STATE OF NEW YORK

9683

IN SENATE

May 20, 2024

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

AN ACT relating to authorizing the state university of New York at Stony Brook to lease certain lands to construct multi-purpose facilities to support housing needs and supporting amenities for students and staff

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 ("Stony Brook") seeks to use approximately 16 acres of underutilized land on Stony Brook's Southampton campus to build multi-purpose facilities to support housing needs and supporting amenities for the university's undergraduate and graduate students, as well as junior faculty and staff. The legislature further finds that granting the trustees of the state university of New York ("Trustees") the authority and power to lease and otherwise contract to make available grounds and facilities of Stony Brook's campus will ensure such land is utilized for the benefit of Stony Brook, the surrounding community, and the general public.

§ 2. Notwithstanding any other law to the contrary, the trustees are authorized and empowered, without any public bidding, to lease and otherwise contract to make available to a ground lessee a portion of the lands of Stony Brook generally described in this act for the purpose of developing, constructing, maintaining and operating multi-purpose facilities to support housing needs and supporting amenities. Such lease or contract shall be for a period not exceeding ninety-nine 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 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

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

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contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease. Any and all proceeds related to the leases authorized by this act shall be used for the benefit of the Stony Brook campus and the allocation of such proceeds shall be subject to approval by the Trustees.

§ 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 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, rule or regulation to the contrary, the state university of New York shall not contract out for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of non-overtime, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining rights pursuant to existing agreements. All positions currently at the state university of New York in the unclassified service of the civil service law shall remain in the unclassified service. No services or work on the property described in this act currently performed by public employees or future work that is similar in scope and nature to the work being currently performed by public employees shall be contracted out or privatized by the state university of New York or by an affiliated entity or associated entity of the state university of New York. All such future work shall be performed by public employees.

§ 6. For the purposes of this act:

(a) "project" shall mean work at the property authorized by this act to be leased as described in section twelve of this act that involves the design, construction, reconstruction, demolition, excavating, rehabilitation, repair, renovation, alteration or improvement of such property.

(b) "project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor and a labor organization, establishing the labor organization as the collective bargaining representative for all persons who will perform work on the project, and

which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

§ 7. Notwithstanding the provisions of any general, special, or local law or judicial decision to the contrary: (a) A contractor awarded a contract, subcontract, lease, grant, bond, covenant or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of the ground lessee's request for proposals for the project and when the state university of New York at Stony Brook determines that the record supporting the decision to enter into such an agreement establishes that the interests underlying the competitive bidding laws are best met by requiring a project labor agreement including obtaining the best work at the lowest possible price; preventing favoritism, fraud and corruption; the impact of delay; the possibility of cost savings; and any local history of labor unrest.

(b) If the state university of New York at Stony Brook does not require a project labor agreement, then any contractor, subcontractor, lease, grant, bond, covenant or other agreements for a project shall be awarded pursuant to section 135 of the state finance law.

§ 8. Nothing in this act shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York pursuant to article 14 of the civil service law; all work performed on such property that ordinarily would be performed by employees subject to article 14 of the civil service law shall continue to be performed by such employees.

§ 9. 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.

§ 10. 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.

§ 11. 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.

§ 12. The property authorized by this act to be leased to the ground lessee is generally described as approximately 16.7217 acres of land situated on the campus of the state university of New York at Stony Brook within the town of Brookhaven, county of Suffolk, state of New York more particularly described as follows:

Beginning at a point within lot 2 of section 199, block 1 and being on the southerly side of Circle Road, a private road of undesignated width, having New York state plane (LI Zone) 1983 coordinate values of North 275669.8546 and East 1225232.3830. The said point being distant 295.88 feet on a bearing of North 42 degrees 47 minutes 36 seconds East from the Northeast corner of section 198, block 7, lot 3 now or formerly belonging to the town of Brookhaven as per liber 11011 at page 576, and running from the said point of beginning; thence

Running the following nineteen (19) courses through said lot 2.6:

1) Following along the said Southerly side of said Circle Road, North 30 degrees, 13 minutes, 30 seconds East, a distance of 339.00 feet to a point of curvature; thence

2) Following along the same, on a curve to the right having a radius of 3148.50 feet, a central angle of 05 degrees 04 minutes 00 seconds and an arc length of 278.42 feet to a point of non-tangency; thence

3) Leaving the said side of Circle Road, South 63 degrees 07 minutes 11 seconds East, a distance of 110.00 feet, thence

4) south 61 degrees 36 minutes 00 seconds east, a distance of 193.00 feet; thence

5) south 65 degrees 28 minutes 00 seconds east, a distance of 135.00 feet ; thence

6) South 61 degrees 17 minutes 00 seconds East a distance of 371.50 feet ; thence

7) South 28 degrees 43 minutes 00 seconds West a distance of 199.50 feet ; thence

8) south 07 degrees 38 minutes 00 seconds west, a distance of 25.00 feet to a point of non-tangent curvature; thence

9) on a curve to the left having a radius of 160.00 feet, a central angle of 64 degrees 09 minutes 42 seconds and an arc length of 179.17 feet, the chord of which bears south 40 degrees 33 minutes 51 seconds West for a distance of 169.66 feet to a point of tangency; thence

10) south 08 degrees 29 minutes 00 seconds west, a distance of 384.000 feet; thence

11) North 82 degrees 34 minutes 00 seconds west, a distance of 35.50 feet to a point of curvature; thence

12) on a curve to the left having a radius of 75.00 feet, a central angle of 90 degrees 07 minutes 00 seconds, and an arc length of 117.96 feet to a point of tangency; thence

13) south 07 degrees 19 minutes 00 seconds west, a distance of 113.15 feet; thence

14) North 79 degrees 46 minutes 00 seconds West, a distance of 255.50 feet ; thence

15) North 37 degrees 39 minutes 00 seconds west, a distance of 42.50 feet; thence

16) North 06 degrees 38 minutes 00 seconds west, a distance of 104.50 feet to a point of curvature; thence

17) on a curve to the left having a radius of 230.00 feet, a central angle of 30 degrees 52 minutes 00 seconds, and an arc length of 123.91 feet to a point of tangency; thence

18) north 37 degrees 30 minutes 00 seconds west, a distance of 412.80 feet; thence

19) North 25 degrees 35 minutes 00 seconds West, a distance of 118.00 feet to the point and place of Beginning.

The above-described lease area contains 728,396 square feet or 16.7217 acres of land.

The above-described development area was written in accordance with a map entitled, "Boundary & Location Survey, District 200, section 199, block 1, Part of Lot 2.6, at, Stony Brook University, Hamlet of Stony-brook, town of Brookhaven, Suffolk county, state of New York" prepared by Gallas Surveying Group.

§ 13. The state university of New York shall not lease lands described in this act unless any such lease shall be executed within 5 years of the effective date of this act.

§ 14. 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.

§ 15. This act shall take effect immediately.