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

8440

I N S E N A T E

July 11, 2010

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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); Intentionally omitted (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:

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

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

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

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which it is found. Section four of this act sets forth the general effective date of this act.

PART A

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

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

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

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

10. "GENERAL TUITION POLICY" SHALL MEAN A POLICY ESTABLISHED BY THE BOARD OF TRUSTEES GOVERNING A HOMOGENOUS TUITION INCREASE OR DECREASE ACROSS ALL CAMPUSES EQUALLY FOR RESIDENT UNDERGRADUATE STUDENTS, EXCEPT THAT NOTHING SHALL PRECLUDE THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK, THE STATE UNIVERSITY OF NEW YORK AT BINGHAMTON, AND THE STATE UNIVERSITY OF NEW YORK AT ALBANY FROM CHARGING DIFFERING RATES OF ANNUAL TUITION PURSUANT TO CLAUSE (I) OF SUBPARAGRAPH FOUR OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW.

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

(4) The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency, AND COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, NON-STATE RESIDENTS, AND ALL STUDENTS ENROLLED IN GRADUATE DEGREE PROGRAMS OR PROFESSIONAL DEGREE PROGRAMS MAY BE CHARGED DIFFERING RATES OF ANNUAL TUITION BY CAMPUS AND BY PROGRAM WITHIN A CAMPUS. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York[. The trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget.]; AND PROVIDED FURTHER, THAT:

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

(II) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK, THE STATE UNIVERSITY OF NEW YORK AT BINGHAMTON, AND THE STATE UNIVERSITY OF NEW YORK AT ALBANY, IN CONSULTATION WITH THE RESPECTIVE STUDENT GOVERNMENT AND UPON THE RECOMMENDATION OF THE RESPECTIVE COLLEGE COUNCIL, MAY RECOMMEND TO THE TRUSTEES, AND THE TRUSTEES SHALL BE AUTHORIZED TO IMPLEMENT, DIFFERING RATES OF ANNUAL TUITION WITHIN EACH ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE THROUGH TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN FOR STATE RESIDENT UNDERGRADUATE STUDENTS UPON THE BASIS OF CAMPUS AND PROGRAM WITHIN A CAMPUS, PROVIDED THAT NO SUCH DIFFERENTIAL INCREASE SHALL EXCEED SEVEN PERCENT IN EACH OF THE YEARS OUTLINED ABOVE, FOR STUDENTS WHO ARE NEW YORK STATE RESIDENTS IN COURSES OF STUDY LEADING TO UNDERGRADUATE, GRADUATE AND FIRST PROFESSIONAL DEGREES; PROVIDED, HOWEVER, THAT ON OR BEFORE JUNE FIFTEENTH, TWO THOUSAND ELEVEN THE TRUSTEES SHALL PROMULGATE GUIDELINES OUTLINING THE CRITERIA SUCH CAMPUS OR PROGRAM MUST MEET IN ORDER TO QUALIFY FOR DIFFERENTIAL RATES. SUCH CRITERIA SHALL INCLUDE, BUT NOT BE LIMITED TO, PROGRAM COST, PROGRAM MIX, NEED, COMPARISON WITH PEER PROGRAMS OR CAMPUSES, ECONOMIC ELASTICITY, IMPACT ON ACCESS, FAIRNESS AND MEASURES TO ENSURE THAT STUDENTS ARE NOT STEERED TOWARD CERTAIN COURSES OF STUDY BASED ON ABILITY TO PAY;

(III) NOTWITHSTANDING THE FOREGOING, COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, THE PRESIDENT OF ANY STATE-OPERATED INSTITUTION IN CONSULTATION WITH THE RESPECTIVE STUDENT GOVERNMENT AND UPON THE RECOMMENDATION OF THE RESPECTIVE COLLEGE COUNCIL, MAY RECOMMEND TO THE TRUSTEES, AND THE TRUSTEES SHALL BE AUTHORIZED TO IMPLEMENT, A GENERAL TUITION POLICY THAT SHALL APPLY IN A UNIFORM MANNER FOR ALL STATE-OPERATED INSTITUTIONS TO INCREASE ANNUAL TUITION WITHIN EACH ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE THROUGH TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN FOR RESIDENT UNDERGRADUATE STUDENTS UP TO FOUR PERCENT IN EACH OF THE YEARS OUTLINED ABOVE;

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

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

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

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

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

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

13. "GENERAL TUITION POLICY" SHALL MEAN A POLICY ESTABLISHED BY THE BOARD OF TRUSTEES GOVERNING A HOMOGENOUS TUITION INCREASE OR DECREASE ACROSS ALL CAMPUSES EQUALLY FOR RESIDENT UNDERGRADUATE STUDENTS.

S 4. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by section 2 of part O of chapter 58 of the laws of 2006, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency, AND COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, NON-STATE RESIDENTS, AND STUDENTS ENROLLED IN GRADUATE DEGREE PROGRAMS OR PROFESSIONAL DEGREE PROGRAMS MAY BE CHARGED DIFFERING RATES OF ANNUAL TUITION BY CAMPUS AND BY PROGRAM WITHIN A CAMPUS. PROVIDED, HOWEVER:

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

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

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

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

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

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

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

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

S 5. Subdivisions 8 and 8-a of section 355 of the education law, subdivision 8 as amended by chapter 553 of the laws of 1985 and subdivision 8-a as added by chapter 363 of the laws of 1998, are amended to read as follows:

8. All moneys received by the state university of New York and by state-operated institutions thereof from [appropriations, tuition,] fees, user charges, sales of products and services, SAVINGS UNDER ENERGY PERFORMANCE, PROCUREMENT OR SUPPLY CONTRACTS and from [all other sources, including] sources and activities of the state university which are intended by law to be self-supporting may be credited to an appropriate fund or funds [to be designated by the state comptroller] HELD BY THE STATE UNIVERSITY EXCEPT FOR MONEYS RECEIVED FROM TUITION, WHICH MAY BE CREDITED TO AN APPROPRIATE FUND TO BE DESIGNATED BY THE STATE COMPTROLLER. The amounts so paid into such fund or funds which were received by or for the state university shall be used for expenses of the state university in carrying out any of its objects and purposes and such amounts received by or for state-operated institutions of the state

university shall be used for expenses of the state university under regulations prescribed by the state university trustees.

