORY AUTHORITY.

S 10. Subdivision 12 of section 3 of the public buildings law, as amended by section 48 of part T of chapter 57 of the laws of 2007, is amended to read as follows:

12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, but may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers, OTHER THAN THE STATE UNIVERSITY OF NEW YORK, within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of the commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed.

S 11. This act shall take effect immediately; provided, however, that sections one through nine of this act shall expire and be deemed repealed June 30, 2015, provided that the amendments to subdivision 12 of section 3 of the public buildings law made by section ten of this act shall take effect on the same date as the reversion of such subdivision as provided in subdivision 4 of section 27 of chapter 95 of the laws of 2000, as amended.

PART C

Section 1. Subdivisions 5 and 6 of section 355 of the education law, subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a of subdivision 5 as amended by chapter 682 of the laws of 2007, paragraph c of subdivision 5 as added by chapter 103 of the laws of 1989, paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997 and subdivision 6 as amended by chapter 554 of the laws of 1985, are amended to read as follows:

5. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND THREE of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one, AND one hundred sixty-three [and one hundred seventy-four] 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 to:

1 a. (i) purchase materials, equipment and supplies, including computer
2 equipment and motor vehicles[, where the amount for a single purchase
3 does not exceed twenty thousand dollars], (ii) execute contracts for
4 [services and] construction, CONSTRUCTION-RELATED contracts [to an
5 amount not exceeding twenty thousand dollars] AND CONTRACTS FOR COMPUTER
6 TECHNOLOGY AND LEASES, LICENSES, PERMITS AND CONTRACTS FOR THE PURCHASE
7 OR SALE OF REAL PROPERTY, and (iii) contract for printing [to an amount
8 not exceeding five thousand dollars], without prior approval by any
9 other state officer or agency, but subject to rules and regulations of
10 the state comptroller not otherwise inconsistent with the provisions of
11 this section and in accordance with [the rules and regulations] GUIDE-
12 LINES promulgated by the state university board of trustees after
13 consultation with the state comptroller. [In addition, the trustees,
14 after consultation with the commissioner of general services, are
15 authorized to annually negotiate with the state comptroller increases in
16 the aforementioned dollar limits and the exemption of any articles,
17 categories of articles or commodities from these limits. Rules and
18 regulations] CONTRACTS FOR SERVICES, OTHER THAN CONTRACTS FOR
19 CONSTRUCTION AND CONSTRUCTION-RELATED SERVICES, SHALL BE SUBJECT TO THE
20 APPROVAL OF THE STATE COMPTROLLER IN ACCORDANCE WITH THE PROVISIONS AND
21 DOLLAR THRESHOLD OF SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE OF THE
22 STATE FINANCE LAW; PROVIDED, THAT THE TRUSTEES ARE AUTHORIZED TO NEGOTI-
23 ATE ANNUALLY WITH THE STATE COMPTROLLER INCREASES IN THE DOLLAR THRESH-
24 OLD FOR CONTRACTS FOR SERVICES. THE GUIDELINES promulgated by the state
25 university board of trustees shall, to the extent practicable, require
26 that competitive proposals be solicited for purchases, and shall include
27 requirements that purchases and contracts authorized under this section
28 be at the lowest available price, including consideration of prices
29 available through other state agencies, consistent with quality require-
30 ments, and as will best promote the public interest. Such purchases may
31 be made directly from any contractor pursuant to any contract for
32 commodities let by the office of general services or any other state
33 agency;

34 b. to establish cash advance accounts for the purpose of purchasing
35 materials, supplies, or services, for cash advances for travel expenses
36 and per diem allowances, or for advance payment of wages and salary. The
37 account may be used to purchase such materials, supplies, or services
38 where the amount of a single purchase does not exceed [two hundred
39 fifty] ONE THOUSAND dollars, in accordance with such guidelines as shall
40 be prescribed by the state university trustees after consultation with
41 the state comptroller.

42 c. establish guidelines in consultation with the commissioner of
43 general services authorizing participation by the state university in
44 programs administered by the office of general services for the purchase
45 of available New York state food products. The commissioner of general
46 services shall provide assistance to the state university necessary to
47 enable the university to participate in these programs.

48 [d. (1) Award contract extensions for campus transportation without
49 competitive bidding where such contracts were secured either through
50 competitive bidding or through evaluation of proposals in response to a
51 request for proposals pursuant to subparagraph (2) of this paragraph,
52 however such extensions may be rejected if the amount to be paid to the
53 contractor in any year of such proposed extension fails to reflect any
54 decrease in the regional consumer price index for the New York, New
55 York-Northeastern, New Jersey area, based upon the index for all urban
56 consumers (CPI-U) during the preceding twelve-month period. At the time

1 of any contract extension, consideration shall be given to any compet-
2 itive proposal offered by a public transportation agency. Such contract
3 may be increased for each year of the contract extension by an amount
4 not to exceed the regional consumer price index increase for the New
5 York, New York-Northeastern, New Jersey area, based upon the index for
6 all urban consumers (CPI-U), during the preceding twelve-month period,
7 provided it has been satisfactorily established by the contractor that
8 there has been at least an equivalent increase in the amount of his cost
9 of operation, during the period of the contract.]

10 6. To enter into any contract or agreement deemed necessary or advis-
11 able after consultation with appropriate state agencies for carrying out
12 the objects and purposes of state university without prior review or
13 approval by any state officer or agency [other than the state comp-
14 troller and the attorney general] including contracts with non-profit
15 corporations organized by officers, employees, alumni or students of
16 state university for the furtherance of its objects and purposes.
17 Contracts or agreements entered into with the federal government to
18 enable participation in federal student loan programs, including any and
19 all instruments required thereunder, shall not be subject to the
20 requirements of section forty-one of the state finance law; provided,
21 however, that the state shall not be liable for any portion of any
22 defaults which it has agreed to assume pursuant to any such agreement in
23 an amount in excess of money appropriated or otherwise lawfully avail-
24 able therefor at the time the liability for payment arises.

