

5799

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 1, 2011

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Introduced by M. of A. SCHIMMINGER, HOYT, PEOPLES-STOKES, SCHROEDER, GABRYSZAK, HAYES, CORWIN, HAWLEY, GIGLIO, SMARDZ, CERETTO, GOODELL, FRIEND -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, the public authorities law and the general municipal law, in relation to authorizing tuition increases for the State University of New York at Buffalo (Part A); to amend the education law, in relation to the use of State University of New York at Buffalo property (Part B); to amend the education law, the state finance law and the tax law, in relation to the ability of the state university trustees to purchase items and enter into contracts and agreements (Part C); to amend the education law and the state finance law, in relation to the distribution of money received from various sources related to the State University of New York at Buffalo (Part D); and to amend the education law, in relation to providing that certain lease of the State University of New York at Buffalo need not be submitted to the attorney general for his or her approval (Part E)

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "UB 2020 flexibility and economic growth act".  
3     S 2. Legislative findings and intent. The State University of New  
4     York at Buffalo ranks as one of the foremost research academic insti-  
5     tutions in New York, and has the potential to become a regional economic  
6     engine. The University's UB 2020 initiative, through which it seeks to  
7     increase enrollment, expand its research capabilities and revitalize its  
8     campuses, can serve as the catalyst for re-energizing the western New  
9     York economy and workforce development.  
10    In light of the current condition of the western New York economy and  
11    the State University of New York at Buffalo's desire to enhance its  
12    academic research capabilities, the University is the ideal candidate to  
13    pilot a number of reforms recently proposed by the New York State

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

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commission on higher education. These proposals will require the state of New York to maintain its current level of financial commitment to the State University of New York at Buffalo.

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

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

## PART A

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

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

S 1-a. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 4-a to read as follows:

(4-A) A. COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, WITH APPROVAL FROM THE TRUSTEES, IS AUTHORIZED TO SET DIFFERING RATES OF TUITION BY PROGRAM AND, WITHIN EACH PROGRAM, BY CLASS YEAR, FOR STUDENTS ENROLLED IN DEGREE GRANTING PROGRAMS AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO AS SET FORTH IN THIS CLAUSE. TUITION FOR STUDENTS ENROLLED IN ANY PARTICULAR UNDERGRADUATE AND GRADUATE DEGREE GRANTING PROGRAM AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, INCLUDING IN-STATE, OUT-OF-STATE, FULL-TIME AND PART-TIME STUDENTS, AND TUITION

1 FOR STUDENTS ENROLLED IN PROFESSIONAL DEGREE PROGRAMS AT THE STATE  
2 UNIVERSITY OF NEW YORK AT BUFFALO, INCLUDING, BUT NOT LIMITED TO, DOCTOR  
3 OF MEDICINE, DOCTOR OF DENTISTRY, DOCTOR OF NURSING PRACTICE, DOCTOR OF  
4 PHYSICAL THERAPY, JURIS DOCTOR, DOCTOR OF PHARMACY AND MASTERS IN BUSI-  
5 NESS ADMINISTRATION, MAY BE INCREASED EACH YEAR TO THE PUBLIC INSTITU-  
6 TION MEAN TUITION AMONG PUBLIC MEMBER INSTITUTIONS OF THE ASSOCIATION OF  
7 AMERICAN UNIVERSITIES FOR EACH SUCH PROGRAM, UP TO A MAXIMUM OF THREE  
8 HUNDRED SEVENTY-FIVE DOLLARS PER SEMESTER FOR GRADUATE AND UNDERGRADUATE  
9 PROGRAM TUITION AND FIFTEEN PERCENT PER ACADEMIC YEAR FOR PROFESSIONAL  
10 DEGREE PROGRAMS, WITH THE GOAL OF KEEPING TUITION AT THE STATE UNIVERSI-  
11 TY OF NEW YORK AT BUFFALO ON PAR WITH ITS PEER AAU INSTITUTIONS.

12 B. THE STATE OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK SHALL  
13 DISREGARD ANY TUITION INCREASES FOR STUDENTS AT THE STATE UNIVERSITY OF  
14 NEW YORK AT BUFFALO PURSUANT TO CLAUSE A OF THIS SUBPARAGRAPH IN DETER-  
15 MINING ANY ANNUAL CORE INSTRUCTIONAL SUPPORT OR OTHER ANNUAL APPROPRI-  
16 ATIONS TO BE PROVIDED TO EITHER THE STATE UNIVERSITY OF NEW YORK OR THE  
17 STATE UNIVERSITY OF NEW YORK AT BUFFALO. IN AMPLIFICATION AND NOT IN  
18 LIMITATION OF THE FOREGOING, NEITHER THE STATE OF NEW YORK NOR THE STATE  
19 UNIVERSITY OF NEW YORK SHALL PROVIDE ANY INCREASES TO ANNUAL CORE  
20 STATE-TAX FUNDED INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENE-  
21 FIT PAYMENTS OR OTHER ANNUAL APPROPRIATIONS OF ANY KIND OR NATURE TO OR  
22 ON BEHALF OF ANY OTHER SUNY UNIVERSITY CENTER (I.E., STATE UNIVERSITY OF  
23 NEW YORK AT STONY BROOK, STATE UNIVERSITY OF NEW YORK AT ALBANY OR STATE  
24 UNIVERSITY OF NEW YORK AT BINGHAMTON) OR ANY SUNY FOUR YEAR COLLEGE AT A  
25 LEVEL, THAT IS, IN ANY WAY, INCONSISTENT WITH OR INFERIOR TO THE FUNDING  
26 METHODS EMPLOYED FOR INCREASES IN ANNUAL CORE STATE-TAX FUNDED INSTRU-  
27 TIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENEFIT PAYMENTS OR OTHER  
28 APPROPRIATIONS OF ANY KIND OR NATURE MADE TO OR ON BEHALF OF THE STATE  
29 UNIVERSITY OF NEW YORK AT BUFFALO. FURTHERMORE, UNTIL SUCH TIME AS THE  
30 PROGRAM OBJECTIVES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO'S UB  
31 2020 INITIATIVE ARE ACHIEVED, NEITHER THE STATE OF NEW YORK NOR THE  
32 STATE UNIVERSITY OF NEW YORK WILL REDUCE ANNUAL CORE STATE-TAX FUNDED  
33 INSTRUCTIONAL SUPPORT, EMPLOYEE SALARY OR FRINGE BENEFIT PAYMENTS OR  
34 OTHER APPROPRIATIONS OF ANY KIND OR NATURE MADE TO OR ON BEHALF OF THE  
35 STATE UNIVERSITY OF NEW YORK AT BUFFALO SO AS TO CAUSE THE PROPORTIONATE  
36 LEVEL OF SUPPORT, PAYMENTS AND APPROPRIATIONS FOR ANY OTHER SUNY UNIVER-  
37 SITY CENTER (I.E., STATE UNIVERSITY OF NEW YORK AT STONY BROOK, STATE  
38 UNIVERSITY OF NEW YORK AT ALBANY OR STATE UNIVERSITY OF NEW YORK AT  
39 BINGHAMTON) OR ANY SUNY FOUR YEAR COLLEGE TO BE GREATER THAN LEVEL OF  
40 SUCH SUPPORT, PAYMENTS AND APPROPRIATIONS AFFORDED THE STATE UNIVERSITY  
41 OF NEW YORK AT BUFFALO IN COMPARISON TO SUCH OTHER INSTITUTIONS FOR THE  
42 TWO THOUSAND EIGHT--TWO THOUSAND NINE STATE FISCAL YEAR.