8-a. All monies received by state university health care facilities from fees, charges, and reimbursement and from all other sources, OTHER THAN APPROPRIATIONS, shall be credited to a state university health care account in a fund [to be designated by the state comptroller] HELD BY THE STATE UNIVERSITY. Monies to establish reserves for long-term expenses of state university health care facilities and to fulfill obligations required for any contract for health care services authorized pursuant to subdivision sixteen of this section may be designated by the state university as a reserve and transferred to a separate contractual reserve account. The amounts in such accounts shall be available for use in accordance with [paragraph b of subdivision four and] subdivision eight of this section. Monies shall [only] be expended from the state university health care account and the contractual reserve account [pursuant to] WITHOUT appropriation; PROVIDED, HOWEVER, THAT GENERAL FUND SUPPORT FOR THE OPERATIONS OF STATE UNIVERSITY HEALTH CARE FACILITIES SHALL BE EXPENDED PURSUANT TO APPROPRIATION. Notwithstanding any provision of this chapter, the state finance law or any other law to the contrary, [such appropriations] MONIES APPROPRIATED IN SUPPORT OF THE STATE UNIVERSITY HEALTH CARE FACILITIES shall remain in full force and effect for two years from the effective date of the appropriation act making the appropriation. Monies so transferred may be returned to the state university health care account; provided, however, that funds in such contractual reserve account must be sufficient to meet the obligations of all such contracts.

S 6. Subdivision 8-b of section 355 of the education law is REPEALED.

S 7. Section 4 of the state finance law is amended by adding a new subdivision 11 to read as follows:

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

S 8. Section 4 of the state finance law is amended by adding a new subdivision 12 to read as follows:

12. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE MONEYS DEPOSITED IN SPECIAL REVENUE FUNDS - OTHER APPROPRIATED FOR USE BY THE STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK SHALL BE AVAILABLE FOR DISBURSEMENT WITHOUT A CERTIFICATE OF APPROVAL OR ALLOCATION.

S 9. Subdivision 2 of section 121 of the state finance law, as amended by chapter 293 of the laws of 1992, is amended to read as follows:

2. There are excepted from payment to the treasury as provided by subdivision one of this section: (i) all moneys to which the provisions of subdivision four of section four of this chapter apply unless such moneys are held in a fund subject to appropriation; (ii) moneys held as part of the principal of an endowment of the state university of New York, units thereof and other state agencies; (III) MONEYS RECEIVED BY THE STATE UNIVERSITY OF NEW YORK DERIVED FROM FEES, USER CHARGES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE, PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIVITIES OF THE STATE UNIVERSITY THAT ARE INTENDED TO BE SELF-SUPPORTING; and [(iii)] (IV) moneys received pursuant to a clinical practice plan established pursuant to subdivision fourteen of section two hundred six of the public health

law. In those cases where such moneys are held in the custody of the state officer other than the comptroller, the officer shall file with the comptroller, at such times as the comptroller shall determine, a detailed statement, in such form and content as the comptroller shall prescribe, for the period covered by the statement. The comptroller shall from time to time, but not less than once in every three years, examine the books and accounts relating to such moneys heretofore or hereinafter established, including its receipts, disbursements, investments, and any financial matters. An independent audit of such moneys may be authorized by the comptroller in lieu of his own examination, which examination shall be undertaken within twelve months of such authorization.

S 10. Section 359 of the education law is amended by adding a new subdivision 5 to read as follows:

5. 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 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 UNIFORM 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 11. 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 12. State university of New York appropriation structure. Notwithstanding any other provision of law to the contrary, gross operating support for the state-operated and statutory and contract colleges of

the state university of New York shall be appropriated in a newly created agency fund, and all gross operating expenses thereof, except for general state charges centrally administered, shall be charged against such fund in the first instance. The state comptroller may establish such fund to allow for the full deposit of funds to support such appropriations from the state's general fund and the state university of New York tuition revenue account according to annual transfer amounts approved for such purpose.

S 13. Paragraph 4-a of subdivision A of section 6221 of the education law is REPEALED.

S 14. 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, BY A LISTING OF EACH SOURCE, AND THE AGGREGATE REVENUE DERIVED FROM EACH SOURCE;

C. EXPENDITURES MADE BY EACH SENIOR COLLEGE 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 CITY UNIVERSITY HAS FUNDED WITH TUITION REVENUE DERIVED FROM UNIFORM RATES OF TUITION UPON THE BASIS OF CAMPUS OR PROGRAM AUTHORIZED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS ARTICLE;

E. ENROLLMENT AT EACH SENIOR COLLEGE 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 15. Subdivision 1 of section 355-a of the education law, as amended by chapter 552 of the laws of 1985, paragraph (b) as amended by chapter 554 of the laws of 1985, is amended to read as follows:

1. (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION OF CIVIL SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EMPLOYEES OF THE STATE UNIVERSITY AFFECTED BY THE PROVISIONS OF THE NEW YORK STATE PUBLIC HIGHER EDUCATION FAIRNESS ACT, SHALL BE PRESERVED AND PROTECTED. EMPLOYEES IN ANY NEWLY CREATED POSITIONS WITHIN THE STATE UNIVERSITY SHALL BE CONSIDERED PUBLIC EMPLOYEES FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

(B) The state university trustees are authorized and empowered to classify and reclassify all positions in the state university determined

pursuant to section thirty-five of the civil service law to be in the professional service as defined in subdivision three of this section, except those of the New York state colleges, schools and experiment stations administered by Cornell university and Alfred university.