25 S 2. Section 355 of the education law is amended by adding two new
26 subdivisions 5-a and 5-b to read as follows:

27 5-A. A. THE CHANCELLOR OF THE STATE UNIVERSITY AND THE COMMISSIONER OF
28 THE OFFICE OF GENERAL SERVICES SHALL DEVELOP A PROTOCOL TO DETERMINE
29 WHETHER IT IS MORE ECONOMICAL AND EFFICIENT TO PURCHASE GOODS FOR THE
30 STATE UNIVERSITY SYSTEM THROUGH THE CENTRALIZED CONTRACTS OF THE OFFICE
31 OF GENERAL SERVICES THAN THROUGH A COMPETITIVE BIDDING PROCESS.

32 B. THE PROTOCOL SHALL INCLUDE A PROCESS IN WHICH THE CHANCELLOR SHALL
33 OBTAIN INFORMATION ANNUALLY FROM EACH STATE-OPERATED INSTITUTION AND
34 UNIVERSITY HEALTH SCIENCES CENTER UNDER THE JURISDICTION OF THE STATE
35 UNIVERSITY, IN SUCH DETAIL AS REQUIRED BY THE CHANCELLOR, RELATING TO
36 THE TYPE AND TOTAL AMOUNT OF GOODS, INCLUDING TECHNOLOGY PURCHASES FOR
37 NEW SOFTWARE, SYSTEMS, ENHANCEMENTS AND EQUIPMENT, THAT EACH STATE-OPER-
38 ATED INSTITUTION OR UNIVERSITY HEALTH SCIENCES CENTER PROPOSES TO
39 PURCHASE IN THE UPCOMING FISCAL YEAR.

40 C. UPON RECEIPT OF THE INFORMATION OBTAINED PURSUANT TO PARAGRAPH B OF
41 THIS SUBDIVISION, THE CHANCELLOR, PURSUANT TO THE PROTOCOL AND IF JUSTI-
42 FIED BY PRICE AND VALUE, MAY REQUIRE THE STATE-OPERATED INSTITUTION OR
43 UNIVERSITY HEALTH SCIENCES CENTER TO MAKE ITS PURCHASES THROUGH THE USE
44 OF THE CENTRALIZED CONTRACTS OF THE OFFICE OF GENERAL SERVICES.

45 5-B. A. THE STATE UNIVERSITY SHALL PROVIDE BY OCTOBER FIFTEEN OF EACH
46 YEAR TO THE DIRECTOR OF THE DIVISION OF BUDGET, THE STATE COMPTROLLER,
47 THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND
48 THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION COMMITTEES A
49 REPORT WHICH SETS FORTH WITH RESPECT TO ITS CONTRACTING PROCESS THE
50 FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

51 (1) THE STATE UNIVERSITY'S PROCUREMENT GUIDELINES;

52 (2) SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE
53 SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALLED
54 BY STATE-OPERATED INSTITUTIONS AND UNIVERSITY HEALTH SCIENCES CENTERS
55 AND BY TYPE OF GOODS OR COMMODITY;

(3) NUMBER OF CONTRACTS AWARDED BY NUMBER OF BIDS AND/OR PROPOSALS AND SOURCE SELECTION METHOD;

(4) A LISTING OF CONTRACTS BY INDIVIDUAL STATE-OPERATED INSTITUTION AND UNIVERSITY HEALTH SCIENCES CENTER, INCLUDING VENDOR NAME, APPROVAL DATES, DOLLAR VALUE OF SUCH CONTRACTS, INCLUDING THE TOTAL AMOUNT OF GOODS PURCHASED THROUGH THE CENTRALIZED CONTRACTS OF OFFICE OF GENERAL SERVICES;

(5) A LISTING OF THE TOTAL NUMBER AND AMOUNT OF CONTRACTS AWARDED FOR THE PRIOR FISCAL YEAR AND TOTAL YEAR-TO-DATE EXPENDITURES FOR ALL CONTRACTS, WITH SUBTOTALS BY CENTRAL ADMINISTRATION, AND BY INDIVIDUAL STATE-OPERATED INSTITUTION AND UNIVERSITY HEALTH SCIENCES CENTER; AND MAJOR CONTRACT CATEGORY INCLUDING, BUT NOT LIMITED TO, GOODS, EQUIPMENT AND COMMODITIES;

(6) THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS AWARDED DURING THE FISCAL YEAR, AND THE PERCENTAGE THAT SUCH CONTRACTS REPRESENT OF THE STATE UNIVERSITY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE OF CONTRACT AWARDS DURING THE REPORTING PERIOD; AND

(7) THE NUMBER OF CONTRACTS DISAPPROVED DURING THE FISCAL YEAR AND REASONS FOR DISAPPROVAL.

B. THE REPORT SHALL ALSO SET FORTH ANY RECOMMENDATIONS TO IMPROVE THE EFFICIENCY OF THE STATE UNIVERSITY'S PROCUREMENT PROCESS.

S 3. Subdivision a of section 6218 of the education law, as amended by chapter 697 of the laws of 1993, is amended to read as follows:

a. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND THREE of section one hundred twelve and [sections] SECTIONS one hundred fifteen, one hundred sixty-one[,] AND one hundred sixty-three [and one hundred seventy-four] 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 city university [trustees are] IS authorized and empowered to:

(i) purchase materials, equipment and supplies, including computer equipment and motor vehicles, [where the amount for a single purchase does not exceed twenty thousand dollars,] (ii) execute contracts for [services to an amount not exceeding twenty thousand dollars] CONSTRUCTION, CONSTRUCTION-RELATED CONTRACTS, CONTRACTS FOR COMPUTER TECHNOLOGY AND LEASES, LICENSES, PERMITS AND CONTRACTS FOR THE PURCHASE OR SALE OF REAL PROPERTY, and (iii) contract for printing [to an amount not exceeding five thousand dollars], without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the [rules and regulations] GUIDELINES promulgated by the city university board of trustees after consultation with the state comptroller. [In addition, the trustees are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and regulations] THE GUIDELINES promulgated by the city 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 possible price. CONTRACTS FOR SERVICES, OTHER THAN CONTRACTS FOR CONSTRUCTION AND CONSTRUCTION-RELATED SERVICES, SHALL BE SUBJECT TO THE APPROVAL OF THE STATE COMPTROLLER IN ACCORDANCE WITH THE PROVISIONS AND DOLLAR THRESHOLD OF SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW; PROVIDED, THAT THE TRUSTEES ARE AUTHORIZED TO NEGOTI-