43 C. NOTWITHSTANDING ITEM (C) OF SUBCLAUSE ONE OF CLAUSE (A) OF SUBPARA-  
44 GRAPH (I) OF PARAGRAPH A OF SUBDIVISION THREE OF SECTION SIX HUNDRED  
45 SIXTY-SEVEN OF THIS TITLE, COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO  
46 THOUSAND TWELVE ACADEMIC YEAR, THE STATE OF NEW YORK SHALL CALCULATE  
47 TUITION ASSISTANCE PROGRAM (TAP) PAYMENTS FOR STUDENTS AT THE STATE  
48 UNIVERSITY OF NEW YORK AT BUFFALO USING THE APPLICABLE TUITION RATES FOR  
49 STUDENTS AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO AS THE BASE TAP  
50 AMOUNT FOR SUCH STUDENTS.

51 D. A PORTION OF THE NET TUITION REVENUE GENERATED BY THE TUITION  
52 INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH TO BE NOT LESS THAN  
53 FIFTEEN PERCENT (15%) NOR MORE THAN TWENTY PERCENT (20%) OF SUCH NET  
54 TUITION REVENUE, SHALL BE DIRECTED TO FINANCIAL AID PROGRAMS TO ASSIST  
55 FINANCIALLY-DISADVANTAGED IN-STATE STUDENTS IN THE CORRESPONDING STATE  
56 UNIVERSITY OF NEW YORK AT BUFFALO DEGREE GRANTING PROGRAM, WITH THE GOAL

1 OF INSURING THAT ALL IN-STATE STUDENTS WHOSE TWO THOUSAND ELEVEN HOUSE-  
2 HOLD INCOME IS SIXTY THOUSAND DOLLARS OR LESS PAY NO MORE FOR TUITION AT  
3 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO THAN SUCH IN-STATE STUDENT  
4 PAID OR WOULD HAVE PAID FOR TUITION IN THE TWO THOUSAND TEN--TWO THOU-  
5 SAND ELEVEN ACADEMIC YEAR.

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

13 F. ALL MONEYS RECEIVED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO  
14 FOR TUITION, FEES AND OTHER SOURCES AND ACTIVITIES OF THE STATE UNIVER-  
15 SITY THAT ARE INTENDED TO BE SELF-SUPPORTING SHALL NOT CONSTITUTE FUNDS  
16 OF THE STATE OF NEW YORK OR OF THE STATE UNIVERSITY OF NEW YORK AND  
17 SHALL BE PAID INTO A FUND MAINTAINED BY THE COMPTROLLER OF THE STATE  
18 UNIVERSITY OF NEW YORK AT BUFFALO TO BE USED BY THE STATE UNIVERSITY OF  
19 NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE UNIVERSITY OF NEW YORK AT  
20 BUFFALO, WITHOUT THE NEED FOR ANY FURTHER APPROVAL, APPROPRIATION OR  
21 AUTHORIZATION FROM THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW  
22 YORK.

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

26 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION WITH THE  
27 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,  
28 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,  
29 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR ACADEMIC BUILD-  
30 INGS, DORMITORIES, AND OTHER FACILITIES ON LANDS HELD BY THE STATE OF  
31 NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO  
32 OR LANDS LEASED BY THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW  
33 YORK AT BUFFALO FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE  
34 UNIVERSITY OF NEW YORK AT BUFFALO.

35 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RELATED FOUNDATION,  
36 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION  
37 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OR THE ALUMNI OF THE STATE  
38 UNIVERSITY OF NEW YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMIT-  
39 ED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTI-  
40 TIES, IN CONNECTION WITH THE FINANCING, REFINANCING, ACQUISITION,  
41 DESIGN, DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILI-  
42 TATION, IMPROVEMENT, EXPANSION, FURNISHING AND EQUIPPING OF, OR OTHER-  
43 WISE PROVIDING FOR, ACADEMIC BUILDINGS, DORMITORIES, AND OTHER FACILI-  
44 TIES FOR THE USE OF STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY  
45 OF NEW YORK AT BUFFALO.