[(b)] (C) To the fullest extent possible consistent with its authority under the civil service law, and after consultation with the state university trustees, the state civil service commission shall consider the unique educational mission and operating requirements of the state university when making any determination relating to the jurisdictional classification of positions in the state university in the classified service. The director of the classification and compensation division of the department of civil service shall similarly consider the unique educational mission and operating requirements of the state university when making determinations concerning the classification and reclassification and the allocation and reallocation of the positions in the state university in the classified service.

S 16. Section 6207 of the education law, as added by chapter 305 of the laws of 1979, is amended to read as follows:

S 6207. Administration of civil service. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION OF CIVIL SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EMPLOYEES OF THE CITY UNIVERSITY AFFECTED BY THE PROVISIONS OF THE NEW YORK STATE PUBLIC HIGHER EDUCATION FAIRNESS ACT, SHALL BE PRESERVED AND PROTECTED. EMPLOYEES IN ANY NEWLY CREATED POSITIONS WITHIN THE CITY UNIVERSITY SHALL BE CONSIDERED PUBLIC EMPLOYEES FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

2. The city university, for the purpose of administering the state civil service law, shall be deemed to be a municipal employer, provided, however, that the city university may elect to delegate the administration of any or all of the provisions of the civil service law, except article fourteen OF SUCH LAW, to the department of personnel of the city of New York. In that event, the city department of personnel shall enter into a contract with such university for the rendition of such services. The city university of New York shall compensate the city of New York for such services only with respect to such services rendered for or on behalf of the senior colleges of such university. If the city of New York and city university cannot agree on the amount of such compensation, the state comptroller shall determine the fair and reasonable value of such services and the city university shall pay such sum to the city of New York. Any person on an eligible list for a position with the city university of New York in effect on the effective date of this article shall continue to hold such position on such list and shall be entitled to the same civil service rights. With respect to all persons employed by the city university on the effective date of this article, the city university and the city of New York shall be deemed to be the same public employer only for purposes of transfer of employment under the civil service law. No civil service right of an employee of the city university of New York employed on the effective date of this article shall be lost, impaired or affected by reason of the enactment of this article into law.

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

(c) For students first receiving aid in [the] two thousand--two thousand one and thereafter, five thousand dollars[.] , UNLESS, COMMENCING

IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND THEREAFTER, THE ANNUAL RESIDENT UNDERGRADUATE TUITION AT EITHER THE STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK EXCEEDS SUCH AMOUNT, IN WHICH CASE THE MAXIMUM BASIS ON WHICH TO COMPUTE A TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO THIS SUBDIVISION SHALL BE EQUAL TO FIVE THOUSAND DOLLARS PLUS SIX-TENTHS THE DIFFERENCE BETWEEN THE HIGHEST ANNUAL RESIDENT UNDERGRADUATE TUITION AT THE STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK, WHICHEVER IS HIGHER, AND FIVE THOUSAND DOLLARS;

S 18. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2015.

PART B

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

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

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

(I) SUCH LEASE OR AGREEMENT SHALL BE DEEMED A STATE CONTRACT FOR PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, AND THE ENTITY

ENTERING INTO SUCH CONTRACT SHALL BE DEEMED A STATE AGENCY FOR PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

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

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

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

(V) UPON THE EXPIRATION OF THE LEASE OR AGREEMENT, THE DEMISED PREMISES SHALL REVERT TO THE STATE UNIVERSITY OF NEW YORK.

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

(VII) ANY CONTRACTS AWARDED OR ENTERED INTO BY A CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY A STATE-OPERATED INSTITUTION TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES, FOR CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPERATED INSTITUTION, FOR ANY SINGLE CONSTRUCTION PROJECT EXCEEDING TEN MILLION DOLLARS IN THE AGGREGATE, FOR WHICH MORE THAN TWENTY-FIVE PERCENT OF SUCH AGGREGATE AMOUNT IS TO BE PAID FROM APPROPRIATIONS FURNISHED BY EITHER THE STATE OF NEW YORK OR THE STATE UNIVERSITY, SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPERATED INSTITUTION SHALL BE UNDERTAKEN PURSUANT TO A PROJECT LABOR AGREEMENT, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, PROVIDED A STUDY DONE BY OR FOR THE CONTRACTING ENTITY DETERMINES THAT A PROJECT LABOR AGREEMENT WILL BENEFIT SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION THROUGH REDUCED RISK OF DELAY, POTENTIAL COST SAVINGS OR POTENTIAL REDUCTION IN THE RISK OF LABOR UNREST IN LIGHT OF ANY PERTINENT LOCAL HISTORY THEREOF. FOR PURPOSES OF APPLYING THE DOLLAR THRESHOLDS SET FORTH IN THIS CLAUSE, THE TERM "SINGLE CONSTRUCTION PROJECT" SHALL MEAN ANY CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION ACTIVITY ASSOCIATED WITH ONE OR MORE BUILDINGS, STRUCTURES OR IMPROVEMENTS, INCLUDING ALL DIRECTLY RELATED INFRASTRUCTURE AND SITE WORK IN CONTEMPLATION THEREOF, THAT ARE FUNCTIONALLY INTERDEPENDENT.

(3) THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE CUSTODY AND

CONTROL OF THE STATE UNIVERSITY IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL OF THE STATE UNIVERSITY SHALL BE RETAINED BY THE STATE UNIVERSITY.