1 ATE ANNUALLY WITH THE STATE COMPTROLLER INCREASES IN THE DOLLAR THRESH-
2 OLD FOR CONTRACTS FOR SERVICES.

3 S 4. Section 6218 of the education law is amended by adding a new
4 subdivision i to read as follows:

5 I. (I) THE CITY UNIVERSITY SHALL PROVIDE BY OCTOBER FIFTEENTH OF EACH
6 YEAR TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE STATE COMP-
7 TROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE
8 SENATE AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION
9 COMMITTEES A REPORT WHICH SETS FORTH WITH RESPECT TO ITS CONTRACTING
10 PROCESS THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

11 1. THE CITY UNIVERSITY'S PROCUREMENT GUIDELINES;

12 2. SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE
13 SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALLED
14 BY INDIVIDUAL SENIOR COLLEGES AND BY TYPE OF GOODS OR COMMODITY;

15 3. NUMBER OF CONTRACTS AWARDED BY NUMBER OF BIDS AND/OR PROPOSALS AND
16 SOURCE SELECTION METHOD;

17 4. A LISTING OF THE CONTRACTS BY INDIVIDUAL SENIOR COLLEGES, INCLUDING
18 VENDOR NAME, APPROVAL DATES, DOLLAR VALUE OF SUCH CONTRACTS;

19 5. A LISTING OF THE TOTAL NUMBER AND AMOUNT OF CONTRACTS AWARDED FOR
20 THE PRIOR FISCAL YEAR AND TOTAL YEAR-TO-DATE EXPENDITURES FOR ALL
21 CONTRACTS, WITH SUBTOTALS BY CENTRAL ADMINISTRATION, AND BY INDIVIDUAL
22 SENIOR COLLEGES; AND MAJOR CONTRACT CATEGORY INCLUDING, BUT NOT LIMITED
23 TO, GOODS, EQUIPMENT AND COMMODITIES;

24 6. THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS
25 AWARDED DURING THE FISCAL YEAR, AND THE PERCENTAGE THAT SUCH CONTRACTS
26 REPRESENT OF THE CITY UNIVERSITY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE
27 OF CONTRACT AWARDS DURING THE REPORTING PERIOD; AND

28 7. THE NUMBER OF CONTRACTS DISAPPROVED DURING THE FISCAL YEAR AND
29 REASONS FOR DISAPPROVAL.

30 (II) THE REPORT SHALL SET FORTH ANY RECOMMENDATIONS TO IMPROVE THE
31 EFFICIENCY OF THE CITY UNIVERSITY'S PROCUREMENT PROCESS.

32 S 5. The education law is amended by adding a new section 6283 to read
33 as follows:

34 S 6283. PROCUREMENTS OF THE FUND. NOTWITHSTANDING ANY OTHER
35 PROVISION OF LAW, THE CONTRACTS OF THE FUND MAY BE EXECUTED AND SHALL BE
36 VALID, ENFORCEABLE AND EFFECTIVE WITHOUT PRIOR REVIEW OR APPROVAL BY, OR
37 FILING WITH, THE STATE COMPTROLLER, PROVIDED, HOWEVER, THAT SUCH
38 CONTRACTS SHALL BE SUBJECT TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY
39 ADOPTED BY THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF
40 TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW, EXCEPT SECTION
41 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW.

42 S 6. Subdivisions 2 and 3 of section 112 of the state finance law, as
43 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision
44 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,
45 are amended to read as follows:

46 2. (a) Before any contract made for or by any state agency, depart-
47 ment, board, officer, commission, or institution, except the office of
48 general services, THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVER-
49 SITY OF NEW YORK, shall be executed or become effective, whenever such
50 contract exceeds fifty thousand dollars in amount and before any
51 contract made for or by the office of general services shall be executed
52 or become effective, whenever such contract exceeds eighty-five thousand
53 dollars in amount, it shall first be approved by the comptroller and
54 filed in his or her office, provided, however, that the comptroller
55 shall make a final written determination with respect to approval of
56 such contract within ninety days of the submission of such contract to

1 his or her office unless the comptroller shall notify, in writing, the
2 state agency, department, board, officer, commission, or institution,
3 prior to the expiration of the ninety day period, and for good cause, of
4 the need for an extension of not more than fifteen days, or a reasonable
5 period of time agreed to by such state agency, department, board, offi-
6 cer, commission, or institution and provided, further, that such written
7 determination or extension shall be made part of the procurement record
8 pursuant to paragraph f of subdivision one of section one hundred
9 sixty-three of this chapter. THE FOREGOING NOTWITHSTANDING, ANY
10 CONTRACT MADE FOR OR BY THE CITY UNIVERSITY OF NEW YORK OR THE STATE
11 UNIVERSITY OF NEW YORK FOR SERVICES, OTHER THAN A CONSTRUCTION CONTRACT
12 OR A CONTRACT FOR CONSTRUCTION-RELATED SERVICES, SHALL BE SUBJECT TO THE
13 PROVISIONS OF THIS PARAGRAPH.

14 (b) Whenever any liability of any nature shall be incurred by or for
15 any state department, board, officer, commission, or institution OTHER
16 THAN THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW
17 YORK, notice that such liability has been incurred shall be immediately
18 given in writing to the state comptroller.

19 3. A contract or other instrument wherein the state or any of its
20 officers, agencies, boards or commissions OTHER THAN THE CITY UNIVERSITY
21 OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK agrees to give a
22 consideration other than the payment of money, when the value or reason-
23 ably estimated value of such consideration exceeds ten thousand dollars,
24 shall not become a valid enforceable contract unless such contract or
25 other instrument shall first be approved by the comptroller and filed in
26 his office.