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

48 THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, IN CONNECTION WITH THE  
49 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,  
50 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,  
51 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-  
52 INGS, DORMITORIES, AND OTHER FACILITIES ON LANDS HELD BY THE STATE OF  
53 NEW YORK FOR THE BENEFIT OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO  
54 OR LANDS LEASED BY THE STATE OF NEW YORK OR THE STATE UNIVERSITY OF NEW  
55 YORK AT BUFFALO FOR USE BY STUDENTS, FACULTY AND STAFF OF THE STATE  
56 UNIVERSITY OF NEW YORK AT BUFFALO.

1 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RELATED FOUNDATION,  
2 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION  
3 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW  
4 YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPA-  
5 NY WHOSE SOLE MEMBER IS ANY ONE OF THE FOREGOING ENTITIES, IN CONNECTION  
6 WITH THE FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT,  
7 CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT,  
8 EXPANSION, FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR,  
9 ACADEMIC BUILDINGS, DORMITORIES, AND OTHER FACILITIES FOR THE USE OF  
10 STUDENTS, FACULTY AND STAFF OF THE STATE UNIVERSITY OF NEW YORK AT  
11 BUFFALO.

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

17 S 5. Any contracts awarded or entered into by any State University of  
18 New York at Buffalo campus related foundation, alumni association or  
19 affiliate thereof, any not-for-profit corporation or association organ-  
20 ized by the president of the State University of New York at Buffalo to  
21 further its purposes, or any limited liability company whose sole member  
22 is any of the foregoing entities, or by the State University of New  
23 York, the State University Construction Fund, or the Dormitory Authority  
24 of the State of New York, on behalf of the State University of New York  
25 at Buffalo, for construction, reconstruction, renovation, rehabili-  
26 tation, improvement or expansion at the State University of New York at  
27 Buffalo shall not be subject to section 101 of the general municipal  
28 law, section 103 of the general municipal law, section 135 of the state  
29 finance law or subdivision 8 of section 376 of the education law,  
30 provided the wages paid to workers employed under such contracts shall  
31 comply with the requirements of section 220 of the labor law, the  
32 construction, reconstruction, renovation, rehabilitation, improvement or  
33 expansion to be effected under such contracts shall comply with sections  
34 240 and 241 of the labor law and all contracts awarded or entered into  
35 by any State University of New York at Buffalo campus related founda-  
36 tion, alumni association or affiliate thereof; any not-for-profit corpo-  
37 ration or association organized by the president of the State University  
38 of New York at Buffalo to further its purposes, or any limited liability  
39 company whose sole member is any of the foregoing entities, or the State  
40 University of New York, the State University Construction Fund, the  
41 Dormitory Authority of the State of New York, on behalf of the State  
42 University of New York at Buffalo, for construction, reconstruction,  
43 renovation, rehabilitation, improvement or expansion at the State  
44 University of New York at Buffalo may be let pursuant to a competitive  
45 selection process to be determined by the contracting entity, which may  
46 consider factors other than cost alone, including, but not limited to an  
47 evaluation by the contracting entity of, among other things, the  
48 bidder's ability to provide maximum value at the lowest cost, the level  
49 of experience of the bidder, and the bidder's ability to meet the minor-  
50 ity and women workforce and business enterprise goals for the State  
51 University of New York at Buffalo's UB 2020 initiative.

52 S 6. Any contracts awarded or entered into by any State University of  
53 New York at Buffalo campus related foundation, alumni association or  
54 affiliate thereof, any not-for-profit corporation or association organ-  
55 ized by the president of the State University of New York at Buffalo to  
56 further its purposes, or any limited liability company whose sole member

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

25 S 7. Before any contract is awarded or entered into by any State  
26 University of New York at Buffalo campus related foundation, alumni  
27 association or affiliate thereof, any not-for-profit corporation or  
28 association organized by the president of the State University of New  
29 York at Buffalo to further its purposes, or any limited liability compa-  
30 ny whose sole member is any of the foregoing entities, or by the State  
31 University of New York, the State University Construction Fund, or the  
32 Dormitory Authority of the State of New York, on behalf of the State  
33 University of New York at Buffalo, for construction, reconstruction,  
34 renovation, rehabilitation, improvement or expansion at the State  
35 University of New York at Buffalo, the State University of New York at  
36 Buffalo shall create or cause to be created a diversity plan for UB 2020  
37 capital projects and shall take or cause to be taken steps to ensure  
38 that such diversity plan is successfully implemented on a program-wide  
39 basis. The UB 2020 diversity plan shall include, at a minimum, targets  
40 for workforce diversity, targets for retention of minority and women  
41 owned businesses, retention of an independent monitor by or on behalf of  
42 the State University of New York at Buffalo for all UB 2020 capital  
43 projects and regular review of periodic reports from such independent  
44 monthly monitor as to the attainment of the work force and business  
45 diversity goals of the UB 2020 diversity plan.

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

48 3. IN ADDITION TO THE POWERS AND DUTIES NOW OR HEREAFTER CONFERRED BY  
49 TITLE ONE OF ARTICLE EIGHTEEN-A OF THIS CHAPTER, NOTWITHSTANDING ANY  
50 OTHER STATE OR LOCAL LAW TO THE CONTRARY, THE AGENCY SHALL HAVE THE  
51 POWER TO PROVIDE FINANCIAL ASSISTANCE, INCLUDING, BUT NOT LIMITED TO,  
52 THE ISSUANCE OF BONDS AND NOTES BY THE AGENCY, IN CONJUNCTION WITH THE  
53 FINANCING, REFINANCING, ACQUISITION, DESIGN, DEVELOPMENT, CONSTRUCTION,  
54 RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT, EXPANSION,  
55 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR, ACADEMIC BUILD-  
56 INGS, DORMITORIES AND OTHER FACILITIES FOR USE BY STUDENTS, FACULTY AND

1 STAFF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY OR ON BEHALF OF  
2 ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS RELATED FOUNDATION,  
3 ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION  
4 OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE UNIVERSITY OF NEW  
5 YORK AT BUFFALO TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPA-  
6 NY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES.

