STATE OF NEW YORK

4722

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the public authorities law, in relation to authorizing increased flexibility for the state university of New York at Stony Brook (Part A); to amend the education law, in relation to the use of state university of New York at Stony Brook 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 Stony Brook (Part D); and to amend the education law, in relation to providing that certain lease of the state university of New York at Stony Brook 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 Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "Stony Brook University quality higher education and economic development act".

§ 2. Legislative findings and intent. The legislature finds that Stony Brook University is and continues to be a strong and valued player in the Long Island economy. The state must recognize the benefit of strengthening its partnership with Stony Brook University in terms of creating jobs and keeping individuals gainfully employed. Stony Brook University must also continue to focus on its contributions to the local economy and the role it can play beyond the Long Island region.

Stony Brook University ranks among the foremost research academic institutions in the world. The University must continue to ensure a quality education for all of its students, advance its research and clinical missions, and remain competitive with the other 61 Association of American Universities institutions across the nation. Its research

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

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and development park, along with Brookhaven National Laboratory, will also serve a critical role in the development of high technologies, bio-technologies, and medical technologies and will continue to stimulate the economy and provide jobs and be the foundation for further alliances with public and private research entities.

Finally, the legislature intends to provide Stony Brook University greater flexibility and resources to ensure the continued delivery of the highest quality education to its students, the future workforce for our communities; University Hospital and Medical Center, the safety net for critical care on Long Island, and the training site for the future medical professionals; the necessary support for its faculty, and the tools to drive our economy back to prosperity.

§ 3. This act enacts into law major components of legislation which are necessary for the efficient and productive operation of this state. Each component is wholly contained within a Part identified as Parts A through E. The effective date or dates for each particular provision contained within such Part are set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found.

PART A

Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 4-a to read as follows:

(4-a) Commencing with the two thousand twenty academic year, the president of the state university of New York at Stony Brook, in consultation with the Stony Brook Council, is authorized to request revenues for students enrolled in degree granting programs at the state university of New York at Stony Brook with the prior approval of the trustees.

§ 2. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding two new undesignated paragraphs to read as follows:

The state university of New York at Stony Brook, in connection with the financing, refinancing, acquisition, design, development, construction, reconstruction, renovation, rehabilitation, improvement, expansion, furnishing and equipping of, or otherwise providing for academic buildings, dormitories, and other facilities on lands held by the state of New York for the benefit of the state university of New York at Stony Brook or lands leased by the state of New York or the state university of New York at Stony Brook for use by students, faculty and staff of the state university of New York at Stony Brook.

Any state university of New York at Stony Brook campus-related foundation, alumni association or affiliate thereof, any not-for-profit corporation or association organized by the president or the alumni of the state university of New York at Stony Brook to further its purposes, or any limited liability company whose sole member is any one of the foregoing entities, in connection with the financing, refinancing, acquisition, design, development, construction, reconstruction, renovation, rehabilitation, improvement, expansion, furnishing and equipping of, or otherwise providing for, academic buildings, dormitories, and other facilities for the use of students, faculty and staff of the state university of New York at Stony Brook.

§ 3. Subdivision 1 of section 1680 of the public authorities law is amended by adding two new undesignated paragraphs to read as follows:

The state university of New York at Stony Brook, in connection with the financing, refinancing, acquisition, design, development, construction, reconstruction, renovation, rehabilitation, improvement, expansion, furnishing and equipping of, or otherwise providing for, academic buildings, dormitories, and other facilities on lands held by the state of New York for the benefit of the state university of New York at Stony Brook or lands leased by the state of New York or the state university of New York at Stony Brook for use by students, faculty and staff of the state university of New York at Stony Brook.

Any state university of New York at Stony Brook campus-related foundation, alumni association or affiliate thereof, any not-for-profit corporation or association organized by the president of the state university of New York at Stony Brook to further its purposes, or any limited liability company whose sole member is any one of the foregoing entities, in connection with the financing, refinancing, acquisition, design, development, construction, reconstruction, renovation, rehabilitation, improvement, expansion, furnishing and equipping of, or otherwise providing for, academic buildings, dormitories, and other facilities for the use of students, faculty and staff of the state university of New York at Stony Brook.

§ 4. Any contracts entered into by the dormitory authority pursuant to this act shall be deemed state contracts within the meaning of that term as set forth in article 15-A of the executive law; and such authority shall be deemed, for the purposes of this act, a contracting agency as that term is used in article 15-A of the executive law.