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

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

(B) THE VOTING MEMBERSHIP OF THE BOARD SHALL CONSIST OF THREE PERSONS APPOINTED BY THE GOVERNOR, OF WHICH ONE SHALL BE UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. UPON RECOMMENDATION OF THE NOMINATING PARTY, THE GOVERNOR SHALL REPLACE ANY MEMBER IN ACCORDANCE WITH THE PROVISION CONTAINED IN THIS SUBDIVISION FOR THE APPOINTMENT OF MEMBERS. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS TO SERVE AS CHAIRPERSON. THE BOARD SHALL ACT BY UNANIMOUS VOTE OF THE MEMBERS OF THE BOARD; PROVIDED, HOWEVER THAT WITHIN FORTY-FIVE DAYS OF RECEIPT OF AN APPLICATION SPECIFIED IN PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, THE DESIGNATED BOARD CHAIRPERSON SHALL CONVENE A MEETING OF THE BOARD, CONSISTING OF ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD PURSUANT TO THIS PARAGRAPH AND PARAGRAPHS (C), (D) AND (E) OF THIS SUBDIVISION PROVIDED, HOWEVER THAT ALL VOTING MEMBERS OR THEIR DESIGNEE MUST PARTICIPATE TO APPROVE OR DENY AN APPLICATION. ANY DETERMINATION OF THE BOARD SHALL BE EVIDENCED BY A CERTIFICATION THEREOF EXECUTED BY ALL THE MEMBERS. EACH MEMBER OF THE BOARD SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD ON THE DESIGNATING 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 SHALL BE ENTERED, THE GEOGRAPHICAL LOCATION AND PARCEL OF REAL PROPERTY THAT WOULD BE UTILIZED, THE PERIOD OF TIME FOR WHICH THE LEASE, TRANSFER OR CONVEYANCE IS TO BE EXECUTED AND ANY CONSIDERATION WHICH IS TO BE GRANTED TO THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE OF SUCH REAL PROPERTY. WHERE A LEASE AGREEMENT FOR STUDENT AND/OR FACULTY HOUSING IS SUBMITTED TO THE BOARD FOR APPROVAL, IF APPLICABLE, THE BOARD MAY TAKE INTO CONSIDERATION WHETHER THE AGREEMENT WOULD IMPACT OCCUPANCY IN DORMITORIES FINANCED PURSUANT TO AGREEMENTS BETWEEN THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY CONSTRUCTION FUND. THE TRUSTEES SHALL ALSO FURNISH ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS OF THE REQUEST.

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

(C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A

VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION, THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE APPLICATION.

(D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITERIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOTMENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD.

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

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

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

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

4. (A) THE TRUSTEES OF THE STATE UNIVERSITY SHALL SUBMIT, IN WRITING, AN APPLICATION TO ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD 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. THE

APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OF THE ENTITY WITH WHICH THE STATE UNIVERSITY SEEKS TO PARTICIPATE, THE TYPE OF LEGAL ENTITY TO BE CREATED, AND THE TRANSACTION THAT THE STATE UNIVERSITY AND THE OTHER PARTICIPANT SEEK TO UNDERTAKE. THE TRUSTEES SHALL ALSO FURNISH INFORMATION RELATED TO THEIR PLANS TO ADVERTISE PROSPECTIVE PROJECTS IN THE PROCUREMENT OPPORTUNITIES NEWSLETTER AND IN LOCAL NEWSPAPERS AND TAKE ANY OTHER STEPS TO MAXIMIZE THE OPPORTUNITY FOR LOCAL BUSINESS PARTICIPATION AND THE BOARD MAY REQUEST ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS OF THE REQUEST.

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

(C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION, THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE APPLICATION.

(D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITERIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOTMENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD.

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

(F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IF ANY VOTING MEMBER CASTS A VOTE TO TABLE THE APPLICATION, NO OTHER VOTES SHALL BE RECORDED UNTIL A SUBSEQUENT MEETING IS CONVENED. PROVIDED,

HOWEVER, THAT A VOTE TO TABLE THE APPLICATION SHALL NOT BE ALLOWABLE AFTER THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION.

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

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

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

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

Y. TO LEASE OR MAKE AVAILABLE TO ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, A PORTION OF THE GROUNDS OR REAL PROPERTY OCCUPIED BY A STATE OPERATED INSTITUTION AT ALBANY, BINGHAMTON, BUFFALO, AND STONY BROOK, FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF ACADEMIC BUILDINGS, DORMITORIES OR OTHER FACILITIES THEREON AND FOR THE PURPOSE OF FACILITATING SUCH CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT, TO ENTER INTO LEASES AND AGREEMENTS FOR THE USE OF ANY SUCH ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY; PROVIDED, HOWEVER, THAT NOTHING HEREIN CONTAINED SHALL AFFECT THE PROVISIONS OF ANY LEASE OR AGREEMENT HERETOFORE EXECUTED BY THE STATE UNIVERSITY WITH THE DORMITORY AUTHORITY. THE STATE UNIVERSITY TRUSTEES MAY ALSO ENTER INTO AGREEMENTS AS THEY PERTAIN TO THE STATE UNIVERSITY OF NEW YORK AT ALBANY, THE STATE UNIVERSITY OF NEW YORK AT BINGHAMTON, THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, AND THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, TO FURNISH HEAT FROM A CENTRAL HEATING PLANT TO ANY ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY ERECTED BY THEM OR WITH MONEYS SUPPLIED BY THEM.