7 S 9. The opening paragraph of section 914-a of the general municipal  
8 law, as added by chapter 579 of the laws of 1973, is designated subdivi-  
9 sion 1 and a new subdivision 2 is added to read as follows:

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

25 S 10. Subdivision 12 of section 373 of the education law, as added by  
26 chapter 251 of the laws of 1962, is amended to read as follows:

27 12. To [make] PROCURE and execute contracts, lease agreements, and all  
28 other instruments necessary or convenient for the exercise of its corpo-  
29 rate powers and the fulfillment of its corporate purposes under this  
30 article. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND  
31 PROCUREMENTS ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO  
32 SHALL BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY  
33 ADOPTED BY THE FUND TRUSTEES, WHICH SHALL SUBSTANTIALLY CONFORM TO THE  
34 PROVISIONS OF TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW;

35 S 11. Section 373 of the education law is amended by adding a new  
36 subdivision 20 to read as follows:

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

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

47 9. ALL CONTRACTS WHICH ARE TO BE AWARDED PURSUANT TO THIS SUBDIVISION  
48 ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE  
49 AWARDED PURSUANT TO PROCUREMENT GUIDELINES ADOPTED BY THE FUND TRUSTEES  
50 IN ACCORDANCE WITH SECTION FIVE OF PART A OF THE CHAPTER OF THE LAWS OF  
51 TWO THOUSAND ELEVEN THAT ADDED THIS SUBDIVISION OR BY PUBLIC LETTING IN  
52 ACCORDANCE WITH THE FOLLOWING PROVISIONS, NOTWITHSTANDING ANY CONTRARY  
53 PROVISION OF SECTION ONE HUNDRED TWELVE, ONE HUNDRED THIRTY-FIVE, ONE  
54 HUNDRED THIRTY-SIX, ONE HUNDRED THIRTY-NINE OR ONE HUNDRED FORTY OF THE  
55 STATE FINANCE LAW OR ANY OTHER LAW, PROVIDED, HOWEVER, THAT WHERE THE  
56 ESTIMATED EXPENSE OF ANY CONTRACT WHICH MAY BE AWARDED PURSUANT TO THIS

1 SUBDIVISION IS LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, A PERFORM-  
2 ANCE BOND AND A BOND FOR THE PAYMENT OF LABOR AND MATERIAL MAY, IN THE  
3 DISCRETION OF THE FUND, NOT BE REQUIRED, AND EXCEPT THAT IN THE  
4 DISCRETION OF THE FUND, A CONTRACT MAY BE ENTERED INTO FOR SUCH PURPOSES  
5 WITHOUT PUBLIC LETTING WHERE THE ESTIMATED EXPENSE THEREOF IS LESS THAN  
6 TWENTY THOUSAND DOLLARS, OR WHERE IN THE JUDGMENT OF THE FUND AN EMER-  
7 GENCY CONDITION EXISTS AS A RESULT OF DAMAGE TO AN EXISTING ACADEMIC  
8 BUILDING, DORMITORY OR OTHER FACILITY WHICH HAS BEEN CAUSED BY AN ACT OF  
9 GOD, FIRE OR OTHER CASUALTY, OR ANY OTHER UNANTICIPATED, SUDDEN AND  
10 UNEXPECTED OCCURRENCE, THAT HAS RESULTED IN DAMAGE TO OR A MALFUNCTION  
11 IN AN EXISTING ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY AND  
12 INVOLVES A PRESSING NECESSITY FOR IMMEDIATE REPAIR, RECONSTRUCTION OR  
13 MAINTENANCE IN ORDER TO PERMIT THE SAFE CONTINUATION OF THE USE OR FUNC-  
14 TION OF SUCH FACILITY, OR TO PROTECT THE FACILITY OR THE LIFE, HEALTH OR  
15 SAFETY OF ANY PERSON, AND THE NATURE OF THE WORK IS SUCH THAT IN THE  
16 JUDGMENT OF THE FUND IT WOULD BE IMPRACTICAL AND AGAINST THE PUBLIC  
17 INTEREST TO HAVE THE PUBLIC LETTING; PROVIDED, HOWEVER, THAT THE FUND,  
18 PRIOR TO AWARDED A CONTRACT HEREUNDER BECAUSE OF AN EMERGENCY CONDITION  
19 NOTIFY THE COMPTROLLER OF ITS INTENT TO AWARD SUCH A CONTRACT:

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

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

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

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

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

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

53 S 13. The president of the State University of New York at Buffalo  
54 shall report every January first to the governor, and the temporary  
55 president of the senate and the speaker of the assembly on the effec-  
56 tiveness of the reforms enacted in this legislation. Specifically, the



1 report shall address, the University at Buffalo's progress in competing  
2 with the top academic research institutions; the impact of the Universi-  
3 ty at Buffalo's efforts to increase the well being of western New York's  
4 economy including efforts to rebuild the downtown city of Buffalo,  
5 progress in increasing with local vendors, especially women and minority  
6 owned businesses; whether the minority and women workforce and business  
7 enterprise goals set forth in the UB 2020 diversity plan were attained  
8 during the preceding year and the impact of tuition increases and  
9 efforts to ensure affordable access for economically deprived students.  
10 S 14. This act shall take effect immediately.