§ 5. Subdivision 12 of section 373 of the education law, as amended by section 2 of subpart A of part D of chapter 58 of the laws of 2011, is amended to read as follows:

12. To procure and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article. Notwithstanding subdivision two of section one hundred twelve of the state finance law or any other law to the contrary, fund procurements shall not be subject to the prior approval of any state officer or agency**. Notwithstanding any other provision of law to the contrary, all such fund procurements on behalf of the state university of New York at Stony Brook shall be subject only to procurement guidelines that are annually adopted by the fund trustees, which shall substantially conform to the provisions of title four of article nine of the public authorities law**;

§ 6. Subdivision 12 of section 373 of the education law, as added by chapter 251 of the laws of 1962, is amended to read as follows:

12. To [~~make~~] **procure** and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article**. Notwithstanding any other law to the contrary, all such fund procurements on behalf of the state university of New York at Stony Brook shall be subject only to procurement guidelines that are annually adopted by the fund trustees, which shall substantially conform to the provisions of title four of article nine of the public authorities law**;

§ 7. Section 373 of the education law is amended by adding a new subdivision 20 to read as follows:

20. To design, construct, acquire, reconstruct, rehabilitate and improve academic buildings, dormitories and other facilities for use by students, faculty and staff of the state university of New York at Stony

Brook using any project delivery method, including but not limited to, design/bid/build, design/build or construction manager at risk, that will assist the fund in fulfilling its purposes under section three hundred seventy-two of this article.

§ 8. Subdivisions 9 and 10 of section 376 of the education law are renumbered subdivisions 10 and 11 and a new subdivision 9 is added to read as follows:

9. All contracts which are to be awarded pursuant to this subdivision on behalf of the state university of New York at Stony Brook shall be awarded pursuant to procurement guidelines approved annually by the fund trustees or by public letting in accordance with the following provisions, notwithstanding any contrary provision of section one hundred twelve, one hundred thirty-five, one hundred thirty-six, one hundred thirty-nine or one hundred forty of the state finance law or any other law, provided, however, that where the estimated expense of any contract which may be awarded pursuant to this subdivision is less than two hundred fifty thousand dollars, a performance bond and a bond for the payment of labor and material may, in the discretion of the fund, not be required, and except that in the discretion of the fund, a contract may be entered into for such purposes without public letting where the estimated expense thereof is less than fifty thousand dollars, or where in the judgment of the fund an emergency condition exists as a result of damage to an existing academic building, dormitory or other facility which has been caused by an act of God, fire or other casualty, or any other unanticipated, sudden and unexpected occurrence, that has resulted in damage to or a malfunction in an existing academic building, dormitory or other facility and involves a pressing necessity for immediate repair, reconstruction or maintenance in order to permit the safe continuation of the use or function of such facility, or to protect the facility or the life, health or safety of any person, and the nature of the work is such that in the judgment of the fund it would be impractical and against the public interest to have public letting; provided, however, that the fund, prior to awarding a contract hereunder because of an emergency condition notify the comptroller of its intent to award such a contract:

a. The letting agency shall advertise the invitation to bid or the request for proposals in a newspaper published in the county of Suffolk and in such other newspapers as will be most likely in its opinion to give adequate notice to contractors of the work required provided, however, that where the estimated expense of any contract which may be awarded pursuant to this subdivision is less than two hundred fifty thousand dollars, the letting agency may advertise the invitation to bid solely through the procurement opportunities newsletter published pursuant to section one hundred forty-two of the economic development law. The invitation to bid or request for proposals shall contain such information as the letting agency shall deem appropriate.

b. The letting agency shall not award any contract after public bidding except to the lowest bidder who in its opinion is qualified to perform the work required and is responsible and reliable. The letting agency may, however, reject any or all bids, again advertise for bids, or waive any informality in a bid if it believes that the public interest will be promoted thereby.

c. The invitation to bid, request for proposals and the contract awarded shall contain such other terms and conditions, and such provisions for penalties, as the letting agency may deem desirable.

d. Any contract awarded pursuant to this subdivision shall contain a clause that the contract shall be deemed executory to the extent of the moneys available and that no liability shall be incurred by the fund beyond the moneys available therefor.

e. The letting agency shall require such deposits, bonds and security in connection with the submission of bids or request for proposals, the award of contracts and the performance of work as it shall determine to be in the public interest and for the protection of the state, the state university, the fund and the letting agency.

f. Notwithstanding the provisions of any other law to the contrary, all contracts for public work awarded by the state university construction fund pursuant to this subdivision shall be in accordance with section one hundred thirty-nine-f of the state finance law.

§ 9. On January first of each year, the president of the state university of New York at Stony Brook shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly. Specifically, the report shall address each of the following: the state university of New York at Stony Brook's progress in competing with the top academic research institutions; the impact of the state university of New York at Stony Brook's efforts to increase the well-being of Long Island's economy including the university's efforts to develop new and innovative purchasing and contracting modalities including but not limited to project labor agreements; and the impact of revenue increases and efforts to ensure affordable access to the exceptional education to economically challenged students.

