§ 355. Powers and duties of trustees--administrative and fiscal functions. 1. Subject to the provisions of the plan or general revision thereof proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter, the state university trustees shall be responsible for:

a. The over-all central administration, supervision and coordination of state-operated institutions and the general supervision and coordination of the statutory or contract colleges in the state university.

b. The supervision and coordination of state-aided programs in institutions providing higher education pursuant to the provisions of section three hundred fifty-eight hereof.

c. The approval of the establishment of community colleges and four year colleges authorized by article one hundred twenty-six of this chapter, in conformance with the master plan; the provision of standards and regulations covering the organization and operation of their programs, courses and curricula, financing arrangements, state financial assistance, tuition charges and fees, and such other matters as may be involved in the operation of such colleges.

d. The establishment of health and medical centers, four year liberal arts colleges, professional and graduate schools, research centers and other facilities, as provided in this article.

e. The approval of the appointment of the head of each statutory or contract college and community college by the respective boards of trustees or other governing bodies of such institutions.

f. The promotion of and participation in inter-institutional arrangements among independent and public institutions of higher education and health care facilities and providers and other health-related organizations on a geographical or topical basis to encourage responsible and cost effective use of facilities and academic and health care resources for the enhancement and enrichment of

educational experiences and opportunities and promoting high quality health care services in support of the state university's educational mission.

2. The state university trustees are further authorized and empowered, subject to the provisions of the plan or general revisions thereof proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter:

* 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. 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 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.

* NB Effective until June 30, 2031

* 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. 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. 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.

* NB Effective June 30, 2031

b. To make and establish and from time to time alter and amend such rules and regulations, not inconsistent with law, for the government of the state university and the institutions therein.

c. To provide for the care, custody and management of the lands, grounds, structures, buildings, equipment and facilities of the state university and the institutions therein.

d. To visit and inspect the institutions in the state university, and to distribute to or expend or administer for them such property and funds as the state may appropriate therefor, or as the state university trustees may hold in trust, or as may otherwise come into their possession.

e. To merge any higher educational corporation into the state university with the approval of the governing body of such corporation and statutory approval of the legislature. Any higher educational corporation is authorized and empowered to merge into the state university. Upon the approval of an agreement of merger by the board of regents and subsequent statutory approval by the legislature, and the filing thereof with the regents, the merger shall be deemed complete and all the right, title and interest in real property held by such merged higher educational corporation shall vest in and be held and enjoyed by the people of the state of New York and all the other estate, property, rights, privileges and franchises of such merged higher educational

corporation shall vest in and be held and enjoyed by the state university, as fully and entirely and without change or diminution as the same were before held and enjoyed by such merged corporation, and be managed and controlled by the state university, but subject to all liabilities and obligations of such merged corporation and the rights of all creditors thereof; except that the state university shall not thereby acquire power to engage in any activity or to exercise any right, privilege or franchise of a kind which it could not otherwise lawfully engage in or exercise. The state university shall cause a copy of the agreement of merger, certified by the board of regents to be a true and correct copy of the original filed in their office, to be filed in the office of the secretary of state and in the office of the clerk of the county in which the certificate of incorporation of the merged corporation was filed, in each case in which the certificate of incorporation of the merged corporation was filed in the office of the secretary of state; and shall cause a like copy of the merger agreement with the certificate of the board of regents to be recorded in the office of the recording officer of each county in which is located any real property in or to which the merged corporation had any right, title or interest at the time of the merger; and it shall be the duty of each such recording officer to record such copy and certificate in his office in the books used for the recording of deeds and to index the same against the merged corporation as grantor and the people of the state of New York as grantees. Neither the secretary of state nor the county clerk or the recording officer of any county shall be entitled to demand or collect any fee for filing or recording any such copy of an agreement of merger.

f. To grant all degrees, diplomas and certificates which heretofore have been granted or have been authorized to be granted upon the completion of courses of study in any state-operated institution which now is or hereafter may be in the state university, prior to the acquisition of such institution by the state university, and also such other degrees as the regents may hereafter specifically authorize them to grant. In testimony thereof the state university trustees may give suitable diplomas or certificates under the state university seal including honorary degrees. Every diploma or certificate so granted

shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas or certificates of corresponding grade granted by any institution of learning.