11 PART B

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

15 a. To take, hold and administer on behalf of the state university or  
16 any institution therein, real and personal property or any interest  
17 therein and the income thereof either absolutely or in trust for any  
18 educational or other purpose within the jurisdiction and corporate  
19 purposes of the state university, AND, WITH RESPECT TO ANY PROPERTY  
20 UTILIZED BY OR COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVER-  
21 SITY OF NEW YORK AT BUFFALO, TO DISPOSE OF SUCH PROPERTY IN SUCH MANNER  
22 AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE TRUSTEES SHALL  
23 ALLOW AND REGULATE THE USE OF SUCH PROPERTY FOR OTHER THAN THE CORPORATE  
24 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, BY PERMIT,  
25 LEASE, LICENSE OR OTHER AGREEMENT, FOR PERIODS NOT TO EXCEED TEN YEARS,  
26 AND PRESCRIBE THE FEES, IF ANY, THAT PERSONS, ASSOCIATIONS AND CORPO-  
27 RATIONS ALLOWED THE USE OF SUCH PROPERTY SHALL PAY. The trustees may  
28 acquire property for such purposes by purchase, appropriation or lease  
29 and by the acceptance of gifts, grants, bequests and devises, and, with-  
30 in appropriations made therefor, may equip and furnish buildings and  
31 otherwise improve property owned, used or occupied by the state univer-  
32 sity or any institution therein. THE TRUSTEES MAY ACQUIRE PROPERTY FOR  
33 OR ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO BY THE  
34 ACCEPTANCE OF CONDITIONAL GIFTS, GRANTS, DEVISES OR BEQUESTS, THE  
35 PROVISIONS OF SECTION ELEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING.  
36 Where real property is to be acquired by purchase or appropriation, such  
37 acquisition shall be in accordance with the provisions of section three  
38 hundred seven of this chapter except that the powers and duties in said  
39 section mentioned to be performed by the commissioner [of education]  
40 shall be performed by the state university trustees. THE PROVISIONS OF  
41 SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF THE PUBLIC LANDS LAW  
42 NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER  
43 OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE  
44 STATE UNIVERSITY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE  
45 UNIVERSITY OF NEW YORK AT BUFFALO IN SUCH MANNER AND UPON SUCH TERMS AS  
46 THE TRUSTEES SHALL DETERMINE. THE FOREGOING NOTWITHSTANDING, THE TRUS-  
47 TEES MAY PROVIDE FOR THE LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO  
48 EXCEED FIFTY YEARS IN SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE  
49 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, UNLESS THE  
50 SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION OF THE STATE UNIVERSITY  
51 OF NEW YORK AT BUFFALO, INCLUDING BUT NOT LIMITED TO THE DEVELOPMENT AND  
52 OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH CARE, RETAIL, FOOD  
53 SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUSING, ENERGY, GOVERN-  
54 MENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER AND RECREATIONAL

1 FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE OF NATURAL  
2 RESOURCES; PROVIDED, HOWEVER, THE PRESIDENT OF THE STATE UNIVERSITY OF  
3 NEW YORK AT BUFFALO SHALL PROVIDE NOTICE OF ANY SUCH LEASE TO THE CHAIRS  
4 OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMIT-  
5 TEE AND TO THE DIRECTOR OF THE BUDGET AT LEAST THIRTY DAYS PRIOR TO  
6 EXECUTING SUCH LEASE. THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN  
7 OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR  
8 THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE  
9 CUSTODY AND CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO IN  
10 SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE  
11 PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND SECTION  
12 ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE  
13 PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED  
14 REAL PROPERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSI-  
15 TY OF NEW YORK AT BUFFALO OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND  
16 CONTROL OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE RETAINED  
17 BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO AND SHALL BE USED BY THE  
18 STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE  
19 UNIVERSITY OF NEW YORK AT BUFFALO.

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

23 s. To lease or make available to the state university construction  
24 fund, the dormitory authority or other public benefit corporation, the  
25 New York state teachers' retirement system [or], the New York state  
26 employees' retirement system OR, IN THE CASE OF STATE-OWNED REAL PROPER-  
27 TY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW  
28 YORK AT BUFFALO, ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT  
29 ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION  
30 ORGANIZED UNDER SECTION ONE THOUSAND FOUR HUNDRED ELEVEN OF THE  
31 NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY  
32 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, a  
33 portion of the grounds or real property occupied by a state-operated  
34 institution or statutory or contract college for the construction,  
35 acquisition, reconstruction, rehabilitation or improvement of academic  
36 buildings, dormitories or other facilities thereon pursuant to article  
37 eight-A of this chapter and for the purpose of facilitating such  
38 construction, acquisition, reconstruction, rehabilitation or improve-  
39 ment, to enter into leases and agreements for the use of any such  
40 academic building, dormitory or other facility in accordance with the  
41 provisions of section three hundred seventy-eight of this chapter;  
42 provided, however, that nothing herein contained shall affect the  
43 provisions of any lease or agreement heretofore executed by the state  
44 university with the dormitory authority. The state university trustees  
45 may also enter into agreements with the state university construction  
46 fund, the dormitory authority or other public benefit corporation, the  
47 New York state teachers' retirement system [or], the New York state  
48 employees' retirement system AND, IN THE CASE OF STATE-OWNED REAL PROP-  
49 ERTY COMPRISING ANY PART OF THE CAMPUSES OF THE STATE UNIVERSITY OF NEW  
50 YORK AT BUFFALO, WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PRO-  
51 FIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPO-  
52 RATION ORGANIZED UNDER SECTION ONE THOUSAND FOUR HUNDRED ELEVEN OF THE  
53 NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY  
54 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, to  
55 furnish heat from a central heating plant to any academic building,  
56 dormitory or other facility erected by them or with moneys supplied by

1 them. Any such academic building, dormitory or other facility shall not  
2 be subject to taxation for any purpose.