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

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

54 S 8. Paragraph e of subdivision 4 of section 163 of the state finance
55 law, as amended by chapter 95 of the laws of 2000, is amended to read as
56 follows:

1 e. Any officer, body or agency of a political subdivision as defined
2 in section one hundred of the general municipal law or a district there-
3 in, may make purchases of services through the office of general
4 services' centralized contracts for services, subject to the provisions
5 of section one hundred four of the general municipal law. The commis-
6 sioner may permit and prescribe the conditions for the purchase of
7 services through the office of general services' centralized contracts
8 for services by any public authority or public benefit corporation of
9 the state including the port authority of New York and New Jersey, OR
10 ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND
11 PURPOSES OF THE CITY UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY OF
12 NEW YORK; PROVIDED, HOWEVER, THAT SERVICES SO PURCHASED BY A NON-PROFIT
13 CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE
14 CITY UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY OF NEW YORK SHALL
15 NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR OTHER
16 ENTITY WHICH CONTRACTS WITH THE NON-PROFIT ORGANIZATION. The commis-
17 sioner is authorized to permit any public library, association library,
18 library system, cooperative library system, the New York Library Associ-
19 ation, and the New York State Association of Library Boards or any other
20 library except those which are operated by for profit entities, to make
21 purchases of services through the office of general services' central-
22 ized contracts; provided, however, that such entity so empowered shall
23 accept sole responsibility for any payment due with respect to such
24 purchase.

25 S 9. Paragraph i of subdivision 2 of section 355 of the education law,
26 as amended by chapter 552 of the laws of 1985, is amended to read as
27 follows:

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

43 S 10. Subdivision (b) of section 6281 of the education law, as amended
44 by chapter 1081 of the laws of 1969, is amended to read as follows:

45 (b) Notwithstanding any other provision of this article or any other
46 law, any contract let by the dormitory authority and/or the city univer-
47 sity construction fund for the purposes of this article shall be in
48 conformity with the provisions of section one hundred one of the general
49 municipal law, AND MAY BE AWARDED USING ANY DELIVERY METHOD AUTHORIZED
50 BY THE PROCUREMENT GUIDELINES ADOPTED BY THE CITY UNIVERSITY
51 CONSTRUCTION FUND OR THE DORMITORY AUTHORITY PURSUANT TO SECTION TWEN-
52 TY-EIGHT HUNDRED SEVENTY-NINE OF THE PUBLIC AUTHORITIES LAW.

53 S 11. This act shall take effect immediately; provided that sections
54 one, two, three, four, five, six, nine, and ten of this act shall expire
55 and be deemed repealed June 30, 2015; provided, however, that the amend-
56 ments to section 163 of the state finance law made by sections seven and

1 eight of this act shall not affect the repeal of such section and shall
2 be deemed repealed therewith.

3 PART D

4 Section 1. Subdivision 1 of section 17 of the public officers law is
5 amended by adding a new paragraph (x) to read as follows:

6 (X) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL
7 INCLUDE ANY STUDENT WHILE ENROLLED AND PARTICIPATING IN A CREDIT BEARING
8 COURSE OFFERED BY THE CITY UNIVERSITY OF NEW YORK OR BY A STATE OPERATED
9 INSTITUTION IN THE STATE UNIVERSITY OF NEW YORK FOR WHICH THERE IS A
10 COURSE REQUIREMENT TO COMPLETE A SUPERVISED CLINICAL OR
11 EXPERIENCED-BASED AFFILIATION AT AN AFFILIATE'S SITE, INCLUDING BUT NOT
12 LIMITED TO INTERNSHIPS AND SERVICES PROVIDED TO OTHER ENTITIES BY
13 STUDENT VOLUNTEERS AT UNIVERSITY-SPONSORED CLINICS.

14 S 2. Subdivisions 2, 3, 4, 5 and 6 of section 237 of the education
15 law, subdivisions 2, 3 and 4 as amended by chapter 186 of the laws of
16 1977 and subdivisions 5 and 6 as amended by chapter 567 of the laws of
17 1971, are amended to read as follows:

18 2. The regents shall, on or before the twenty-fifth day of April
19 [nineteen hundred seventy-one] TWO THOUSAND ELEVEN and each [fourth]
20 EIGHTH year thereafter, request the state university trustees, the board
21 of higher education of the city of New York, and all independent higher
22 educational institutions to submit long-range master plans for their
23 development. Such request shall specify the nature of the information,
24 plans and recommendations to be submitted, shall describe statewide
25 needs, problems, societal conditions and interests of the citizens and
26 discuss their priorities, and provide appropriate information which may
27 be useful in the formulation of such plans.

28 3. The regents shall, once every [four] EIGHT years, review the
29 proposed plan and recommendations required to be submitted by the state
30 university trustees pursuant to section three hundred fifty-four of this
31 chapter, the proposed plan and recommendations of the board of higher
32 education in the city of New York required to be submitted pursuant to
33 section sixty-two hundred [two] SIX of this chapter, and the plans of
34 independent institutions of higher education and, upon approval by the
35 regents of the plans submitted by the state university trustees and the
36 board of higher education, they shall be incorporated into a regents
37 plan or general revision thereof for the development of higher education
38 in the state. Such regents plan shall include the plan and recommenda-
39 tions proposed by the state university trustees and the plan and recom-
40 mendations proposed by the board of higher education in the city of New
41 York and may include plans with respect to other matters not compre-
42 hended within the plan of the state and city universities, including but
43 not limited to improving institutional management and resources,
44 instruction and guidance programs, financial assistance to students and
45 extension of educational opportunities. In determining the need for
46 additional educational facilities in a particular area, the plans and
47 facilities of existing public and independent institutions shall be
48 fully evaluated. Such statewide plan shall include for information
49 purposes a summary of all recommendations appearing in the prior state-
50 wide plan and subsequent amendments thereof containing a brief statement
51 of action taken and progress toward achievement of each such recommenda-
52 tion.