§ 10. This act shall take effect immediately; provided that the amendments to subdivision 12 of section 373 of the education law, made by section five of this act shall not affect the expiration of such subdivision and shall expire therewith, when upon such date the provisions of section six of this act shall take effect.

PART B

Section 1. Paragraph a of subdivision 2 of section 355 of the education law, as amended by section 18 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

a. To take, hold and administer on behalf of the state university or any institution therein, real and personal property or any interest therein and the income thereof either absolutely or in trust for any educational or other purpose within the jurisdiction and corporate purposes of the state university , and, with respect to any property utilized by or comprising any part of the campuses of the state university of New York at Stony Brook, to dispose of such property in such manner and upon such terms as its trustees shall determine. The trustees shall allow and regulate the use of such property for other than the corporate purposes of the state university of New York at Stony Brook, by permit, lease, license or other agreement, for periods not to exceed ten years, and prescribe the fees, if any, that persons, associations and corporations allowed the use of such property shall pay. The trustees may acquire property for such purposes by purchase, appropriation or lease and by the acceptance of gifts, grants, bequests and devises, and, within appropriations made therefor, may equip and furnish buildings and otherwise improve property owned, used or occupied by the state university or any institution therein. The trustees may acquire property for or on behalf of the state university of New York at Stony Brook by the acceptance of conditional gifts, grants, devises or

bequests, the provisions of section eleven of the state finance law notwithstanding. The trustees may acquire property by the acceptance of conditional gifts, grants, devises or bequests, the provisions of section eleven of the state finance law notwithstanding. Where real property is to be acquired by purchase or appropriation, such acquisition shall be in accordance with the provisions of section three hundred seven of this chapter except that the powers and duties in said section mentioned to be performed by the commissioner shall be performed by the state university trustees. The provisions of section three of the public lands law notwithstanding, the trustees may provide for the lease of state-owned real property under the jurisdiction of the state university that is part of a tax-free NY area approved pursuant to article twenty-one of the economic development law, in such manner and upon such terms as the trustees shall determine, provided such lease is consistent with the approved plan for such tax-free NY area. The provisions of sections three, thirty-a, and thirty-three of the public lands law notwithstanding, the trustees may provide for the sale, lease, transfer or conveyance of state-owned real property under the jurisdiction of the state university comprising any part of the campuses of the state university of New York at Stony Brook in such manner and upon such terms as the trustees shall determine. The foregoing notwithstanding, the trustees may provide for the lease of such real property for periods not to exceed fifty years in support of the educational and other corporate purposes of the state university of New York at Stony Brook, unless the subject project is in conflict with the mission of the state university of New York at Stony Brook, including but not limited to the development and operation of research, incubator, community, health care, retail, food service, telecommunication, student and faculty housing, energy, governmental, senior community, conference center and recreational facilities, and for the purpose of maximizing the use of natural resources; provided, however, the president of the state university of New York at Stony Brook shall provide notice of any such lease to the chairs of the senate finance committee and the assembly ways and means committee and to the director of the budget at least thirty days prior to executing such lease. The provisions of section one hundred sixty-seven of the state finance law notwithstanding, the trustees may provide for the sale, lease, transfer or conveyance of personal property under the custody and control of the state university of New York at Stony Brook in such manner and upon such terms as the trustees shall determine. The provisions of section twenty-three of the public lands law and section one hundred sixty-seven of the state finance law notwithstanding, the proceeds from the sale, lease, transfer or conveyance of state-owned real property comprising any part of the campuses of the state university of New York at Stony Brook or of personal property under the custody and control of the state university of New York at Stony Brook shall be retained by the state university of New York at Stony Brook and shall be used by the state university of New York at Stony Brook for expenses of the state university of New York at Stony Brook.

§ 2. Paragraph a of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

a. To take, hold and administer on behalf of the state university or any institution therein, real and personal property or any interest therein and the income thereof either absolutely or in trust for any educational or other purpose within the jurisdiction and corporate purposes of the state university, and, with respect to any property

