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I N   A S S E M B L Y

March 26, 2014

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Higher Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the state university of New York at Stony Brook to lease certain lands

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

1     Section 1. Legislative findings. Chapter 629 of the Laws of 2008  
2     provided the state university of New York at Stony Brook with the oppor-  
3     tunity through the generosity of a private donor to create a facility  
4     dedicated to advancing knowledge in the fields of geometry and physics.  
5     In furtherance thereof, the legislature determined that the university  
6     foundation of the state university of New York at Stony Brook was the  
7     appropriate body to design and construct a Center for Geometry and Phys-  
8     ics adjacent to existing campus facilities, which has enhanced the  
9     academic mission of the university and provides a unique opportunity for  
10    education, research and economic benefit to the region, nation and the  
11    world.

12    The Simons Center for Geometry and Physics, which opened in 2010, is  
13    poised for enhancement and expansion of programmatic use. The building  
14    as well as the program is divided into two distinct areas: the lower  
15    floors, which are public areas, including a dining facility; and the top  
16    three floors, which are secure areas and house faculty and research  
17    areas. The project addition envisioned will increase functionality of  
18    the facility and expand programmatic use by adding a second elevator at  
19    the north side of the building to serve the public areas as well as the  
20    dining facility. The project also will add office space and provide a  
21    modest increase to the dining area.

22    The legislature further finds that the state university of New York  
23    and the state university of New York at Stony Brook will benefit if the  
24    design and construction of the project addition is assumed by the  
25    university foundation only until such time as the project addition is  
26    completed. The legislature determines that the academic mission and the

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

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1 goals of the state university of New York at Stony Brook in the full  
2 utilization of the properties in furtherance of its mission, can be best  
3 served by the university foundation and the private resources to which  
4 it has access. The university foundation shall mean the Stony Brook  
5 Foundation or its affiliate, the Stony Brook Foundation Realty, which  
6 are 501(c)(3) not-for-profit corporations, the purposes of which are to  
7 support the university's educational mission to acquire and manage  
8 campus real and personal property, to enhance the region's academic  
9 offerings, and to stimulate the economy both locally and throughout New  
10 York state.

11 S 2. The state university trustees are hereby authorized to lease  
12 without any public bidding a portion of the lands of the state universi-  
13 ty of New York at Stony Brook generally described in this act to the  
14 university foundation of such university at Stony Brook for the design  
15 and construction only of an addition to the Simons Center upon such  
16 terms and conditions as the trustees deem advisable not to exceed in the  
17 aggregate two years. No such contract or lease for the design and  
18 construction only of such addition shall provide for a fee simple  
19 conveyance of the underlying land. If the real property shall cease to  
20 be used for the purposes described in this act said lease shall imme-  
21 diately terminate and the real property and any improvements thereon  
22 shall revert to the state university of New York. Any contract or lease  
23 entered into pursuant to this act for such design and construction only  
24 shall provide that the real property which is the subject of such lease  
25 or contract and any improvements thereon shall revert to the state  
26 university of New York on the expiration of such contract or lease. The  
27 description of the parcel to be leased pursuant to this section is not  
28 meant to be a legal description but is intended only to identify the  
29 parcel and improvements to be leased.

30 S 3. Any contract or lease entered into by the trustees of the state  
31 university of New York for the design and construction only of this  
32 addition pursuant to this act shall require the lessee or contracting  
33 not-for-profit corporation to comply with the requirements of article  
34 15-A of the executive law. Notwithstanding any other law to the contra-  
35 ry, any contract or lease for construction, rehabilitation, or other  
36 improvement authorized by section five of this act entered into by the  
37 trustees shall require the lessee or contractor and/or subcontractor to  
38 comply with the requirements of sections 220, 240 and 241 of the labor  
39 law, where applicable.

40 S 4. Nothing in this act shall be deemed to waive or impair any rights  
41 or benefits of employees of the state university of New York that other-  
42 wise would be available to them pursuant to the terms of agreements  
43 between the certified representatives of such employees and the state of  
44 New York pursuant to article 14 of the civil service law. Any entity  
45 that enters into a contract pursuant to the provisions of this act shall  
46 be considered a university foundation for the purposes of the applica-  
47 tion of such agreements pursuant to article 14 of the civil service law.

48 S 5. By way of example and not limitation, the terms and conditions of  
49 the trustees' lease or contract may provide for leasing construction,  
50 reconstruction, rehabilitation, improvement and provisions of services  
51 and assistance for the design and construction only of such addition and  
52 the granting of licenses, easements and other arrangements with regard  
53 to such grounds and facilities by the university foundation and parties  
54 contracting with the university foundation for the design and  
55 construction only of such addition, and, in connection with such activ-  
56 ities, the obtaining of funding or financing, whether public or private,

1 unsecured or secured (including but not limited to secured by leasehold  
2 mortgages and assignments of rents and leases), by the university foun-  
3 dation and parties contracting with the university foundation, for the  
4 purpose of completing the project described above.

5 S 6. The lease entered into pursuant to this act shall be subject to  
6 approval of the attorney general as to form, the director of the budget  
7 and the state comptroller.

8 S 7. The lease shall include an indemnity provision whereby the lessee  
9 or sublessee promises to indemnify, hold harmless and defend the lessor  
10 against all claims, suits, actions, liability and damages to all persons  
11 on the leased premises, including the tenant, tenant's agents, employ-  
12 ees, contractors, subcontractors, customers, guests, licensees, invitees  
13 and members of the public for damage to any such person's property,  
14 whether real or personal or for personal injuries arising out of  
15 tenant's use or occupation of the demised premises.

16 S 8. Any contracts entered into pursuant to this act between an educa-  
17 tion corporation, not-for-profit corporation, public benefit corporation  
18 or any other person or corporation (other than the state government or  
19 any agency thereof) and parties contracting with such education corpo-  
20 ration, not-for-profit corporation, public benefit corporation or any  
21 other person or corporation (other than the state government or any  
22 agency thereof) for the design and construction only of this facility  
23 shall be awarded by a competitive process.

24 S 9. The property authorized by this act to be leased to the universi-  
25 ty foundation at Stony Brook is generally described as a portion of that  
26 parcel of real property with improvements thereon situated on the west  
27 campus of the state university of New York at Stony Brook consisting of  
28 approximately 235,000 square feet of land bounded as follows: on the  
29 north approximately 250 feet west from the corner of the Graduate Phys-  
30 ics building to Toll Drive on the west, south along Toll Drive for  
31 approximately 600 feet on the south 550 feet east along the southern  
32 edge of the parking lot, on the east 250 feet due north then approxi-  
33 mately 300 feet along the southern and eastern faces of the Math  
34 Tower/Graduate Physics building back to its north edge.

35 S 10. Insofar as the provisions of this act are inconsistent with the  
36 provisions of any law, general, special or local, the provisions of this  
37 act shall be controlling.

38 S 11. This act shall take effect immediately.