53 4. During the calendar year [nineteen hundred sixty-four] TWO THOUSAND
54 TWELVE and each [fourth] EIGHTH year thereafter the regents shall evalu-

1 ate all available information with respect to the plans and facilities
2 of independent institutions and shall review and act upon the proposed
3 plan and recommendations of the state university trustees and upon the
4 proposed plan and recommendations of the board of higher education in
5 the city of New York and incorporate such information, recommendations
6 and each of the component plans so acted upon into a tentative regents
7 plan or general revision thereof for the development of higher education
8 in the state. Copies of such tentative regents plan or general revision
9 thereof, as the case may be, shall be made available to the trustees of
10 the state university, the board of higher education in the city of New
11 York and the governing boards of all other institutions of higher educa-
12 tion admitted to the university of the state of New York. Thereafter,
13 after giving due notice, the regents shall conduct one or more hearings
14 on such tentative regents plan or general revision thereof.

15 5. The regents shall transmit their plan or general revision thereof
16 for the development of higher education in the state to the governor and
17 the legislature on or before the first day of November, [nineteen
18 hundred sixty-four] TWO THOUSAND TWELVE and each [fourth] EIGHTH year
19 thereafter. The governor may disapprove or conditionally approve any
20 part of the plan or general revision thereof after notifying the regents
21 of such disagreements at least sixty days prior to such action during
22 which time they may revise their recommendations relating to such items
23 and request the governor to adopt such revised recommendations in lieu
24 of such action. Such plan or general revision thereof or so much thereof
25 as shall be approved and upon such terms and conditions as the governor
26 may impose, shall become effective upon such approval by the governor.

27 6. Any modification recommended by the state university trustees or by
28 the board of higher education in the city of New York to their respec-
29 tive plans, theretofore formulated and approved pursuant to section
30 three hundred fifty-four or section sixty-two hundred [two] SIX of this
31 chapter shall be reviewed by the regents who may hold one or more hear-
32 ings thereon after giving due notice thereof. As approved by the
33 regents, such modification shall be made a part of the respective plans
34 of the state university and of the city university and shall, together
35 with any modifications the regents may make to that portion of their
36 plan for the development of higher education in the state not compre-
37 hended in the plans of the state and city universities, be transmitted
38 to the governor and the legislature, all of which shall then become
39 effective upon approval by the governor as modifications of the regents
40 plan. By the first day of November in [nineteen hundred seventy-four]
41 TWO THOUSAND EIGHT and each [fourth] EIGHTH year thereafter the regents
42 shall summarize and report to the governor and the legislature any
43 modifications made pursuant to this subdivision and shall include in
44 such report a statement on the progress made in implementing the regents
45 plan and their general recommendations with respect to higher education.

46 S 3. Subdivisions 1, 2 and 3 of section 354 of the education law, as
47 amended by chapter 552 of the laws of 1985, are amended to read as
48 follows:

49 1. The state university trustees shall, once every [four] EIGHT years,
50 formulate a long-range state university plan or general revision thereof
51 and make recommendations to the board of regents and the governor for
52 the organization, development, coordination and expansion of the state
53 university and for the establishment of community colleges in areas
54 suitable for and in need of such institutions, which plan and recommen-
55 dations shall include the following:

56 a. plans for new curricula;

1 b. plans for new facilities;
2 c. plans for change in policies with respect to student admissions;
3 d. projected student enrollments; and
4 e. comments upon its relationship to other colleges and universities,
5 public, independent and proprietary, within the state.

6 f. For informational purposes only, projection standards and overall
7 expenditure projections of capital and operating costs. Prior to trans-
8 mitting their long-range state university plan or general revision ther-
9 eof to the board of regents and the governor the state university trus-
10 tees may, after giving due notice, conduct one or more hearings on such
11 plan.

12 2. During the calendar year [nineteen hundred sixty-four] TWO THOUSAND
13 TWELVE and each [fourth] EIGHTH year thereafter the state university
14 trustees shall transmit their proposed plan or general revision thereof
15 to the board of regents and the governor on or before the first day of
16 June in each such year. Such plan shall be reviewed by the board of
17 regents and shall be subject to approval by such board. As approved by
18 the board of regents and incorporated into the regents plan or general
19 revision thereof for the development of higher education in the state
20 and, upon approval thereafter by the governor, such plan shall guide and
21 determine the development of the state university and its community
22 colleges until such plan is modified or revised in the manner provided
23 herein.

24 3. By the first day of June in [nineteen hundred seventy-four] TWO
25 THOUSAND EIGHT and every [fourth] EIGHTH year thereafter, the state
26 university trustees shall report in writing to the board of regents, to
27 the governor and to the legislature on the progress made in carrying out
28 their responsibilities under such plan and their general recommendations
29 with respect to public higher education, including recommendations as to
30 modifications of such plan which the trustees deem essential to meet the
31 then current demands upon public higher education. The state university
32 trustees may also at any other time propose modifications which they
33 then deem essential or desirable with respect to such plan. They may,
34 after giving due notice, conduct one or more hearings on such modifica-
35 tions and shall transmit their recommendations therefor to the board of
36 regents and the governor. Such modifications shall be subject to
37 approval by the regents and thereafter by the governor in the same
38 manner as such plan or general revisions thereof.