utilized by or comprising any part of the campuses of the state university of New York at Stony Brook, to dispose of such property in such manner and upon such terms as its trustees shall determine. The trustees shall allow and regulate the use of such property for other than the corporate purposes of the state university of New York at Stony Brook, by permit, lease, license or other agreement, for periods not to exceed ten years, and prescribe the fees, if any, that persons, associations and corporations allowed the use of such property shall pay. The trustees may acquire property for such purposes by purchase, appropriation or lease and by the acceptance of gifts, grants, bequests and devises, and, within appropriations made therefor, may equip and furnish buildings and otherwise improve property owned, used or occupied by the state university or any institution therein. The trustees may acquire property for or on behalf of the state university of New York at Stony Brook by the acceptance of conditional gifts, grants, devises or bequests, the provisions of section eleven of the state finance law notwithstanding. Where real property is to be acquired by purchase or appropriation, such acquisition shall be in accordance with the provisions of section three hundred seven of this chapter except that the powers and duties in said section mentioned to be performed by the commissioner [~~of education~~] shall be performed by the state university trustees. The provisions of sections three, thirty-a, and thirty-three of the public lands law notwithstanding, the trustees may provide for the sale, lease, transfer or conveyance of state-owned real property under the jurisdiction of the state university comprising any part of the campuses of the state university of New York at Stony Brook in such manner and upon such terms as the trustees shall determine. The foregoing notwithstanding, the trustees may provide for the lease of such real property for periods not to exceed fifty years in support of the educational and other corporate purposes of the state university of New York at Stony Brook, unless the subject project is in conflict with the mission of the state university of New York at Stony Brook, including but not limited to the development and operation of research, incubator, community, health care, retail, food service, telecommunication, student and faculty housing, energy, governmental, senior community, conference center and recreational facilities, and for the purpose of maximizing the use of natural resources; provided, however, the president of the state university of New York at Stony Brook shall provide notice of any such lease to the chairs of the senate finance committee and the assembly ways and means committee and to the director of the budget at least thirty days prior to executing such lease. The provisions of section one hundred sixty-seven of the state finance law notwithstanding, the trustees may provide for the sale, lease, transfer or conveyance of personal property under the custody and control of the state university of New York at Stony Brook in such manner and upon such terms as the trustees shall determine. The provisions of section twenty-three of the public lands law and section one hundred sixty-seven of the state finance law notwithstanding, the proceeds from the sale, lease, transfer or conveyance of state-owned real property comprising any part of the campuses of the state university of New York at Stony Brook or of personal property under the custody and control of the state university of New York at Stony Brook shall be retained by the state university of New York at Stony Brook and shall be used by the state university of New York at Stony Brook for expenses of the state university of New York at Stony Brook.

§ 3. Paragraph s of subdivision 2 of section 355 of the education law, as amended by section 19 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

s. To lease or make available to the state university construction fund, the dormitory authority or other public benefit corporation, the New York state teachers' retirement system, the New York state employees' retirement system, [~~or~~] a business that intends to locate in a tax-free NY area approved pursuant to article twenty-one of the economic development law **or, in the case of state-owned real property comprising any part of the campuses of the state university of New York at Stony Brook, any other public or private for-profit or non-profit entity, including, but not limited to, a local development corporation organized under section fourteen hundred eleven of the not-for-profit corporation law or an industrial development agency organized under article eighteen-A of the general municipal law**, a portion of the grounds or real property occupied by a state-operated institution or statutory or contract college for the construction, acquisition, reconstruction, rehabilitation or improvement of academic buildings, dormitories or other facilities thereon pursuant to article eight-A of this chapter and for the purpose of facilitating such construction, acquisition, reconstruction, rehabilitation or improvement, to enter into leases and agreements for the use of any such academic building, dormitory or other facility in accordance with the provisions of section three hundred seventy-eight of this chapter; provided, however, that nothing herein contained shall affect the provisions of any lease or agreement heretofore executed by the state university with the dormitory authority. The state university trustees may also enter into agreements with the state university construction fund, the dormitory authority or other public benefit corporation, the New York state teachers' retirement system, the New York state employees' retirement system [~~or~~]**,** any business that intends to locate in a tax-free NY area approved pursuant to article twenty-one of the economic development law **and, in the case of state-owned real property comprising any part of the campuses of the state university of New York at Stony Brook, with any other public or private for-profit or non-profit entity, including, but not limited to a local development corporation organized under section fourteen hundred eleven of the not-for-profit corporation law or an industrial development agency organized under article eighteen-A of the general municipal law**, to furnish heat from a central heating plant to any academic building, dormitory or other facility erected by them or with moneys supplied by them. Any such academic building, dormitory or other facility shall not be subject to taxation for any purpose.