3 S 3. Subdivision 2 of section 355 of the education law is amended by  
4 adding a new paragraph y to read as follows:

5 Y. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS IN SUPPORT OF THE  
6 CORPORATE PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO,  
7 INCLUDING, WITHOUT LIMITATION, THE STATE UNIVERSITY OF NEW YORK AT  
8 BUFFALO'S UB 2020 INITIATIVE, TO PARTICIPATE IN JOINT AND COOPERATIVE  
9 ARRANGEMENTS WITH PUBLIC, NON-PROFIT AND BUSINESS ENTITIES AS PARTNERS,  
10 JOINT VENTURERS, MEMBERS OF NON-PROFIT CORPORATIONS, MEMBERS OF LIMITED  
11 LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS. THE STATE  
12 UNIVERSITY'S PARTICIPATION ON BEHALF OF THE STATE UNIVERSITY OF NEW YORK  
13 AT BUFFALO SHALL BE SUBJECT TO GUIDELINES OF THE STATE UNIVERSITY WITH  
14 RESPECT TO CONFLICTS OF INTEREST AND TO ARTICLE FOURTEEN OF THE CIVIL  
15 SERVICE LAW AND THE APPLICABLE PROVISIONS OF AGREEMENTS BETWEEN THE  
16 STATE AND EMPLOYEE ORGANIZATIONS PURSUANT TO ARTICLE FOURTEEN OF THE  
17 CIVIL SERVICE LAW. NOTWITHSTANDING ANY INCONSISTENT PROVISION IN SECTION  
18 EIGHT OF THE COURT OF CLAIMS ACT, THE STATE UNIVERSITY MAY INCLUDE IN A  
19 CONTRACT RELATING TO SUCH PARTICIPATION, OTHER THAN A CONTRACT WITH  
20 STATE EMPLOYEES RELATING TO TERMS AND CONDITIONS OF THEIR EMPLOYMENT, A  
21 PROVISION THAT SOME OR ALL DISPUTES ARISING UNDER OR RELATED TO SUCH  
22 CONTRACT SHALL BE RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH THE  
23 RULES OF A NATIONALLY-RECOGNIZED ARBITRATION ASSOCIATION. NOTHING  
24 CONTAINED IN THE PUBLIC OFFICERS LAW OR IN ANY OTHER LAW, RULE OR REGU-  
25 LATION, SHALL BE CONSTRUED OR APPLIED TO PROHIBIT STATE UNIVERSITY OF  
26 NEW YORK AT BUFFALO OFFICERS AND EMPLOYEES FROM ENGAGING IN ACTIVITIES  
27 FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE STATE UNIVERSITY  
28 OF NEW YORK AT BUFFALO IN CONNECTION WITH SUCH JOINT AND COOPERATIVE  
29 ARRANGEMENTS, INCLUDING SERVING AS DESIGNEES OF THE STATE UNIVERSITY AS  
30 MEMBERS, SHAREHOLDERS OR AS DIRECTORS ON BOARDS OR OTHER GOVERNING  
31 BODIES OF CORPORATIONS OR OTHER ENTITIES.

32 S 4. This act shall take effect immediately.

33 PART C

34 Section 1. Section 355 of the education law is amended by adding two  
35 new subdivisions 20 and 21 to read as follows:

36 20. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF SECTION ONE  
37 HUNDRED TWELVE AND SECTIONS ONE HUNDRED FIFTEEN, ONE HUNDRED SIXTY-ONE  
38 AND ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW AND SECTIONS THREE  
39 AND SIX OF THE NEW YORK STATE PRINTING AND PUBLIC DOCUMENTS LAW OR ANY  
40 OTHER LAW TO THE CONTRARY, THE STATE UNIVERSITY TRUSTEES ARE AUTHORIZED  
41 AND EMPOWERED ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVERSITY OF  
42 NEW YORK AT BUFFALO TO:

43 A. (I) PURCHASE MATERIALS, EQUIPMENT AND SUPPLIES, INCLUDING COMPUTER  
44 EQUIPMENT AND MOTOR VEHICLES, (II) EXECUTE CONTRACTS FOR SERVICES,  
45 PERMITS, LICENSES, LEASES, CONTRACTS FOR THE PURCHASE OR SALE OF REAL  
46 PROPERTY, AND CONSTRUCTION CONTRACTS, AND (III) CONTRACT FOR PRINTING,  
47 WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY IN ACCORD-  
48 ANCE WITH GUIDELINES, RULES OR REGULATIONS PROMULGATED BY THE STATE  
49 UNIVERSITY BOARD OF TRUSTEES. GUIDELINES, RULES, OR REGULATIONS PROMUL-  
50 GATED BY THE STATE UNIVERSITY BOARD OF TRUSTEES SHALL, TO THE EXTENT  
51 PRACTICABLE, REQUIRE THAT COMPETITIVE PROPOSALS BE SOLICITED FOR  
52 PURCHASES, AND SHALL INCLUDE REQUIREMENTS THAT PURCHASES AND CONTRACTS  
53 AUTHORIZED UNDER THIS SECTION BE AT THE LOWEST AVAILABLE PRICE, INCLUD-  
54 ING CONSIDERATION OF PRICES AVAILABLE THROUGH OTHER STATE AGENCIES,

1 CONSISTENT WITH QUALITY REQUIREMENTS, AND AS WILL BEST PROMOTE THE  
2 PUBLIC INTEREST. SUCH PURCHASES MAY BE MADE DIRECTLY FROM ANY CONTRACTOR  
3 PURSUANT TO ANY CONTRACT FOR COMMODITIES LET BY THE OFFICE OF GENERAL  
4 SERVICES OR ANY OTHER STATE AGENCY;

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

12 C. ESTABLISH GUIDELINES IN CONSULTATION WITH THE COMMISSIONER OF  
13 GENERAL SERVICES AUTHORIZING PARTICIPATION BY THE STATE UNIVERSITY OF  
14 NEW YORK AT BUFFALO IN PROGRAMS ADMINISTERED BY THE OFFICE OF GENERAL  
15 SERVICES FOR THE PURCHASE OF AVAILABLE NEW YORK STATE FOOD PRODUCTS. THE  
16 COMMISSIONER OF GENERAL SERVICES SHALL PROVIDE ASSISTANCE TO THE STATE  
17 UNIVERSITY OF NEW YORK AT BUFFALO NECESSARY TO ENABLE THE STATE UNIVER-  
18 SITY OF NEW YORK AT BUFFALO TO PARTICIPATE IN THESE PROGRAMS.