39 S 4. Subdivision 3 of section 390 of the education law, as amended by
40 chapter 486 of the laws of 1967, is amended to read as follows:

41 3. The term "eligible employees" means those employees in positions
42 requiring the performance of educational functions in teacher education,
43 agriculture, home economics, forestry, ceramics, liberal and applied
44 arts and sciences, engineering, technical skills, crafts, business
45 education, labor and industrial relations, medicine, dentistry, veteri-
46 nary medicine, pharmacy, nursing, law, public affairs, maritime officer
47 training, academic administration, library service, student activities,
48 student personnel service and other professions required to carry on the
49 work of the state university and the colleges, schools, institutes,
50 research centers, facilities and institutions comprising it and of the
51 community colleges; PROVIDED, THAT THE TERM "ELIGIBLE EMPLOYEES" SHALL
52 INCLUDE MEDICAL, DENTAL AND OPTOMETRIC RESIDENTS AND INTERNS WHO RENDER
53 SERVICES AT HEALTH SCIENCES CENTERS OF THE STATE UNIVERSITY AND WHO MAY
54 OPT TO PARTICIPATE IN THE NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM
55 BUT NOT IN THE OPTIONAL RETIREMENT PROGRAM OR THE NEW YORK STATE TEACH-
56 ERS' RETIREMENT SYSTEM. Such positions in the state university, includ-

1 ing those at the state colleges of agriculture, home economics, veteri-
2 nary medicine or industrial and labor relations, the state agricultural
3 experiment station at Geneva, or any other institution or agency under
4 the management and control of Cornell university as representative of
5 the board, and at the state college of ceramics under the management and
6 control of Alfred university as the representative of the board, and
7 such positions in the community colleges shall be those certified to the
8 board by the chancellor of state university as requiring the performance
9 of such functions. No person receiving a benefit by reason of his
10 retirement from any retirement or pension system of New York state or
11 any political subdivision thereof shall be eligible to elect the
12 optional retirement program.

13 S 5. Paragraph (a) of subdivision 1 of section 393 of the education
14 law, as amended by chapter 696 of the laws of 1965, is amended to read
15 as follows:

16 (a) Each eligible employee initially appointed on or after July first,
17 nineteen hundred sixty-four, within thirty days of his entry into
18 service, shall elect (i) to join either the New York state teachers'
19 retirement system or the New York state employees' retirement system or
20 other public retirement system in this state in accordance with the
21 provisions of law applicable thereto or (ii) to elect the optional
22 retirement program established pursuant to this article; PROVIDED THAT A
23 MEDICAL, DENTAL OR OPTOMETRIC RESIDENT OR INTERN WHO RENDERS SERVICES AT
24 A HEALTH SCIENCES CENTER OF THE STATE UNIVERSITY MAY ELECT TO JOIN THE
25 NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM, BUT MAY NOT ELECT THE
26 OPTIONAL RETIREMENT PROGRAM OR THE NEW YORK STATE TEACHERS' RETIREMENT
27 PROGRAM; provided, FURTHER, however, that (1) such persons initially
28 entering service during the period July first, nineteen hundred sixty-
29 four through November fourth, nineteen hundred sixty-four may defer such
30 election until December fourth, nineteen hundred sixty-four, and (2)
31 eligible employees of an electing employer initially appointed on or
32 after the effective date of the election to offer such program may defer
33 such election until the ninetieth day following such effective date of
34 the election to offer such program established by an electing employer.
35 Any such deferred election shall be effective as of the date of entry
36 into service or the effective date of such offer, whichever is later.

37 S 6. Subdivision 4 of section 501 of the education law, as amended by
38 chapter 713 of the laws of 1986, is amended to read as follows:

39 4. "Teacher" shall mean any regular teacher, special teacher, includ-
40 ing any school librarian or physical training teacher, principal, vice-
41 principal, supervisor, supervisory principal, director, superintendent,
42 city superintendent, assistant city superintendent, district superinten-
43 dent and other member of the teaching or professional staff of any
44 class, public school, vocational school, truant reformatory school or
45 parental school, and of any or all classes of schools within the state
46 of New York, including schools on the Indian reservation, conducted
47 under the order and superintendence of and wholly or partly at the
48 expense of the New York state education department or of a duly elected
49 board of education, board of school directors or board of trustees of
50 the state or of any city or school district thereof, provided that no
51 person shall be deemed a teacher within the meaning of this article who
52 is not so employed for full time outside vacation periods. The word,
53 "teacher," shall also include any person employed in the state education
54 department who at the time he entered such employment, or within one
55 year prior thereto, was a teacher within the foregoing definition, or
56 who was engaged in such department in the performance of duties pertain-

1 ing to instructional services prior to September first, nineteen hundred
2 eighty-six or who provides instructional services at the New York state
3 school for the blind or the New York state school for the deaf, but
4 shall not include a person who is a teacher within the foregoing defi-
5 nition, and who elects to become a member of the New York state employ-
6 ees' retirement system pursuant to paragraph five OR PARAGRAPH TEN of
7 subdivision c of section forty of the retirement and social security law
8 upon his entry, on or after April first, nineteen hundred fifty, into
9 his employment as such a teacher in a state-operated institution or
10 community college under the jurisdiction of the board of trustees of the
11 state university, or who is a teacher within the foregoing definition,
12 and who elects to become a member of the New York city employees'
13 retirement system, upon his entry, on or after April first, nineteen
14 hundred fifty-six, into his employment as such a teacher in a community
15 college operated by the city of New York, or who is a teacher within the
16 foregoing definition, and who elects the optional retirement program
17 established either by article [eight-b] EIGHT-B or by PART V OF article
18 three[, part V] of this chapter. In all cases of doubt, the retirement
19 board shall determine whether any person is a teacher as defined in this
20 article.

21 S 7. Subdivision c of section 40 of the retirement and social security
22 law is amended by adding a new paragraph 10 to read as follows:

23 10. A PERSON WHO IS A MEDICAL, DENTAL OR OPTOMETRIC RESIDENT OR INTERN
24 WHO RENDERS SERVICES AT A HEALTH SCIENCES CENTER OF THE STATE UNIVERSI-
25 TY.