Z. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS AT THE STATE UNIVERSITY OF NEW YORK AT ALBANY, THE STATE UNIVERSITY OF NEW YORK AT BINGHAMTON, THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, AND THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK, AND IN SUPPORT OF THE CORPORATE PURPOSES 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. THE STATE UNIVERSITY'S PARTICIPATION SHALL BE SUBJECT TO GUIDELINES OF THE STATE UNIVERSITY WITH RESPECT TO CONFLICTS OF INTEREST

AND TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE APPLICABLE PROVISIONS OF AGREEMENTS BETWEEN THE STATE AND EMPLOYEE ORGANIZATIONS PURSUANT TO SUCH ARTICLE FOURTEEN. NOTWITHSTANDING ANY INCONSISTENT PROVISION IN SECTION EIGHT OF THE COURT OF CLAIMS ACT, THE STATE UNIVERSITY MAY INCLUDE IN A CONTRACT RELATING TO SUCH PARTICIPATION, OTHER THAN A CONTRACT WITH STATE EMPLOYEES RELATING TO TERMS AND CONDITIONS OF THEIR EMPLOYMENT, A PROVISION THAT SOME OR ALL DISPUTES ARISING UNDER OR RELATED TO SUCH CONTRACT SHALL BE RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH THE RULES OF A NATIONALLY-RECOGNIZED ARBITRATION ASSOCIATION. NOTHING CONTAINED IN THE PUBLIC OFFICERS LAW OR IN ANY OTHER LAW, RULE OR REGULATION SHALL BE CONSTRUED OR APPLIED TO PROHIBIT STATE UNIVERSITY OFFICERS AND EMPLOYEES FROM ENGAGING IN ACTIVITIES FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE STATE UNIVERSITY IN CONNECTION WITH SUCH JOINT AND COOPERATIVE ARRANGEMENTS, INCLUDING SERVING AS DESIGNEES OF THE STATE UNIVERSITY AS DIRECTORS ON BOARDS OR OTHER GOVERNING BODIES OF CORPORATIONS OR OTHER ENTITIES.

S 4. Subdivisions 8, 12 and 15 of section 373 of the education law, as added by chapter 251 of the laws of 1962, are amended and a new subdivision 20 is added to read as follows:

8. (A) To design, construct, acquire, reconstruct, rehabilitate and improve academic buildings, dormitories and other facilities for the state university [in accordance with sections three hundred seventy-five and three hundred seventy-six of this chapter] USING ANY PROJECT DELIVERY METHOD, INCLUDING BUT NOT LIMITED TO, DESIGN, BID, BUILD, DESIGN/BUILD, OR CONSTRUCTION MANAGER AT RISK, THAT WILL ASSIST THE FUND IN FULFILLING ITS PURPOSES UNDER SECTION THREE HUNDRED SEVENTY-TWO OF THIS ARTICLE, PROVIDED THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR SUCH CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENTS SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW AND ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. IN NO EVENT SHALL MORE THAN FIFTEEN PERCENT OF THE TOTAL ANNUAL COST OF ALL STATE UNIVERSITY CAPITAL PROJECTS BE AWARDED FOR PROJECTS THAT USE A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD.

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

(C) WITH RESPECT TO ANY PROJECT BY THE FUND FOR WHICH A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD IS PROPOSED, THE PROJECT SHALL BE UNDERTAKEN PURSUANT TO A PROJECT LABOR AGREEMENT, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW. UNLESS THE FUND DETERMINES, UPON THE BASIS OF A STUDY DONE BY OR FOR THE CONTRACTING ENTITY BY A QUALIFIED ENTITY ACCEPTABLE TO THE FUND, THAT THE FUND'S INTEREST IN OBTAINING THE BEST WORK AT THE LOWEST POSSIBLE

PRICE, PREVENTING FAVORITISM, FRAUD AND CORRUPTION, AND OTHER CONSIDERATIONS SUCH AS THE IMPACT OF DELAY, THE POSSIBILITY OF COST SAVINGS ADVANTAGES, AND ANY LOCAL HISTORY OF LABOR UNREST, ARE BEST MET BY REQUIRING A PROJECT LABOR AGREEMENT, THE FUND SHALL NOT UNDERTAKE THE PROJECT USING A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD;

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

15. To engage the services of construction, engineering, architectural, legal and financial consultants, surveyors and appraisers, on a contract basis or as employees, for professional service and technical assistance and advice AND NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR ANY OTHER LAW TO THE CONTRARY, TO DETERMINE ITS STAFFING, SUPPORT SERVICES AND EQUIPMENT NEEDS WHICH IN THE JUDGMENT OF THE FUND ARE NECESSARY TO FULFILL ITS PURPOSES AS SET FORTH IN SECTION THREE HUNDRED SEVENTY-TWO OF THIS ARTICLE; and

20. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION OF CIVIL SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EMPLOYEES OF THE FUND AFFECTED BY THE PROVISIONS OF THE NEW YORK STATE PUBLIC HIGHER EDUCATION FAIRNESS ACT, SHALL BE PRESERVED AND PROTECTED. EMPLOYEES IN ANY NEWLY CREATED POSITIONS WITHIN THE STATE UNIVERSITY CONSTRUCTION FUND SHALL BE CONSIDERED PUBLIC EMPLOYEES FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

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

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

8. All contracts which are to be awarded pursuant to this subdivision shall be awarded by public letting in accordance with the following provisions, notwithstanding any contrary provision of section ONE HUNDRED TWELVE, one hundred thirty-five, one hundred thirty-six, one hundred thirty-nine or one hundred forty of the state finance law OR ANY OTHER LAW, provided, however, that where the estimated expense of any contract which may be awarded pursuant to this subdivision is less than TWO HUNDRED fifty thousand dollars, a performance bond and a bond for the payment of labor and material may, in the discretion of the fund, not be required, and except that in the discretion of the fund, a contract may be entered into for such purposes without public letting

where the estimated expense thereof is less than twenty thousand dollars, or where in the judgment of the fund an emergency condition exists as a result of damage to an existing academic building, dormitory or other facility which has been caused by an act of God, fire or other casualty, or any other unanticipated, sudden and unexpected occurrence, that has resulted in damage to or a malfunction in an existing academic building, dormitory or other facility and involves a pressing necessity for immediate repair, reconstruction or maintenance in order to permit the safe continuation of the use or function of such facility, or to protect the facility or the life, health or safety of any person, and the nature of the work is such that in the judgment of the fund it would be impractical and against the public interest to have public letting; provided, however, that the fund, prior to awarding a contract hereunder because of an emergency condition notify the comptroller of its intent to award such a contract:

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

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

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

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

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

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

S 6. Subdivision 4 of section 377 of the education law, as added by chapter 624 of the laws of 1999, is amended to read as follows:

4. Monies received by the fund, FOR ALL OF ITS OPERATING AND ADMINISTRATIVE COSTS OR in connection with approved university-related economic

development facilities, [other than state appropriations to the fund,] may be deposited in a general account and other such accounts as the fund may deem necessary, for the transaction of its business [or in relation to construction or property management activities undertaken in connection with such projects] and shall be paid out on checks signed by the chairman of the fund or such other person or persons as the trustees of the fund may authorize.

