

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:

1 Section 1. Legislative findings. The legislature finds that the state
2 university of New York at Stony Brook ("University") is in need of addi-
3 tional facilities to fulfill its legislatively mandated mission of
4 research, education, and provision of health care services. Specif-
5 ically, Ronald McDonald House of Long Island, Inc. has offered to
6 construct, maintain and operate a "Ronald McDonald House" to support the
7 operations of Stony Brook University Hospital's Children's Hospital.
8 Furthermore, such activity will promote the provision of quality pedia-
9 tric health care services to the surrounding community.

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

16 § 2. Notwithstanding any other law to the contrary, the state univer-
17 sity trustees are hereby authorized and empowered, without any public
18 bidding, to lease and otherwise contract to make available to Ronald
19 McDonald House of Long Island, Inc. (the "Ground Lessee") a portion of
20 the lands of the University not to exceed 2 acres to be located south-
21 east of Stony Brook University Hospital for the purpose of constructing,
22 maintaining and operating a Ronald McDonald House to support the
23 provision of quality pediatric health care to the surrounding communi-
24 ties and the missions of the State University of New York. Such lease
25 or contract shall be for a period not exceeding 50 years without any fee
26 simple conveyance and otherwise upon terms and conditions determined by
27 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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1 of the budget, the attorney general and the state comptroller. In the
2 event that the real property that is the subject of such lease or
3 contract shall cease to be used for the purpose described in this act,
4 such lease or contract shall immediately terminate and the real property
5 and any improvements thereon shall revert to the State University of New
6 York. Any lease or contract entered into pursuant to this act shall
7 provide that the real property that is the subject of such lease or
8 contract and any improvements thereon shall revert to the State Univer-
9 sity of New York on the expiration of such contract or lease.

10 § 3. Any contract or lease entered into pursuant to this act shall be
11 deemed to be a state contract for purposes of article 15-A of the execu-
12 tive law, and any contractor, subcontractor, lessee or sublessee enter-
13 ing into such contract or lease for the construction, demolition, recon-
14 struction, excavation, rehabilitation, repair, renovation, alteration or
15 improvement authorized pursuant to this act shall be deemed a state
16 agency for the purposes of article 15-A of the executive law and subject
17 to the provisions of such article.

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

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

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

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

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

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

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

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

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

32 § 12. This act shall take effect immediately.