§ 4. Subdivision 2 of section 355 of the education law is amended by adding a new paragraph aa to read as follows:

aa. In connection with public-private partnerships in support of the corporate purposes of the state university of New York at Stony Brook, including, without limitation, the state university of New York at Stony Brook's initiative, to participate in joint and cooperative arrangements with public, non-profit and business entities as partners, joint venturers, members of non-profit corporations, members of limited liability companies and shareholders of business corporations. The state university's participation on behalf of the state university of New York at Stony Brook shall be subject to guidelines of the state university with respect to conflicts of interest and to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the

civil service law. Notwithstanding any inconsistent provision in section eight of the court of claims act, the state university may include in a contract relating to such participation, other than a contract with state employees relating to terms and conditions of their employment, a provision that some or all disputes arising under or related to such contract shall be resolved by binding arbitration in accordance with the rules of a nationally-recognized arbitration association. Nothing contained in the public officers law or in any other law, rule or regulation, shall be construed or applied to prohibit state university of New York at Stony Brook officers and employees from engaging in activities for which no compensation is paid as designees of the state university of New York at Stony Brook in connection with such joint and cooperative arrangements, including serving as designees of the state university as members, shareholders or as directors on boards or other governing bodies of corporations or other entities. Confidential information gained by state university of New York at Stony Brook officers and employees while serving as designees of the state university of New York at Stony Brook as members, shareholders or as directors on boards or other governing bodies of corporations or other entities in connection with such joint undertakings and arrangements shall not be considered a "record" as defined in subdivision four of section eighty-six of the public officers law.

§ 5. This act shall take effect immediately; provided that the amendments to paragraph a of subdivision 2 of section 355 of the education law, made by section one of this act shall not affect the expiration of such paragraph and shall expire therewith, when upon such date the provisions of section two of this act shall take effect.

PART C

Section 1. Subdivisions 5 and 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, paragraph a of subdivision 5 as amended by section 31 of part L of chapter 55 of the laws of 2012, are amended to read as follows:

5. Notwithstanding the provisions of subdivision two of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one, and one hundred sixty-three of the state finance law and [~~sections~~] section three [~~and six~~] of the New York state printing and public documents law or any other law to the contrary, the state university trustees are authorized and empowered to:

a. (i) purchase materials, proprietary electronic information resources including but not limited to academic, professional, and industry journals, reference handbooks and manuals, research tracking tools, indexes and abstracts, equipment and supplies, including computer equipment and motor vehicles, (ii) execute contracts for services, permits, licenses, leases, contracts for the purchase or sale of real property, and 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, rules or regulations promulgated by the state university board of trustees [~~after consultation with the state comptroller~~];

a-1. execute contracts for services [~~to an amount not exceeding twenty thousand dollars~~] 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~~, rules or regulations~~ promulgated by the state university board of trustees [~~after consultation with the state comptroller. In addition, the trustees, after consultation with the commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any services or categories of services from these limits~~];

b. to establish cash advance accounts for the purpose of purchasing materials, supplies, or services, for cash advances for travel expenses and per diem allowances, or for advance payment of wages and salary. The account may be used to purchase such materials, supplies, or services where the amount of a single purchase does not exceed one thousand dollars, in accordance with such guidelines as shall be prescribed by the state university trustees [~~after consultation with the state comptroller~~];

c. establish guidelines in consultation with the commissioner of general services authorizing participation by the state university in programs administered by the office of general services for the purchase of available New York state food products. The commissioner of general services shall provide assistance to the state university necessary to enable the university to participate in these programs;

d. [~~award contract extensions for campus transportation without competitive bidding where such contracts were secured either through competitive bidding or through evaluation of proposals, however such extensions may be rejected if the amount to be paid to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U) during the preceding twelve-month period. At the time of any contract extension, consideration shall be given to any competitive proposal offered by a public transportation agency. Such contract may be increased for each year of the contract extension by an amount not to exceed the regional consumer price index increase for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U), during the preceding twelve-month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his cost of operation, during the period of the contract.~~

~~e.~~] guidelines promulgated by the state university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency.

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 **energy performance contracts (as defined in section 9-102 of the energy law),** contracts with non-profit corporations organized by officers, employees, alumni or students of state university for the furtherance of its objects and purposes**, and,**

in the case of the state university of New York at Stony Brook, contracts or agreements with any campus-related foundation, alumni association or affiliate thereof, any non-profit corporation or association organized by the president of the state university of New York at Stony Brook to further its purposes or any limited liability company, whose sole member is any of the foregoing entities for the furtherance of the objects and purposes of the state university of New York at Stony Brook, including, without limitation, the state university of New York at Stony Brook's initiative. Contracts 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; (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.