26 S 8. Paragraph 3 of subdivision b of section 600 of the retirement and
27 social security law, as added by chapter 414 of the laws of 1983, is
28 amended to read as follows:

29 3. Enter the employment of a public employer which participates for
30 such employees in the New York state employees' retirement system in
31 positions in which they shall work full time shall be required to become
32 members;

33 (a) Provided, however, persons in the employ of such employers after
34 such date in positions in which they work less than full time shall be
35 permitted to become members of the New York state employees' retirement
36 system by filing an application therefor in the manner provided for by
37 section forty of this chapter;

38 (b) Provided further that an employee of a county extension service
39 association or Cornell university appointed for the first time on or
40 after August first, nineteen hundred seventy-seven who holds a federal
41 cooperative appointment with the United States department of agriculture
42 as designated by the director of the New York state cooperative exten-
43 sion service and who is eligible for participation in the federal
44 retirement system shall be excluded from membership in the state employ-
45 ees' retirement system; and

46 (c) Provided further that any employee of a county extension service
47 association and any employee of Cornell university appointed for the
48 first time on or after July first, nineteen hundred seventy-six but on
49 or before July thirty-first, nineteen hundred seventy-seven, who holds a
50 state cooperative appointment as designated by the director of the New
51 York state cooperative extension service may elect to receive a federal
52 cooperative appointment in the manner provided for by the relevant
53 federal laws, rules and regulations and to participate in the federal
54 retirement system and discontinue his participation in the state retire-
55 ment system by filing a written notice of termination on or before
56 December thirty-first, nineteen hundred eighty-three with the comp-

1 troller. Any employee who is a member of the state employees' retirement
2 system at the time he or she elects coverage in the federal retirement
3 program shall be deemed to be a person who discontinues service on the
4 effective date of such election, for the purpose of determining his or
5 her eligibility for rights and benefits in such state system; provided,
6 however, that if he or she does not withdraw accumulated contributions,
7 (i) continued service with the county extension service association or
8 Cornell university while under the federal retirement program shall be
9 deemed to be member service in the New York state employees' retirement
10 system for the purpose of determining eligibility for any vested retire-
11 ment allowance, retirement allowance or ordinary death benefit under
12 such system dependent upon a specified period of total service or upon
13 attainment of a specified age while in service or upon death while in
14 service; and (ii) the amount of any such benefit to which the person or
15 his or her estate or person designated by him or her may become entitled
16 under either such system shall be computed only on the basis of service
17 otherwise creditable to him or her therein and his or her compensation
18 during such service. Electing employees and their beneficiaries shall
19 not be entitled to any right or benefit under the New York state employ-
20 ees' retirement system other than a vested retirement allowance, retire-
21 ment allowance or ordinary death benefit to the extent expressly
22 provided for in this chapter[.]; AND

23 (D) PROVIDED, FURTHER THAT MEDICAL, DENTAL AND OPTOMETRIC RESIDENTS
24 AND INTERNS WHO RENDER SERVICES AT HEALTH SCIENCES CENTERS OF THE STATE
25 UNIVERSITY OF NEW YORK SHALL BE PERMITTED TO BECOME MEMBERS OF THE NEW
26 YORK STATE EMPLOYEES' RETIREMENT SYSTEM BY FILING AN APPLICATION THERE-
27 FOR IN THE MANNER PROVIDED FOR BY SECTION FORTY OF THIS CHAPTER.

28 S 9. This act shall take effect immediately and shall expire and be
29 deemed repealed June 30, 2015.

30

PART E

31 Section 1. Subdivision 14 of section 130 of the civil service law, as
32 added by chapter 685 of the laws of 1995, is amended to read as follows:

33 14. Notwithstanding any foregoing provisions of this section to the
34 contrary, wage rates and/or pay differentials paid by the state PURSUANT
35 TO SUBDIVISION THIRTEEN OF SECTION THREE HUNDRED FIFTY-FIVE-A OF THE
36 EDUCATION LAW, AS ADDED BY CHAPTER SIX HUNDRED EIGHTY-FIVE OF THE LAWS
37 OF NINETEEN HUNDRED NINETY-FIVE, to teaching and research center nurses
38 of the state university of New York [pursuant to subdivision thirteen of
39 section three hundred fifty-five-a of the education law] may be based on
40 a study of representative peer institutions in private or other public
41 hospitals in the same geographic area as a hospital of the state univer-
42 sity which shows that WAGE RATES AND/OR pay differentials of nurses
43 employed by such peer institutions are higher than the wage rates and/or
44 pay differentials paid by the state to teaching and research center
45 nurses of the state university. Whenever, in the opinion of the chief
46 administrative officer of the health science centers at which teaching
47 and research center nurses are employed, additional compensation for
48 such employees is necessary to maintain adequate support to protect the
49 health, safety and welfare of patients, such chief administrative offi-
50 cer OR PRESIDENT shall request the state university board of trustees to
51 conduct such a study.

52 S 2. Subdivision 6 of section 350 of the education law, as added by
53 chapter 363 of the laws of 1998, is amended to read as follows:

6. "Clinic" shall mean a facility LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AS A DIAGNOSTIC AND TREATMENT CENTER WHICH IS located either within or outside of a state university health care facility providing services related to the medical education mission of the university, but shall not include state university student health services.

S 3. Subdivision 16 of section 355 of the education law, as added by chapter 363 of the laws of 1998, is amended to read as follows:

16. Subject to laws and regulations applicable to the state university as a health care provider the state university trustees may:

a. Notwithstanding section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize [contracts for] a state university health care facility [for participation] TO CREATE AND/OR PARTICIPATE in managed care networks and other joint and cooperative arrangements with public, [non-profit] NOT-FOR-PROFIT or FOR PROFIT business entities, INCLUDING JOINT VENTURES, NOT-FOR-PROFIT OR FOR PROFIT CORPORATIONS, PROFESSIONAL CORPORATIONS, AND LIMITED LIABILITY COMPANIES, including entering into a maximum of twenty network arrangements per year, as partners, JOINT VENTURERS, members of [non-profit] NOT-FOR-PROFIT corporations, MEMBERS OF LIMITED LIABILITY COMPANIES and shareholders of business corporations, and the provision of management and administrative services by or for state university. Any contract for the provision of management services shall be subject to any provision of the public health law and health regulations applicable to the state university as a health care provider, including any review by the commissioner of health pursuant to 10 NYCRR section 405.3(f). In addition, the commissioner of health shall provide for public comment within thirty days of a submission of any management contract required to be reviewed pursuant to regulation. The trustees may also authorize contracts, including [capitation] RISK-SHARING contracts, for a state university health care facility for the provision of general comprehensive and specialty health care services, directly or through contract with other service providers or entities, including state university employees or entities comprised thereof. Contracts authorized hereunder shall be:

(1) consistent with trustee guidelines respecting all terms and conditions necessary and appropriate for managed care NETWORKS and other [network,] joint or cooperative arrangements, including GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, guidelines for comparative review where appropriate, AND CONFLICT-OF-INTEREST GUIDELINES;

(2) subject to laws and regulations applicable to the state university as a health care provider, including with respect to rates and certificates of need; and

(3) subject 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.

b. (1) Notwithstanding the provisions of [subdivision two of section one hundred twelve of the state finance law relating to the dollar threshold requiring the comptroller's approval of contracts and] SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW RELATING TO THE COMPTROLLER'S APPROVAL OF CONTRACTS FOR SERVICES AND subdivision six of section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize contracts for the purchase of goods and services for state university health care facilities WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY:

1 [(1)] (A) for any contract [which does not exceed seventy-five thou-
2 sand dollars] FOR GOODS OR SERVICES OR FOR ANY REVENUE CONTRACT; or

3 [(2)] (B) for joint or group purchasing arrangements [which do not
4 exceed seventy-five thousand dollars without prior approval by any other
5 state, officer or agency] in accordance with procedures and requirements
6 found in paragraph a of subdivision five of this section.

7 [(3) contracts] (2) CONTRACTS authorized hereunder shall be subject to
8 article fourteen of the civil service law and the applicable provisions
9 of agreements between the state and employee organizations pursuant to
10 article fourteen of the civil service law AND SHALL BE CONSISTENT WITH
11 TRUSTEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, COMPARATIVE
12 REVIEW WHERE APPROPRIATE, AND CONFLICT-OF-INTEREST GUIDELINES.

13 [The trustees are authorized to negotiate annually with the state
14 comptroller increases in the aforementioned dollar limits.]

15 c. Authorize contracts for the acquisition BY STATE UNIVERSITY HEALTH
16 CARE FACILITIES OR FACILITIES SUITABLE FOR THE DELIVERY OF HEALTH CARE
17 SERVICES, by purchase, lease, sublease, transfer of jurisdiction or
18 otherwise[, of facilities suitable for the delivery of health care
19 services] and for the construction, repair, maintenance, equipping,
20 rehabilitation or improvement thereof. SUCH FACILITIES MAY BE ACQUIRED
21 IN WHOLE OR IN PART BY STATE UNIVERSITY HEALTH CARE FACILITIES, EITHER
22 DIRECTLY OR THROUGH OWNERSHIP IN A JOINT OR COOPERATIVE ARRANGEMENT
23 AUTHORIZED BY PARAGRAPH A OF THIS SUBDIVISION. Such contracts shall be
24 [subject to approval by the attorney general as to form and by the
25 director of the budget and the state comptroller] CONSISTENT WITH TRUS-
26 TEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, INCLUDING
27 GUIDELINES REQUIRING COMPARATIVE REVIEW WHERE APPROPRIATE AND CONFLICT
28 OF INTEREST GUIDELINES. Contracts under this paragraph shall be funded
29 from any moneys lawfully available for the expenses of the STATE UNIVER-
30 SITY health care facilities.

31 D. THE STATE UNIVERSITY SHALL PROVIDE BY JULY FIFTEENTH OF EACH YEAR
32 TO THE DIRECTOR OF THE BUDGET AND TO THE CHAIRS OF THE SENATE FINANCE
33 COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE A REPORT WHICH SETS
34 FORTH WITH RESPECT TO CONTRACTS ENTERED INTO DURING THE PRIOR YEAR BY
35 STATE UNIVERSITY HEALTH CARE FACILITIES (1) THE AMOUNT, PURPOSE, AND
36 DURATION OF CONTRACTS AND ARRANGEMENTS ENTERED INTO PURSUANT TO PARA-
37 GRAPHS A AND C OF THIS SUBDIVISION, (2) A LISTING OF CONTRACTS OVER THE
38 AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO
39 CLAUSE (A) OF SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION, AND
40 (3) THE AMOUNT, PURPOSE AND DURATION OF CONTRACTS OVER THE AMOUNT OF TWO
41 HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO CLAUSE (B) OF
42 SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION.

43 S 4. Notwithstanding any inconsistent provision in section 8 of the
44 court of claims act, subdivision 10 of section 355 of the education law
45 or any other provision of law, a state university health care facility
46 may include in a contract authorized by paragraph a of subdivision 16 of
47 section 355 of the education law, other than a contract with state
48 employees relating to terms and conditions of their employment, a
49 provision that some or all disputes arising under or related to such
50 contract shall be resolved by binding arbitration in accordance with the
51 rules of a nationally-recognized arbitration association.

52 S 5. This act shall take effect immediately and shall expire and be
53 deemed repealed June 30, 2015.

1 Section 1. The board of trustees of the state university of New York
2 and the city university of New York shall report every January first to
3 the governor, the temporary president of the senate and the speaker of
4 the assembly on the effectiveness of the reforms pursuant to this act.
5 The report shall address the progress of the state-operated and senior
6 colleges in competing with the top academic research institutions, the
7 impact of efforts by the state university of New York and the city
8 university of New York to increase the economic well-being of New York;
9 and the impact of tuition increases and efforts to ensure affordable
10 access for economically deprived students.

11 S 2. This act shall take effect immediately and shall expire and be
12 deemed repealed June 30, 2015.

13 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
14 sion, section or part of this act shall be adjudged by any court of
15 competent jurisdiction to be invalid, such judgment shall not affect,
16 impair, or invalidate the remainder thereof, but shall be confined in
17 its operation to the clause, sentence, paragraph, subdivision, section
18 or part thereof directly involved in the controversy in which such judg-
19 ment shall have been rendered. It is hereby declared to be the intent of
20 the legislature that this act would have been enacted even if such
21 invalid provisions had not been included herein.

22 S 4. This act shall take effect immediately; provided, however, that
23 the applicable effective date of Parts A through F of this act shall be
24 as specifically set forth in the last section of such Parts.