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

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE STATE UNIVERSITY OF NEW YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT.

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

A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

S 8. Subdivision 1 of section 1680 of the public authorities law is amended by adding three new undesignated paragraphs to read as follows:

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-

STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE STATE UNIVERSITY OF NEW YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE STATE UNIVERSITY OF NEW YORK; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE STATE UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY CONSTRUCTION FUND ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE OF STATE-OWNED PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER, THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR THE STATE UNIVERSITY CONSTRUCTION FUND SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILD-

ING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE BOARD OF TRUSTEES OF THE LOCALLY SPONSORED COMMUNITY COLLEGE; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE LOCALLY SPONSORED COMMUNITY COLLEGE AND THE LOCAL SPONSOR ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE OF PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES OF THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER, ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE LOCAL SPONSOR NOR THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

S 9. Section 6304 of the education law is amended by adding a new subdivision 14 to read as follows:

14. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED, CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS,

MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A COMMUNITY COLLEGE.

B. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A COMMUNITY COLLEGE IS AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A COMMUNITY COLLEGE DORMITORY, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE LEASING OR OTHERWISE MAKING AVAILABLE TO THE DORMITORY AUTHORITY REAL PROPERTY HELD BY THE LOCAL SPONSOR IN TRUST FOR THE USES AND PURPOSES OF THE COMMUNITY COLLEGE; OR (II) GRANT THE DORMITORY AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE COMMUNITY COLLEGE DERIVED FROM THE OPERATIONS OF THE PROJECT BEING FINANCED TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION; PROVIDED, FURTHER, THAT ANY SUCH AGREEMENTS MAY PROVIDE THAT THE OBLIGATION OF THE COMMUNITY COLLEGE TO MAKE RENTAL OR OTHER PAYMENTS TO THE DORMITORY AUTHORITY SHALL CONSTITUTE A GENERAL OBLIGATION OF THE COMMUNITY COLLEGE PAYABLE FROM ALL MONIES LEGALLY AVAILABLE TO THE COMMUNITY COLLEGE (INCLUDING AMOUNTS PROVIDED FOR OPERATING AID BY THE LOCAL SPONSOR OR SPONSORS TO THE COMMUNITY COLLEGE PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR AMOUNTS PROVIDED FOR OPERATING AID BY THE STATE TO THE COMMUNITY COLLEGE); AND PROVIDED FURTHER, THAT ALL WORK PERFORMED ON A COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED AND REQUIRED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR A LOCAL SPONSOR SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE DORMITORY AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO THIS SUBDIVISION.

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

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

S 10. Section 1680 of the public authorities law is amended by adding a new subdivision 41 to read as follows:

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

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

C. IN THE EVENT OF A FAILURE OF A LOCALLY SPONSORED COMMUNITY COLLEGE TO PAY THE DORMITORY AUTHORITY WHEN DUE ALL OR PART OF AMOUNTS PAYABLE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY PURSUANT TO A LEASE OR AGREEMENT AUTHORIZED BY THIS SUBDIVISION, THE DORMITORY AUTHORITY SHALL FORTHWITH MAKE AND DELIVER TO THE STATE COMPTROLLER A CERTIFICATE STATING THE AMOUNT OF THE PAYMENT REQUIRED TO HAVE BEEN MADE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, THE AMOUNT PAID BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE AMOUNT REMAINING UNPAID BY THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE STATE COMPTROLLER, AFTER GIVING WRITTEN NOTICE TO THE DIRECTOR OF THE BUDGET, SHALL PAY TO THE DORMITORY AUTHORITY THE AMOUNT SET FORTH IN SUCH CERTIFICATE AS REMAINING UNPAID, WHICH AMOUNT SHALL BE PAID FROM ANY MONIES APPROPRIATED BY THE STATE FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE AND NOT YET PAID. THE AMOUNT REQUIRED TO BE PAID BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH SHALL BE PAID TO THE DORMITORY AUTHORITY AS SOON AS PRACTICABLE AFTER RECEIPT OF THE CERTIFICATE OF THE DORMITORY AUTHORITY AND NOTICE TO THE DIRECTOR OF THE BUDGET IS GIVEN, WHETHER OR NOT THE MONEYS FROM WHICH SUCH PAYMENT IS TO BE MADE ARE THEN DUE AND PAYABLE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE AMOUNT OF STATE APPROPRIATIONS PAYABLE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM WHICH THE STATE COMPTROLLER HAS MADE A PAYMENT PURSUANT TO THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT SO PAID TO THE DORMITORY AUTHORITY, NOTWITHSTANDING THE AMOUNT APPROPRIATED AND APPORTIONED BY THE STATE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE STATE SHALL NOT BE OBLIGATED TO MAKE AND THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL NOT BE ENTITLED TO RECEIVE ANY ADDITIONAL APPORTIONMENT OR PAYMENT OF STATE MONEYS. NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO CREATE AN OBLIGATION UPON THE STATE TO APPROPRIATE MONEYS FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, TO PRECLUDE THE STATE FROM REDUCING THE AMOUNT OF MONEYS APPROPRIATED OR LEVEL OF SUPPORT PROVIDED FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM THE AMOUNT APPROPRIATED OR LEVEL OF SUPPORT PROVIDED IN ANY PRIOR FISCAL YEAR, OR