f-1. Notwithstanding any law, rule or regulation to the contrary, the state university of New York board of trustees shall pass a resolution by June first, two thousand fifteen, to develop a plan to make available to students enrolled in an academic program of the state university of New York beginning in the two thousand sixteen--two thousand seventeen academic year, approved experiential or applied learning activities. Such experiential or applied learning activities may include completion of activities related to students' program of study, including, but not limited to, service-learning activities completed as part of a course, paid or unpaid internships, faculty-supervised undergraduate projects and activities leading to publication of research in journals or similar publications, production or performance of creative works, and iterative "co-op" partnerships that explicitly link the curricula to a temporary, paid position in industry or the public sector. Such plan, to be completed by June first, two thousand sixteen, shall be developed in consultation with university faculty senate, the faculty council of community colleges, the SUNY student assembly, and other stakeholders. Such plan shall define approved experiential or applied learning activities, methods of faculty oversight and assessment, responsibilities of business, corporate, non-profit or other entities hosting students, and include a requirement for collecting and reporting data associated with such experiential or applied learning activities. Such plan shall have each college examine the feasibility of including such experiential or applied learning activities as a degree requirement. Such college shall examine its ability to administer and provide such opportunities to students; the local community's capacity to support such experiential or applied learning activities; the impact such requirement would have on the local workforce, if any; potential for such a requirement to enhance learning outcomes for students; and whether adding such a requirement would cause potential delays in graduation for students.

f-2. Notwithstanding any law, rule or regulation to the contrary, the

state university of New York board of trustees shall establish a policy authorizing state-operated institutions and community colleges within the state university to grant posthumous degrees to enrolled matriculated students whose death occurs prior to graduation. Such policy shall provide that, upon terms set in the policy, any remaining credit requirements shall be waived for any student who dies and who otherwise would have been eligible for graduation had they been able to complete their academic career.

f-3. Notwithstanding any law, rule or regulation to the contrary, the state university of New York board of trustees shall, by June first, two thousand twenty-five, develop a plan to make available to students enrolled in an academic program of the state university of New York beginning in the two thousand twenty-five--two thousand twenty-six academic year, approved experiential or applied learning activities, as defined in paragraph f-1 of this subdivision. Such plan shall be developed in consultation with university faculty senate, the faculty council of community colleges, the university student assembly, and other stakeholders. Such plan shall define approved experiential or applied learning activities, methods of faculty oversight and assessment, responsibilities of business, corporate, non-profit or other entities hosting students, and include a requirement for collecting and reporting data associated with such experiential or applied learning activities. Such plan shall have each college examine the feasibility of including such experiential or applied learning activities as a degree requirement. Such college shall examine its ability to administer and provide such opportunities to students; the local community's capacity to support such experiential or applied learning activities; the impact such requirement would have on the local workforce, if any; potential for such a requirement to enhance learning outcomes for students; and whether adding such a requirement would cause potential delays in graduation for students.

g. To appoint the head of each state-operated institution in the state university upon the recommendation made to them by the council of such institution in accordance with the rules and standards established by the state university trustees; or if such recommendation is not made or

does not comply with such rules and standards, then to make such appointment as is by them deemed necessary; to prescribe the functions, powers, and duties of the head of each such institution; and to appoint or provide for the appointment of the members of the instructional and administrative staffs, and such other employees as may be necessary, at each state-operated institution upon the recommendation of the head thereof and prescribe or provide for the prescription of their duties.

h. To regulate the admission of students, prescribe the qualifications for their continued attendance, regulate tuition charges where no provision is otherwise made therefor by law, and regulate other fees and charges, curricula and all other matters pertaining to the operation and administration of each state-operated institution in the state university.

