

1502

2011-2012 Regular Sessions

I N S E N A T E

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Introduced by Sens. MAZIARZ, RANZENHOFER, GALLIVAN, GRISANTI, KENNEDY --
read twice and ordered printed, and when printed to be committed 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "UB 2020
2 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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1 commission on higher education. These proposals will require the state
2 of New York to maintain its current level of financial commitment to the
3 State University of New York at Buffalo.

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

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

19

PART A

20 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
21 355 of the education law, as amended by chapter 309 of the laws of 1996,
22 is amended to read as follows:

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

44 A. COMMENCING WITH THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
45 ACADEMIC YEAR, THE PRESIDENT OF THE STATE UNIVERSITY OF NEW YORK AT
46 BUFFALO, IN CONSULTATION WITH THE UNIVERSITY AT BUFFALO COUNCIL, IS
47 AUTHORIZED TO SET DIFFERING RATES OF TUITION BY PROGRAM AND, WITHIN EACH
48 PROGRAM, BY CLASS YEAR, FOR STUDENTS ENROLLED IN DEGREE GRANTING
49 PROGRAMS AT THE STATE UNIVERSITY OF NEW YORK AT BUFFALO WITHOUT THE
50 PRIOR APPROVAL OF THE TRUSTEES IN ACCORDANCE WITH THE FOLLOWING:

51 (I) TUITION FOR STUDENTS ENROLLED IN ANY PARTICULAR UNDERGRADUATE AND
52 GRADUATE DEGREE GRANTING PROGRAM, INCLUDING IN-STATE, OUT-OF-STATE,
53 FULL-TIME AND PART-TIME STUDENTS, MAY BE INCREASED EACH YEAR TO THE
54 PUBLIC INSTITUTION MEAN TUITION AS MOST RECENTLY REPORTED BY THE AMERI-

1 CAN ASSOCIATION OF UNIVERSITIES FOR EACH SUCH PROGRAM, PROVIDED, HOWEV-
2 ER, THAT EACH SUCH ANNUAL INCREASE MAY NOT EXCEED 1.5 TIMES THE PERCENT-
3 AGE INCREASE IN THE MOST RECENTLY PUBLISHED HIGHER EDUCATION PRICE INDEX
4 (HEPI) AS PROMULGATED BY THE COMMONFUND INSTITUTE.

5 (II) TUITION FOR STUDENTS ENROLLED IN PROFESSIONAL PROGRAMS INCLUDING,
6 BUT NOT LIMITED TO, DOCTOR OF MEDICINE, DOCTOR OF DENTISTRY, DOCTOR OF
7 NURSING PRACTICE, DOCTOR OF PHYSICAL THERAPY, JURIS DOCTOR, DOCTOR OF
8 PHARMACY AND MASTERS IN BUSINESS ADMINISTRATION, MAY BE INCREASED EACH
9 YEAR TO THE PUBLIC INSTITUTION MEAN TUITION AS MOST RECENTLY REPORTED BY
10 THE AMERICAN ASSOCIATION OF UNIVERSITIES FOR EACH SUCH PROGRAM,
11 PROVIDED, HOWEVER, THAT EACH SUCH ANNUAL INCREASE MAY NOT EXCEED FIFTEEN
12 PERCENT.

13 B. PROPOSED TUITION INCREASES FOR STUDENTS AT THE STATE UNIVERSITY OF
14 NEW YORK AT BUFFALO THAT EXCEED THE INCREASES DESCRIBED IN CLAUSE A OF
15 THIS SUBPARAGRAPH MUST BE APPROVED BY THE TRUSTEES PRIOR TO BEING IMPLI-
16 MENTED.

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

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

1 E. A PORTION OF THE NET TUITION REVENUE GENERATED BY THE TUITION
2 INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH, TO BE NOT LESS
3 THAN TEN PERCENT NOR MORE THAN TWENTY PERCENT OF SUCH NET TUITION REVENUE,
4 SHALL BE DIRECTED TO FINANCIAL AID PROGRAMS TO ASSIST
5 FINANCIALLY-DISADVANTAGED STUDENTS IN THE CORRESPONDING STATE UNIVERSITY
6 OF NEW YORK AT BUFFALO DEGREE GRANTING PROGRAM.

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

14 G. ALL MONEYS RECEIVED BY THE STATE UNIVERSITY OF NEW YORK AT BUFFALO
15 FOR TUITION INCREASES DESCRIBED IN CLAUSE A OF THIS SUBPARAGRAPH SHALL
16 NOT CONSTITUTE FUNDS OF THE STATE OF NEW YORK OR OF THE STATE UNIVERSITY
17 OF NEW YORK AND SHALL BE PAID INTO A FUND MAINTAINED BY THE COMPTROLLER
18 OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO TO BE USED BY THE STATE
19 UNIVERSITY OF NEW YORK AT BUFFALO FOR EXPENSES OF THE STATE UNIVERSITY
20 OF NEW YORK AT BUFFALO, WITHOUT THE NEED FOR ANY FURTHER APPROVAL,
21 APPROPRIATION OR AUTHORIZATION FROM THE STATE OF NEW YORK OR THE STATE
22 UNIVERSITY OF NEW 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

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

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

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

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

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

49 E. ANY OFFICER, BODY OR AGENCY OF A POLITICAL SUBDIVISION AS DEFINED
50 IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW OR A DISTRICT THERE-
51 IN AND ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE
52 OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, MAY
53 MAKE PURCHASES OF SERVICES THROUGH THE OFFICE OF GENERAL SERVICES'
54 CENTRALIZED CONTRACTS FOR SERVICES, SUBJECT, IN THE CASE OF SUCH POLI-
55 TICAL SUBDIVISIONS, TO THE PROVISIONS OF SECTION ONE HUNDRED FOUR OF THE
56 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, INCLUDING, THE STATE UNIVERSITY OF NEW YORK AT
19 BUFFALO'S UB 2020 INITIATIVE.

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

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

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

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

1 examination, which examination shall be undertaken within twelve months
2 of such authorization.

3 S 4. This act shall take effect immediately.

4

PART E

5 Section 1. Paragraph i of subdivision 2 of section 355 of the educa-
6 tion law, as amended by chapter 552 of the laws of 1985, is amended to
7 read as follows:

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

24 S 2. This act shall take effect immediately.

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

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