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

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:

Section 1. Paragraph a of subdivision 5 of section 355 of the education law, as amended by section 1 of subpart B of part D of chapter 58 of the laws of 2011, is amended to read as follows:

a. (i) purchase materials, equipment and supplies, including computer equipment, LIBRARY MATERIALS INCLUDING BUT NOT LIMITED TO BOOKS, SERIALS AND ELECTRONIC RESOURCES and motor vehicles, (ii) execute contracts for construction and construction-related services contracts, and (iii) contract for printing, 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 guidelines promulgated by the state university board of trustees after consultation with the state comptroller;

S 2. Subdivision 6 of section 355 of the education law, as amended by section 1 of subpart B of part D of chapter 58 of the laws of 2011, is amended to read as follows:

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

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

LBD13488-02-1

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. The foregoing notwithstanding, any contract made for or by the state university for the purchase of: (i) materials, equipment and supplies, including computer equipment AND LIBRARY MATERIALS INCLUDING BUT NOT LIMITED TO BOOKS, SERIALS AND ELECTRONIC RESOURCES; (ii) motor vehicles; (iii) construction and construction-related services contracts; and (iv) printing shall not be subject to prior approval by any other state officer or agency.

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

(1) (i) purchase materials, equipment and supplies, including computer equipment, LIBRARY MATERIALS INCLUDING BUT NOT LIMITED TO BOOKS, SERIALS AND ELECTRONIC RESOURCES and motor vehicles, (ii) execute contracts for construction and construction-related services contracts, and (iii) contract for printing, 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 guidelines promulgated by the city university board of trustees after consultation with the state comptroller.

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