(1) Notwithstanding the provisions of any other general, special or local law, rule or regulation, such regulations may permit persons sixty years of age or over to audit courses given therein without tuition, examination, grading or credit therefor upon a space available basis, as determined by the president of each such institution, provided that such audit attendance does not deny course attendance at a state-operated institution by an individual who is otherwise qualified under the regulations promulgated pursuant to this section.

(2) Such regulations shall also provide that upon request by a student who is an eligible veteran the payment of tuition and other fees and charges, less the amounts payable for such purposes from scholarships or other financial assistance awarded said veteran pursuant to article thirteen of this chapter, article one hundred thirty of this chapter or any other state or federal aid program, shall be deferred in such amounts and until such times as the several payments of veterans' benefits under the Veterans' Readjustment Benefit Act of 1966, as amended, are received by the veteran, provided that the veteran has filed a claim for such benefits and presents to the state university proof of eligibility, extent of entitlement to benefits and the need for deferral until the receipt of such benefits.

(3) (i) Such regulations shall further provide that the payment of tuition and fees by any student in any state-operated institution of the state university who is a member or the spouse or the dependent of a

member of the armed forces of the United States on full-time active duty and stationed in this state, whether or not a resident of the state, shall be paid at a rate or charge no greater than that imposed for students thereat who are residents of this state.

(ii) Such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student is enrolled in an institution or educational unit of the state university and is attending such institution or educational unit in accordance with the federal GI bills and in compliance with all applicable eligibility requirements thereof.

(iii) Such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state shall be paid at a rate or charge no greater than that imposed for students who are residents of this state if such student is enrolled in an institution or educational unit of the state university and is the spouse or the dependent of a member of the armed forces of the United States on full-time active duty and not stationed in this state immediately following being stationed therein.

(3-a) Notwithstanding the provisions of any other general, special or local law, rule or regulation, the state university trustees shall be authorized to set a reduced rate of tuition and/or fees, or to waive tuition and/or fees entirely, for students participating in any dual or concurrent enrollment program with no reduction in other state, local, or other support for such students earning college credit that such higher education partner would otherwise be eligible to receive; provided that, for purposes of this provision, a dual or concurrent enrollment program shall mean one or more college courses taken by a high school student through a state-operated institution while such student is still enrolled in high school or boards of cooperative educational services and for which the student may receive both high school and college credit.

* (4) The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of

tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand sixteen--two thousand seventeen academic year if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(ii) Commencing with the two thousand seventeen--two thousand eighteen

academic year and ending in the two thousand twenty--two thousand twenty-one academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided, however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

(iii) On or before November thirtieth, two thousand seventeen, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the four year period commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the two thousand twenty--two thousand twenty-one academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand twenty, and provided further, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year for a six year period commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand sixteen--two thousand seventeen academic year.

(iv) Beginning in state fiscal year two thousand twelve-two thousand

thirteen and ending in state fiscal year two thousand fifteen--two thousand sixteen, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(v) Beginning in state fiscal year two thousand seventeen--two thousand eighteen and ending in state fiscal year two thousand twenty--two thousand twenty-one, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

(vi) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this chapter.

* NB Effective until July 1, 2027

* (4) The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. The trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget.

* NB Effective July 1, 2027

(4-a) Notwithstanding any law, rule, regulation, or practice to the contrary and following the review and approval of the chancellor of the state university or his or her designee, the board of trustees may raise non-resident undergraduate rates of tuition by not more than ten percent over the tuition rates of the prior academic year for the following doctoral degree granting institutions of the state university of New York: the state university of New York college of environmental science and forestry as defined in article one hundred twenty-one of this chapter, downstate medical center, upstate medical center, and the college of technology at Utica-Rome/state university polytechnic institute for a four year period commencing with the two thousand twenty--two thousand twenty-one academic year and ending in the two thousand twenty-three--two thousand twenty-four academic year provided that such rate change is approved annually prior to board of trustees action by the chancellor of the state university or his or her designee.