§ 2. Subdivisions 5 and 6 of section 355 of the education law, subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a of subdivision 5 as amended by section 32 of part L of chapter 55 of the laws of 2012, paragraph c of subdivision 5 as added by chapter 103 of the laws of 1989, paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997 and subdivision 6 as amended by chapter 554 of the laws of 1985, are amended to read as follows:

5. Notwithstanding the provisions of [~~paragraph~~] subdivision two of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one[~~,~~] and one hundred sixty-three [~~and one hundred seventy-four~~] of the state finance law and [~~sections~~] section three [~~and six~~] of the New York state printing and public documents law or any other law to the contrary, the state university trustees are authorized and empowered to:

a. (i) purchase materials, proprietary electronic information resources including but not limited to academic, professional, and industry journals, reference handbooks and manuals, research tracking tools, indexes and abstracts equipment and supplies, including computer equipment and motor vehicles[~~, where the amount for a single purchase does not exceed twenty thousand dollars~~], (ii) execute contracts for services, permits, licenses, leases, contracts for the purchase or sale of real property, and construction contracts [~~to an amount not exceeding twenty thousand dollars~~], and (iii) contract for printing [~~to an amount not exceeding five thousand dollars~~], 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, rules [~~and~~] or regulations promulgated by the state university board of trustees after consultation with the state comptroller. [~~In addition, the trustees, after consultation with the commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and~~] Guidelines, rules or regulations promulgated by the state university board of trustees shall, to the extent practicable, require that compet-

itive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency;

b. to establish cash advance accounts for the purpose of purchasing materials, supplies, or services, for cash advances for travel expenses and per diem allowances, or for advance payment of wages and salary. The account may be used to purchase such materials, supplies, or services where the amount of a single purchase does not exceed two hundred fifty dollars, in accordance with such guidelines as shall be prescribed by the state university trustees [~~after consultation with the state comptroller~~].

c. establish guidelines in consultation with the commissioner of general services authorizing participation by the state university in programs administered by the office of general services for the purchase of available New York state food products. The commissioner of general services shall provide assistance to the state university necessary to enable the university to participate in these programs.

[~~d. (1) Award contract extensions for campus transportation without competitive bidding where such contracts were secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to subparagraph (2) of this paragraph, however such extensions may be rejected if the amount to be paid to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U) during the preceding twelve-month period. At the time of any contract extension, consideration shall be given to any competitive proposal offered by a public transportation agency. Such contract may be increased for each year of the contract extension by an amount not to exceed the regional consumer price index increase for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U), during the preceding twelve-month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his cost of operation, during the period of the contract.~~]

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 **energy performance contracts (as defined in section 9-102 of the energy law),** contracts **or agreements** with non-profit corporations organized by officers, employees, alumni or students of state university for the furtherance of its objects and purposes**, and, in the case of the state university of New York at Stony Brook, contracts or agreements with any campus-related foundation, alumni association or affiliate thereof, any non-profit corporation or association organized by the president of the state university of New York at Stony Brook to further its purposes or any limited liability company, whose sole member is any of the foregoing entities for the furtherance of the objects and purposes of the state university of New York at Stony Brook, including, without limitation, the state university of New York at Stony Brook's initiative**. Contracts 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.

§ 3. Subdivisions 2 and 3 of section 112 of the state finance law, subdivision 2 as amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision 2 as amended by section 18 of part L of chapter 55 of the laws of 2012 and subdivision 3 as amended by section 2-c of part F of chapter 57 of the laws of 2016, are amended to read as follows:

2. (a) Before any contract made for or by any state agency, department, board, officer, commission, or institution, except the office of general services **and the state university of New York**, shall be executed or become effective, whenever such contract exceeds fifty thousand dollars in amount and before any contract made for or by the office of general services shall be executed or become effective, whenever such contract exceeds eighty-five thousand dollars in amount, it shall first be approved by the comptroller and filed in his or her office, with the exception of contracts established as a centralized contract through the office of general services and purchase orders or other procurement transactions issued under such centralized contracts. The comptroller shall make a final written determination with respect to approval of such contract within ninety days of the submission of such contract to his or her office unless the comptroller shall notify, in writing, the state agency, department, board, officer, commission, or institution, prior to the expiration of the ninety day period, and for good cause, of the need for an extension of not more than fifteen days, or a reasonable period of time agreed to by such state agency, department, board, officer, commission, or institution and provided, further, that such written determination or extension shall be made part of the procurement record pursuant to paragraph f of subdivision one of section one hundred sixty-three of this chapter.

(b) Whenever any liability of any nature shall be incurred by or for any state department, board, officer, commission, or institution **other than the state university of New York**, notice that such liability has been incurred shall be immediately given in writing to the state comptroller.

3. A contract or other instrument wherein the state or any of its officers, agencies, boards or commissions**, other than the state university of New York,** agrees to give a consideration other than the payment of money, when the value or reasonably estimated value of such consideration exceeds twenty-five thousand dollars, shall not become a valid enforceable contract unless such contract or other instrument shall first be approved by the comptroller and filed in his **or her** office.

