

8673

2011-2012 Regular Sessions

I N A S S E M B L Y

October 27, 2011

Introduced by M. of A. PAULIN, ENGLEBRIGHT, GALEF, MARKEY, SCHIMEL, McENENY, ABINANTI, GABRYSZAK, GUNTHER, JAFFEE, MILLMAN, ROBERTS, THIELE, TITONE -- Multi-Sponsored by -- M. of A. CANESTRARI, LATIMER, SWEENEY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to clarifying reforms to the procurement process for the state and city university in regards to the purchase or subscription to online electronic resources

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

1 Section 1. Paragraph a of subdivision 5 of section 355 of the educa-
2 tion law, as amended by section 1 of subpart B of part D of chapter 58
3 of the laws of 2011, is amended to read as follows:
4 a. (i) purchase materials, equipment and supplies, including computer
5 equipment, LIBRARY MATERIALS INCLUDING BUT NOT LIMITED TO BOOKS, SERIALS
6 AND ELECTRONIC RESOURCES and motor vehicles, (ii) execute contracts for
7 construction and construction-related services contracts, and (iii)
8 contract for printing, without prior approval by any other state officer
9 or agency, but subject to rules and regulations of the state comptroller
10 not otherwise inconsistent with the provisions of this section and in
11 accordance with guidelines promulgated by the state university board of
12 trustees after consultation with the state comptroller;
13 S 2. Subdivision 6 of section 355 of the education law, as amended by
14 section 1 of subpart B of part D of chapter 58 of the laws of 2011, is
15 amended to read as follows:
16 6. To enter into any contract or agreement deemed necessary or advis-
17 able after consultation with appropriate state agencies for carrying out
18 the objects and purposes of state university without prior review or
19 approval by any state officer or agency other than the state comptroller
20 and the attorney general including contracts with non-profit corpo-
21 rations organized by officers, employees, alumni or students of state
22 university for the furtherance of its objects and purposes. Contracts

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

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1 or agreements entered into with the federal government to enable partic-
2 ipation in federal student loan programs, including any and all instru-
3 ments required thereunder, shall not be subject to the requirements of
4 section forty-one of the state finance law; provided, however, that the
5 state shall not be liable for any portion of any defaults which it has
6 agreed to assume pursuant to any such agreement in an amount in excess
7 of money appropriated or otherwise lawfully available therefor at the
8 time the liability for payment arises. The foregoing notwithstanding,
9 any contract made for or by the state university for the purchase of:
10 (i) materials, equipment and supplies, including computer equipment AND
11 LIBRARY MATERIALS INCLUDING BUT NOT LIMITED TO BOOKS, SERIALS AND ELEC-
12 TRONIC RESOURCES; (ii) motor vehicles; (iii) construction and construc-
13 tion-related services contracts; and (iv) printing shall not be subject
14 to prior approval by any other state officer or agency.

15 S 3. Paragraph 1 of subdivision a of section 6218 of the education
16 law, as amended by section 2 of subpart B of part D of chapter 58 of the
17 laws of 2011, is amended to read as follows:

18 (1) (i) purchase materials, equipment and supplies, including computer
19 equipment, LIBRARY MATERIALS INCLUDING BUT NOT LIMITED TO BOOKS, SERIALS
20 AND ELECTRONIC RESOURCES and motor vehicles, (ii) execute contracts for
21 construction and construction-related services contracts, and (iii)
22 contract for printing, without prior approval by any other state officer
23 or agency, but subject to rules and regulations of the state comptroller
24 not otherwise inconsistent with the provisions of this section and in
25 accordance with the guidelines promulgated by the city university board
26 of trustees after consultation with the state comptroller.

27 S 4. This act shall take effect immediately, provided that the amend-
28 ments to subdivisions 5 and 6 of section 355 of the education law, made
29 by sections one and two of this act shall not affect the expiration of
30 such subdivisions and shall be deemed to expire therewith. Provided
31 further that the amendments to subdivision a of section 6218 of the
32 education law, made by section three of this act shall not affect the
33 expiration of such subdivision and shall be deemed to expire therewith.