19 21. TO ENTER INTO ANY CONTRACT OR AGREEMENT DEEMED NECESSARY OR ADVIS-  
20 ABLE AFTER CONSULTATION WITH APPROPRIATE STATE AGENCIES FOR CARRYING OUT  
21 THE OBJECTS AND PURPOSES OF STATE UNIVERSITY OF NEW YORK AT BUFFALO  
22 WITHOUT PRIOR REVIEW OR APPROVAL BY ANY STATE OFFICER OR AGENCY INCLUD-  
23 ING ENERGY PERFORMANCE CONTRACTS (AS DEFINED IN SECTION 9-102 OF THE  
24 ENERGY LAW), ENERGY PROCUREMENT OR SUPPLY CONTRACTS, CONTRACTS OR AGREE-  
25 MENTS WITH NON-PROFIT CORPORATIONS ORGANIZED BY OFFICERS, EMPLOYEES,  
26 ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FOR  
27 THE FURTHERANCE OF ITS OBJECTS AND PURPOSES, AS WELL AS CONTRACTS OR  
28 AGREEMENTS WITH ANY STATE UNIVERSITY OF NEW YORK AT BUFFALO CAMPUS-RE-  
29 LATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NON-PRO-  
30 FIT CORPORATION OR ASSOCIATION ORGANIZED BY THE PRESIDENT OF THE STATE  
31 UNIVERSITY OF NEW YORK AT BUFFALO TO FURTHER ITS PURPOSES OR ANY LIMITED  
32 LIABILITY COMPANY, WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES  
33 FOR THE FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY  
34 OF NEW YORK AT BUFFALO, INCLUDING, WITHOUT LIMITATION, THE STATE UNIVER-  
35 SITY OF NEW YORK AT BUFFALO'S UB 2020 INITIATIVE. CONTRACTS OR AGREE-  
36 MENTS ENTERED INTO WITH THE FEDERAL GOVERNMENT TO ENABLE PARTICIPATION  
37 IN FEDERAL STUDENT LOAN PROGRAMS, INCLUDING ANY AND ALL INSTRUMENTS  
38 REQUIRED THEREUNDER, SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF SECTION  
39 FORTY-ONE OF THE STATE FINANCE LAW; PROVIDED, HOWEVER, THAT THE STATE  
40 SHALL NOT BE LIABLE FOR ANY PORTION OF ANY DEFAULTS WHICH IT HAS AGREED  
41 TO ASSUME PURSUANT TO ANY SUCH AGREEMENT IN AN AMOUNT IN EXCESS OF MONEY  
42 APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE THEREFOR AT THE TIME THE  
43 LIABILITY FOR PAYMENT ARISES.

44 S 2. Subdivisions 2 and 3 of section 112 of the state finance law, as  
45 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision  
46 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,  
47 are amended to read as follows:

48 2. (a) Before any contract made for or by any state agency, depart-  
49 ment, board, officer, commission, or institution, except the office of  
50 general services AND THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF  
51 OF OR WITH RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, shall  
52 be executed or become effective, whenever such contract exceeds fifty  
53 thousand dollars in amount and before any contract made for or by the  
54 office of general services shall be executed or become effective, when-  
55 ever such contract exceeds eighty-five thousand dollars in amount, it  
56 shall first be approved by the comptroller and filed in his or her

1 office, provided, however, that the comptroller shall make a final writ-  
2 ten determination with respect to approval of such contract within nine-  
3 ty days of the submission of such contract to his or her office unless  
4 the comptroller shall notify, in writing, the state agency, department,  
5 board, officer, commission, or institution, prior to the expiration of  
6 the ninety day period, and for good cause, of the need for an extension  
7 of not more than fifteen days, or a reasonable period of time agreed to  
8 by such state agency, department, board, officer, commission, or insti-  
9 tution and provided, further, that such written determination or exten-  
10 sion shall be made part of the procurement record pursuant to paragraph  
11 f of subdivision one of section one hundred sixty-three of this chapter.

12 (b) Whenever any liability of any nature shall be incurred by or for  
13 any state department, board, officer, commission, or institution OTHER  
14 THAN THE STATE UNIVERSITY OF NEW YORK ACTING ON BEHALF OF OR WITH  
15 RESPECT TO THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, notice that such  
16 liability has been incurred shall be immediately given in writing to the  
17 state comptroller.

18 3. A contract or other instrument wherein the state or any of its  
19 officers, agencies, boards or commissions OTHER THAN THE STATE UNIVERSI-  
20 TY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE UNIVER-  
21 SITY OF NEW YORK AT BUFFALO agrees to give a consideration other than  
22 the payment of money, when the value or reasonably estimated value of  
23 such consideration exceeds ten thousand dollars, shall not become a  
24 valid enforceable contract unless such contract or other instrument  
25 shall first be approved by the comptroller and filed in his office.