§ 4. Paragraph a of subdivision 1 of section 139-j of the state finance law, as amended by chapter 4 of the laws of 2010, is amended to read as follows:

a. "Governmental entity" shall mean: (1) any department, board, bureau, commission, division, office, council, committee or officer of the state, whether permanent or temporary**, other than the state university of New York**; (2) each house of the state legislature; (3) the unified court system; (4) any public authority, public benefit corporation or commission created by or existing pursuant to the public

authorities law; (5) any public authority or public benefit corporation, at least one of whose members is appointed by the governor or who serves as a member by virtue of holding a civil office of the state; (6) a municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of the legislative law; or (7) a subsidiary or affiliate of such a public authority.

§ 5. Paragraph a of subdivision 1 of section 139-k of the state finance law, as amended by chapter 4 of the laws of 2010, is amended to read as follows:

a. "Governmental entity" shall mean: (1) any department, board, bureau, commission, division, office, council, committee or officer of the state, whether permanent or temporary**, other than the state university of New York**; (2) each house of the state legislature; (3) the unified court system; (4) any public authority, public benefit corporation or commission created by or existing pursuant to the public authorities law; (5) a public authority or public benefit corporation, at least one of whose members is appointed by the governor or who serves as a member by virtue of holding a civil office of the state; (6) municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of the legislative law; or (7) a subsidiary or affiliate of such a public authority.

§ 6. Paragraph e of subdivision 4 of section 163 of the state finance law, as amended by section 5 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

e. [~~The commissioner is authorized to permit purchases of services for authorized users through the office of general services' centralized contracts. Such authorized users so empowered shall accept sole responsibility for any payment due with respect to such purchases.~~] **Any officer, body or agency of a political subdivision as defined in section one hundred of the general municipal law or a district therein and any non-profit corporation organized in furtherance of the objects and purposes of the state university of New York, may make purchases of services through the office of general services' centralized contracts for services, subject, in the case of such political subdivisions, to the provisions of section one hundred four of the general municipal law; provided, however, that in the case of any non-profit corporation organized in furtherance of the objects and purposes of the state university of New York, it shall accept sole responsibility for any payment due with respect to such purchase and provided, further that services so purchased by any such non-profit corporation shall not be used directly or indirectly by a for-profit corporation or other for-profit entity which contracts with the non-profit organization. The commissioner may permit and prescribe the conditions for the purchase of services through the office of general services' centralized contracts for services by any public authority or public benefit corporation of the state including the port authority of New York and New Jersey, or any non-profit corporation organized in furtherance of the objects and purposes of the state university of New York. The commissioner is authorized to permit any public library, association library, library system, cooperative library system, the New York Library Association, and the New York State Association of Library Boards or any other library except those which are operated by for-profit entities, to make purchases of services through the office of general services' centralized contracts; provided, however, that such entity so empowered shall accept sole responsibility for any payment due with respect to such purchase.**

§ 7. Paragraph g of subdivision 4 of section 163 of the state finance law, as added by chapter 10 of the laws of 2006, is amended to read as follows:

g. All state agencies shall require all contractors, including sub-contractors, that provide services for state purposes pursuant to a contract, to submit an annual employment report for each contract for services that includes for each employment category within the contract the number of employees employed to provide services under the contract, the number of hours they work and their total compensation under the contract. Employment reports shall be submitted to the agency that awarded the contract, the department of civil service and the department of audit and control and shall be available for public inspection and copying pursuant to section eighty-seven of the public officers law provided that in disclosing such reports pursuant to the public officers law, the agency making the disclosure shall redact the name or social security number of any individual employee that is included in such document. **The provisions of this paragraph shall not apply to contractors, including subcontractors, that provide services to or on behalf of the state university of New York.**

§ 8. Paragraph b of subdivision 10 of section 163 of the state finance law is amended by adding a new subparagraph (iii) to read as follows:

(iii) The provisions of subparagraphs (i) and (ii) of this paragraph shall not apply to single or sole source procurements for services or commodities by the state university of New York, which single or sole source procurements shall be made in accordance with such rules and guidelines as may be promulgated by the trustees of the state university of New York.

§ 9. Paragraph (e) of subdivision 1 of section 5-a of the tax law, as amended by section 1 of part L of chapter 62 of the laws of 2006, is amended to read as follows:

(e) "Covered agency" means a "state agency" for purposes of article eleven of the state finance law, the legislature, the judiciary, or a public authority or public benefit corporation at least one of whose members is appointed by the governor**; provided, however, that the term "covered agency" shall not include the state university of New York**.

§ 10. This act shall take effect immediately; provided, however, that the amendments to subdivisions 5 and 6 of section 355 of the education law, made by section one of this act shall not affect the expiration of such subdivisions and shall expire therewith, when upon such date the provisions of section two of this act shall take effect; and provided, further, that the amendments to section 139-j of the state finance law made by section four of this act, the amendments to section 139-k of the state finance law made by section five of this act, and the amendments to section 163 of the state finance law made by sections six, seven and eight of this act shall not affect the repeal of such sections and shall expire and be deemed repealed therewith.

