STATE OF NEW YORK

8187

IN SENATE

April 16, 2018

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT in relation to authorizing the state university trustees to lease certain lands of Stony Brook University to Ronald McDonald House of Long Island, Inc.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature finds that the state university of New York at Stony Brook ("University") is in need of additional facilities to fulfill its legislatively mandated mission of research, education, and provision of health care services. Specifically, Ronald McDonald House of Long Island, Inc. has offered to construct, maintain and operate a "Ronald McDonald House" to support the operations of Stony Brook University Hospital's Children's Hospital. Furthermore, such activity will promote the provision of quality pediatric health care services to the surrounding community.

The legislature further finds that granting the trustees of the State University of New York the authority and power to lease and otherwise contract to make available grounds and facilities of the campus of the State University of New York at Stony Brook will ensure such activity will promote the provision of quality pediatric health care services to the surrounding community.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are hereby authorized and empowered, without any public bidding, to lease and otherwise contract to make available to Ronald McDonald House of Long Island, Inc. (the "Ground Lessee") a portion of the lands of the University not to exceed 2 acres to be located southeast of Stony Brook University Hospital for the purpose of constructing, maintaining and operating a Ronald McDonald House to support the provision of quality pediatric health care to the surrounding communities and the missions of the State University of New York. Such lease or contract shall be for a period not exceeding 50 years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division

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

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of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate and the real property and any improvements thereon shall revert to the State University of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the State University of New York on the expiration of such contract or lease.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

§ 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement shall be deemed public work and shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state, and compliance with all the provisions of article 8 of the labor law shall be required of any lessee, sublessee, contractor or subcontractor on the project, including the enforcement of prevailing wage requirements by the fiscal officer as defined in paragraph e of subdivision 5 of section 220 of the labor law to the same extent as a contract of the state.

§ 5. Notwithstanding any law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all employees of the State University of New York affected by the provisions of this act, shall be preserved and protected. Employees in any newly created positions within the State University of New York shall be considered public employees for all purposes of article 14 of the civil service law.

§ 6. Any contract or lease awarded or entered into by the Ground Lessee, and parties contracting or entering into a lease with the Ground Lessee for construction, reconstruction, renovation, rehabilitation, improvement or expansion authorized pursuant to this act, for any single construction project exceeding 10 million dollars in the aggregate, for which more than 25% of such aggregate amount is to be paid from appropriations furnished by the State of New York or the State University of New York shall be undertaken pursuant to a project labor agreement, as defined in subdivision 1 of section 222 of the labor law, provided that a study done by or for the contracting entity determines that a project labor agreement will benefit such construction, reconstruction, renovation, rehabilitation, improvement or expansion through reduced risk of delay, potential cost savings or potential reduction in the risk of labor unrest in light of any pertinent local history thereof. For purposes of applying the dollar thresholds set forth in this section, the term "single construction project" shall mean any construction, reconstruction, renovation, rehabilitation, improvement or expansion activity associated with one or more buildings, structures or improve-

ments, including all directly related infrastructure and site work in contemplation thereof, that are functionally interdependent.

§ 7. Without limiting the determination of the terms and conditions of such contracts or leases, such terms and conditions may provide for leasing, subleasing, construction, reconstruction, rehabilitation, improvement, operation and management of and provision of services and assistance and the granting of licenses, easements and other arrangements with regard to such grounds and facilities by the Ground Lessee, and parties contracting with the Ground Lessee, and, in connection with such activities, the obtaining of funding or financing, whether public or private, unsecured or secured (including, but not limited to, secured by leasehold mortgages and assignments of rents and leases), by the Ground Lessee and parties contracting with the Ground Lessee for the purposes of completing the project described in this act.

§ 8. Such lease shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless and defend the lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

§ 9. Any contracts entered into pursuant to this act between the Ground Lessee and parties contracting with the Ground Lessee shall be awarded by a competitive process.

§ 10. The State University of New York shall not lease lands described in this act unless any such lease shall be executed within five years of the effective date of this act.

§ 11. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 12. This act shall take effect immediately.