26 S 3. Paragraph a of subdivision 1 of section 139-j of the state  
27 finance law, as added by chapter 4 of the laws of 2010, is amended to  
28 read as follows:

29 a. "Governmental entity" shall mean: (1) any department, board,  
30 bureau, commission, division, office, council, committee or officer of  
31 the state, whether permanent or temporary, OTHER THAN THE STATE UNIVER-  
32 SITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE  
33 UNIVERSITY OF NEW YORK AT BUFFALO; (2) each house of the state legisla-  
34 ture; (3) the unified court system; (4) any public authority, public  
35 benefit corporation or commission created by or existing pursuant to the  
36 public authorities law; (5) any public authority or public benefit  
37 corporation, at least one of whose members is appointed by the governor  
38 or who serves as a member by virtue of holding a civil office of the  
39 state; (6) a municipal agency, as that term is defined in paragraph (ii)  
40 of subdivision (s) of section one-c of the legislative law; or (7) a  
41 subsidiary or affiliate of such a public authority.

42 S 4. Paragraph a of subdivision 1 of section 139-k of the state  
43 finance law, as added by chapter 4 of the laws of 2010, is amended to  
44 read as follows:

45 a. "Governmental entity" shall mean: (1) any department, board,  
46 bureau, commission, division, office, council, committee or officer of  
47 the state, whether permanent or temporary, OTHER THAN THE STATE UNIVER-  
48 SITY OF NEW YORK ACTING ON BEHALF OF OR WITH RESPECT TO THE STATE  
49 UNIVERSITY OF NEW YORK AT BUFFALO; (2) each house of the state legisla-  
50 ture; (3) the unified court system; (4) any public authority, public  
51 benefit corporation or commission created by or existing pursuant to the  
52 public authorities law; (5) a public authority or public benefit corpo-  
53 ration, at least one of whose members is appointed by the governor or  
54 who serves as a member by virtue of holding a civil office of the state;  
55 (6) municipal agency, as that term is defined in paragraph (ii) of

subdivision (s) of section one-c of the legislative law; or (7) a subsidiary or affiliate of such a public authority.

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

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

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

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

E. ANY OFFICER, BODY OR AGENCY OF A POLITICAL SUBDIVISION AS DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW OR A DISTRICT THEREIN AND ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, MAY MAKE PURCHASES OF SERVICES THROUGH THE OFFICE OF GENERAL SERVICES' CENTRALIZED CONTRACTS FOR SERVICES, SUBJECT, IN THE CASE OF SUCH POLITICAL SUBDIVISIONS, TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THE GENERAL MUNICIPAL LAW; PROVIDED, HOWEVER, THAT IN THE CASE OF ANY

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

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

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

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

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

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

47 PART D

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

51 8. All moneys received by the state university of New York and by  
52 state-operated institutions thereof from appropriations, tuition, fees,  
53 user charges, sales of products and services and from all other sources,  
54 including sources and activities of the state university which are

1 intended by law to be self-supporting may be credited to an appropriate  
2 fund or funds to be designated by the state comptroller. The amounts so  
3 paid into such fund or funds which were received by or for the state  
4 university shall be used for expenses of the state university in carry-  
5 ing out any of its objects and purposes and such amounts received by or  
6 for state-operated institutions of the state university shall be used  
7 for expenses of the state university under regulations prescribed by the  
8 state university trustees. NOTWITHSTANDING THE FOREGOING, ALL MONEYS  
9 RECEIVED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO FROM TUITION,  
10 FEES, USER CHARGES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY  
11 PERFORMANCE, PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIV-  
12 ITIES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO WHICH ARE INTENDED  
13 BY LAW TO BE SELF-SUPPORTING MAY BE CREDITED TO AN APPROPRIATE FUND OR  
14 FUNDS HELD BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO. THE AMOUNTS  
15 SO PAID INTO SUCH FUND OR FUNDS WHICH WERE RECEIVED BY OR FOR THE STATE  
16 UNIVERSITY OF NEW YORK AT BUFFALO SHALL BE USED FOR EXPENSES OF THE  
17 STATE UNIVERSITY OF NEW YORK AT BUFFALO IN CARRYING OUT ANY OF ITS  
18 OBJECTS AND PURPOSES.

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

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

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

29 2. There are excepted from payment to the treasury as provided by  
30 subdivision one of this section: (i) all moneys to which the provisions  
31 of subdivision four of section four of this chapter apply unless such  
32 moneys are held in a fund subject to appropriation; (ii) moneys held as  
33 part of the principal of an endowment of the state university of New  
34 York, units thereof and other state agencies; (III) MONEYS RECEIVED BY  
35 THE STATE UNIVERSITY OF NEW YORK DERIVED FROM TUITION, FEES, USER CHARG-  
36 ES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE,  
37 PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIVITIES OF THE  
38 STATE UNIVERSITY OF NEW YORK AT BUFFALO THAT ARE INTENDED TO BE  
39 SELF-SUPPORTING, INCLUDING, WITHOUT LIMITATION, ANY REVENUE RESULTING  
40 FROM TUITION INCREASES AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO  
41 DESCRIBED IN CLAUSE A OF SUBPARAGRAPH FOUR-A OF PARAGRAPH H OF SUBDIVI-  
42 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW; and  
43 [(iii)] (IV) moneys received pursuant to a clinical practice plan estab-  
44 lished pursuant to subdivision fourteen of section two hundred six of  
45 the public health law. In those cases where such moneys are held in the  
46 custody of the state officer other than the comptroller, the officer  
47 shall file with the comptroller, at such times as the comptroller shall  
48 determine, a detailed statement, in such form and content as the comp-  
49 troller shall prescribe, for the period covered by the statement. The  
50 comptroller shall from time to time, but not less than once in every  
51 three years, examine the books and accounts relating to such moneys  
52 heretofore or hereinafter established, including its receipts, disburse-  
53 ments, investments, and any financial matters. An independent audit of  
54 such moneys may be authorized by the comptroller in lieu of his own  
55 examination, which examination shall be undertaken within twelve months  
56 of such authorization.



S 4. This act shall take effect immediately.

PART E

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

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

S 2. This act shall take effect immediately.

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

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