PART D

Section 1. Subdivision 8 of section 355 of the education law, as amended by section 3 of part B of chapter 57 of the laws of 2013, is amended to read as follows:

8. Except as otherwise provided herein, all moneys received by the state university of New York and by state-operated institutions thereof from appropriations, tuition, fees, user charges, sales of products and services and from all other sources, including sources and activities of

the state university which are intended by law to be self-supporting may be credited to an appropriate fund or funds to be designated by the state comptroller. The amounts so paid into such fund or funds which were received by or for the state university shall be used for expenses of the state university in carrying out any of its objects and purposes and such amounts received by or for state-operated institutions of the state university shall be used for expenses of the state university under regulations prescribed by the state university trustees. Notwithstanding the foregoing provisions of this subdivision, all dormitory facilities revenues transferred to the dormitory authority by assignment or otherwise pursuant to paragraph y of subdivision two of this section shall upon receipt by the state university acting as agent for the dormitory authority be transferred and immediately paid without appropriation thereof to the commissioner of taxation and finance pursuant to subdivision four of section four of the state finance law for deposit to the dormitory facilities revenue fund. **Notwithstanding the foregoing, all moneys received by the state university of New York at Stony Brook from tuition, fees, user charges, sales of products and services, savings under energy performance contracts and from sources and activities of the state university of New York at Stony Brook which are intended by law to be self-supporting may be credited to an appropriate fund or funds held by the state university of New York at Stony Brook. The amounts so paid into such fund or funds which were received by or for the state university of New York at Stony Brook shall be used for expenses of the state university of New York at Stony Brook in carrying out any of its objects and purposes, including, the state university of New York at Stony Brook's initiative.**

§ 2. Section 4 of the state finance law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding subdivision one of this section, moneys held by the state university of New York derived from tuition, fees, user charges, sales of products and services, savings under energy performance contracts and sources and activities of the state university of New York at Stony Brook that are intended to be self-supporting shall be paid without an appropriation.

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

2. There are excepted from payment to the treasury as provided by subdivision one of this section: (i) all moneys to which the provisions of subdivision four of section four of this chapter apply unless such moneys are held in a fund subject to appropriation; (ii) moneys held as part of the principal of an endowment of the state university of New York, units thereof and other state agencies; **(iii) moneys received by the state university of New York derived from tuition, fees, user charges, sales of products and services, savings under energy performance contracts and from sources and activities of the state university of New York at Stony Brook that are intended to be self-supporting, including, without limitation, any revenue resulting from tuition increases at the state university of New York at Stony Brook described in subparagraph four-a of paragraph h of subdivision two of section three hundred fifty-five of the education law;** and [~~(iii)~~] **(iv)** moneys received pursuant to a clinical practice plan established pursuant to subdivision fourteen of section two hundred six of the public health law. In those cases where such moneys are held in the custody of the state officer other than the comptroller, the officer shall file with the comptroller, at such times as the comptroller shall determine, a detailed statement,

in such form and content as the comptroller shall prescribe, for the period covered by the statement. The comptroller shall from time to time, but not less than once in every three years, examine the books and accounts relating to such moneys heretofore or hereinafter established, including its receipts, disbursements, investments, and any financial matters. An independent audit of such moneys may be authorized by the comptroller in lieu of his own examination, which examination shall be undertaken within twelve months of such authorization.

§ 4. This act shall take effect immediately.

PART E

Section 1. Paragraph i of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

i. To lease to alumni associations of institutions of the state university a portion of the grounds occupied by any institution of the state university, for the erection thereon of dormitories to be used by students in attendance at such institutions. The terms of any lease and the character of the building to be erected shall be determined by the state university trustees. [~~Such lease, prior to its execution, shall be submitted to the attorney general for his approval as to its form, contents and legal effect.~~] Nothing contained in this paragraph shall affect the provisions of any lease heretofore executed by a board of visitors of any state-operated institution pursuant to law. The state university trustees may similarly enter into an agreement with an alumni association of an institution of the state university to furnish heat from a central heating plant to any dormitory erected by such alumni association. Any such dormitory shall not be subject to taxation for any purpose.

§ 2. This act shall take effect immediately.

§ 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. Nothing in this act shall in any way alter or impair the rights under article 14 of the civil service law of all members of certified bargaining units currently or hereafter employed by the state university of New York at Stony Brook and all certified employee organizations and negotiating units of such employees shall continue in accordance with the provisions of article 14 of the civil service law.

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