TO PRECLUDE THE STATE FROM ALTERING OR MODIFYING THE MANNER IN WHICH IT PROVIDES FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY 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 11. 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 12. This act shall take effect immediately; provided, however, that sections one through ten 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 eleven 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:

a. (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 and] construction, CONSTRUCTION-RELATED contracts [to an amount not exceeding twenty thousand dollars] AND 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 state university board of trustees after consultation with the state comptroller. [In addition, the trustees, after consultation with the commissioner of general services, 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] 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 NEGOTIATE ANNUALLY WITH THE STATE COMPTROLLER INCREASES IN THE DOLLAR THRESHOLD FOR CONTRACTS FOR SERVICES. THE GUIDELINES promulgated by the state university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency;

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

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

[d. (1) Award contract extensions for campus transportation without competitive bidding where such contracts were secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to subparagraph (2) of this paragraph, however such extensions may be rejected if the amount to be paid to the contractor in any year of such proposed extension fails to reflect any

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

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

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

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

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

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

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

(1) THE STATE UNIVERSITY'S PROCUREMENT GUIDELINES;

(2) SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALED

BY STATE-OPERATED INSTITUTIONS AND UNIVERSITY HEALTH SCIENCES CENTERS 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] GUIDE-LINES promulgated by the city university board of trustees after consul-tation 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 regu-lations] 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 NEGOTIATE ANNUALLY WITH THE STATE COMPTROLLER INCREASES IN THE DOLLAR THRESHOLD FOR CONTRACTS FOR SERVICES.

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

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

1. THE CITY UNIVERSITY'S PROCUREMENT GUIDELINES;

2. SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALED BY INDIVIDUAL SENIOR COLLEGES 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 THE CONTRACTS BY INDIVIDUAL SENIOR COLLEGES, INCLUDING VENDOR NAME, APPROVAL DATES, DOLLAR VALUE OF SUCH CONTRACTS;

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 SENIOR COLLEGES; 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 CITY 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.

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

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

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

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

2. (a) Before any contract made for or by any state agency, department, board, officer, commission, or institution, except the office of general services, THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK, shall be executed or become effective, whenever such contract exceeds fifty thousand dollars in amount and before any contract made for or by the office of general services shall be executed or become effective, whenever such contract exceeds eighty-five thousand dollars in amount, it shall first be approved by the comptroller and filed in his or her office, provided, however, that the comptroller shall make a final written determination with respect to approval of

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

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

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

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

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

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

e. Any officer, body or agency of a political subdivision as defined in section one hundred of the general municipal law or a district therein, may make purchases of services through the office of general services' centralized contracts for services, subject to the provisions of section one hundred four of the general municipal law. The commissioner may permit and prescribe the conditions for the purchase of services through the office of general services' centralized contracts for services by any public authority or public benefit corporation of the state including the port authority of New York and New Jersey, OR ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE CITY UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY OF NEW YORK; PROVIDED, HOWEVER, THAT SERVICES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE CITY UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY OF NEW YORK SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT ORGANIZATION. The commissioner is authorized to permit any public library, association library, library system, cooperative library system, the New York Library Association, and the New York State Association of Library Boards or any other library except those which are operated by for profit entities, to make purchases of services through the office of general services' centralized contracts; provided, however, that such entity so empowered shall accept sole responsibility for any payment due with respect to such purchase.

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

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

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

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

S 11. This act shall take effect immediately; provided that sections one, two, three, four, five, six, nine, and ten of this act shall expire and be deemed repealed June 30, 2015; provided, however, that the amendments to section 163 of the state finance law made by sections seven and eight of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART D

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

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

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

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

3. The regents shall, once every [four] EIGHT years, review the proposed plan and recommendations required to be submitted by the state university trustees pursuant to section three hundred fifty-four of this chapter, the proposed plan and recommendations of the board of higher education in the city of New York required to be submitted pursuant to section sixty-two hundred [two] SIX of this chapter, and the plans of independent institutions of higher education and, upon approval by the regents of the plans submitted by the state university trustees and the board of higher education, they shall be incorporated into a regents plan or general revision thereof for the development of higher education in the state. Such regents plan shall include the plan and recommendations proposed by the state university trustees and the plan and recommendations proposed by the board of higher education in the city of New York and may include plans with respect to other matters not comprehended within the plan of the state and city universities, including but not limited to improving institutional management and resources, instruction and guidance programs, financial assistance to students and extension of educational opportunities. In determining the need for additional educational facilities in a particular area, the plans and facilities of existing public and independent institutions shall be fully evaluated. Such statewide plan shall include for information purposes a summary of all recommendations appearing in the prior statewide plan and subsequent amendments thereof containing a brief statement

of action taken and progress toward achievement of each such recommendation.

4. During the calendar year [nineteen hundred sixty-four] TWO THOUSAND TWELVE and each [fourth] EIGHTH year thereafter the regents shall evaluate all available information with respect to the plans and facilities of independent institutions and shall review and act upon the proposed plan and recommendations of the state university trustees and upon the proposed plan and recommendations of the board of higher education in the city of New York and incorporate such information, recommendations and each of the component plans so acted upon into a tentative regents plan or general revision thereof for the development of higher education in the state. Copies of such tentative regents plan or general revision thereof, as the case may be, shall be made available to the trustees of the state university, the board of higher education in the city of New York and the governing boards of all other institutions of higher education admitted to the university of the state of New York. Thereafter, after giving due notice, the regents shall conduct one or more hearings on such tentative regents plan or general revision thereof.

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

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

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

1. The state university trustees shall, once every [four] EIGHT years, formulate a long-range state university plan or general revision thereof and make recommendations to the board of regents and the governor for the organization, development, coordination and expansion of the state

university and for the establishment of community colleges in areas suitable for and in need of such institutions, which plan and recommendations shall include the following:

a. plans for new curricula;

b. plans for new facilities;

c. plans for change in policies with respect to student admissions;

d. projected student enrollments; and

e. comments upon its relationship to other colleges and universities, public, independent and proprietary, within the state.

f. For informational purposes only, projection standards and overall expenditure projections of capital and operating costs. Prior to transmitting their long-range state university plan or general revision thereof to the board of regents and the governor the state university trustees may, after giving due notice, conduct one or more hearings on such plan.

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

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

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

3. The term "eligible employees" means those employees in positions requiring the performance of educational functions in teacher education, agriculture, home economics, forestry, ceramics, liberal and applied arts and sciences, engineering, technical skills, crafts, business education, labor and industrial relations, medicine, dentistry, veterinary medicine, pharmacy, nursing, law, public affairs, maritime officer training, academic administration, library service, student activities, student personnel service and other professions required to carry on the work of the state university and the colleges, schools, institutes, research centers, facilities and institutions comprising it and of the community colleges; PROVIDED, THAT THE TERM "ELIGIBLE EMPLOYEES" SHALL INCLUDE MEDICAL, DENTAL AND OPTOMETRIC RESIDENTS AND INTERNS WHO RENDER

SERVICES AT HEALTH SCIENCES CENTERS OF THE STATE UNIVERSITY AND WHO MAY OPT TO PARTICIPATE IN THE NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM BUT NOT IN THE OPTIONAL RETIREMENT PROGRAM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM. Such positions in the state university, including those at the state colleges of agriculture, home economics, veterinary medicine or industrial and labor relations, the state agricultural experiment station at Geneva, or any other institution or agency under the management and control of Cornell university as representative of the board, and at the state college of ceramics under the management and control of Alfred university as the representative of the board, and such positions in the community colleges shall be those certified to the board by the chancellor of state university as requiring the performance of such functions. No person receiving a benefit by reason of his retirement from any retirement or pension system of New York state or any political subdivision thereof shall be eligible to elect the optional retirement program.

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

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

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

4. "Teacher" shall mean any regular teacher, special teacher, including any school librarian or physical training teacher, principal, vice-principal, supervisor, supervisory principal, director, superintendent, city superintendent, assistant city superintendent, district superintendent and other member of the teaching or professional staff of any class, public school, vocational school, truant reformatory school or parental school, and of any or all classes of schools within the state of New York, including schools on the Indian reservation, conducted under the order and superintendence of and wholly or partly at the expense of the New York state education department or of a duly elected board of education, board of school directors or board of trustees of the state or of any city or school district thereof, provided that no person shall be deemed a teacher within the meaning of this article who is not so employed for full time outside vacation periods. The word,

"teacher," shall also include any person employed in the state education department who at the time he entered such employment, or within one year prior thereto, was a teacher within the foregoing definition, or who was engaged in such department in the performance of duties pertaining to instructional services prior to September first, nineteen hundred eighty-six or who provides instructional services at the New York state school for the blind or the New York state school for the deaf, but shall not include a person who is a teacher within the foregoing definition, and who elects to become a member of the New York state employees' retirement system pursuant to paragraph five OR PARAGRAPH TEN of subdivision c of section forty of the retirement and social security law upon his entry, on or after April first, nineteen hundred fifty, into his employment as such a teacher in a state-operated institution or community college under the jurisdiction of the board of trustees of the state university, or who is a teacher within the foregoing definition, and who elects to become a member of the New York city employees' retirement system, upon his entry, on or after April first, nineteen hundred fifty-six, into his employment as such a teacher in a community college operated by the city of New York, or who is a teacher within the foregoing definition, and who elects the optional retirement program established either by article [eight-b] EIGHT-B or by PART V OF article three[, part V] of this chapter. In all cases of doubt, the retirement board shall determine whether any person is a teacher as defined in this article.

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

10. A PERSON WHO IS A MEDICAL, DENTAL OR OPTOMETRIC RESIDENT OR INTERN WHO RENDERS SERVICES AT A HEALTH SCIENCES CENTER OF THE STATE UNIVERSITY.

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

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

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

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

(c) Provided further that any employee of a county extension service association and any employee of Cornell university appointed for the first time on or after July first, nineteen hundred seventy-six but on or before July thirty-first, nineteen hundred seventy-seven, who holds a state cooperative appointment as designated by the director of the New York state cooperative extension service may elect to receive a federal cooperative appointment in the manner provided for by the relevant

federal laws, rules and regulations and to participate in the federal retirement system and discontinue his participation in the state retirement system by filing a written notice of termination on or before December thirty-first, nineteen hundred eighty-three with the comptroller. Any employee who is a member of the state employees' retirement system at the time he or she elects coverage in the federal retirement program shall be deemed to be a person who discontinues service on the effective date of such election, for the purpose of determining his or her eligibility for rights and benefits in such state system; provided, however, that if he or she does not withdraw accumulated contributions, (i) continued service with the county extension service association or Cornell university while under the federal retirement program shall be deemed to be member service in the New York state employees' retirement system for the purpose of determining eligibility for any vested retirement allowance, retirement allowance or ordinary death benefit under such system dependent upon a specified period of total service or upon attainment of a specified age while in service or upon death while in service; and (ii) the amount of any such benefit to which the person or his or her estate or person designated by him or her may become entitled under either such system shall be computed only on the basis of service otherwise creditable to him or her therein and his or her compensation during such service. Electing employees and their beneficiaries shall not be entitled to any right or benefit under the New York state employees' retirement system other than a vested retirement allowance, retirement allowance or ordinary death benefit to the extent expressly provided for in this chapter[.]; AND

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

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

PART E

Intentionally omitted.

PART F

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

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

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in

its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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