(4-a-1) Notwithstanding any law, rule, regulation or practice to the

contrary and following the review and approval of the chancellor of the state university or such chancellor's designee, the board of trustees may annually impose differential tuition rates on non-resident undergraduate and graduate rates of tuition for state-operated institutions commencing with the two thousand twenty-three--two thousand twenty-four academic year and ending in the two thousand twenty-eight--two thousand twenty-nine academic year, provided that such rates are competitive with the rates of tuition charged by peer institutions and that the board of trustees annually provide the reason and methodology behind any rate increase to the governor, the temporary president of the senate, and the speaker of the assembly prior to the approval of such increases.

(4-b) In state fiscal year two thousand twenty-two--two thousand twenty-three and thereafter, the state shall appropriate and make available general fund operating support in the amount of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter annually.

(5) The trustees shall further provide standards for the granting of advanced standing to veterans applying for college admissions at the state university, who have successfully completed United States Armed Forces Institute or other comparable course work.

(6) Where an undergraduate state-operated institution of the state university is located adjacent to another institution of higher education and students of such undergraduate state operated institution are, under arrangements made by the state university, taking a substantial portion of their courses at such other institution, the state university trustees may permit the students of such undergraduate state-operated institution, subject to such conditions or limitations as they deem advisable, to participate in the extra-curricular activities and utilize services of such other institution if those privileges are extended by such other institution.

(7) In formulating the curriculum of each state-operated institution in the state university for professional education in medicine there shall be required and included in such curriculum and in the plans and recommendations of the state university trustees formulated and transmitted in pursuance of the provisions of section three hundred fifty-four of this chapter, courses and facilities, which in the

judgment of the trustees shall be best suited to encourage and to implement the study and preparation, by students desiring the same, for the family practice of medicine. Such courses and facilities shall include: the establishment and maintenance of a department of family practice under the direction of a qualified family practitioner, courses of study under the supervision of qualified family practitioners, a family care program of study and clinical experience, a program of preceptorships, and a program of internships or family practice residencies in the hospital or hospitals affiliated with such respective school.

(8) Such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant noncitizen within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

(9) The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues.

(10) Such regulations shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of noncitizens to the United States, or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

* (11) (i) For purposes of this subparagraph, "Team USA athlete" means any student athlete who meets the eligibility standards defined and approved by the United States Olympic and Paralympic Committee and by the national governing body for the sport in which the athlete competes.

(ii) Notwithstanding the provisions of any other general, special or local law, rule or regulation and pursuant to an appropriation and funding being made for such purpose, such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state shall be paid at a rate or charge no greater than that imposed for students who are residents of this state if such student is enrolled in an institution or educational unit of the state university, is a Team USA athlete, and is training in New York State in an elite level program approved by the United States Olympic and Paralympic Committee.

* NB There are 2 sbpar (11)'s

* (11) Notwithstanding any law, rule or regulation to the contrary,

such regulations shall provide for eligibility of admission for students who have completed an online high school program which (i) has in excess of ten thousands students per year nationally complete such program, (ii) is located within the United States, and (iii) is accredited in accordance with paragraph four of appendix three hundred two of the Job Corps Policy and Requirements Handbook (Guidelines for the Ongoing Quality Monitoring of Job Corps High School Diploma (HSD) Programs), as amended from time to time;

* NB There are 2 sbpar (11)'s

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.

j. To enter into a boundary line agreement for, on behalf of, and in the name of the people of the state of New York whenever a mistake has been made or an honest dispute exists as to the location of the division line between land owned by the state, which is under the jurisdiction, care, custody or control of the state university trustees, and adjoining land not owned by the state. Such an agreement shall fix and determine the division line between such lands, subject to the approval of the attorney general as to form, content and manner of execution.

k. To enlist and accept the cooperation of municipal authorities in obtaining the use of public buildings, lands, property and other

facilities, or portions thereof, under the jurisdiction of such municipal authorities, for the purposes of the state university. Such appropriate municipal authorities are hereby authorized to permit the use of public buildings, lands, property and other facilities or portions thereof under their jurisdiction for the purposes of the state university, with or without rental or other charges.

l. To appoint university police officers who shall have the powers of police officers and to remove such police officers at pleasure; provided, however, that any person appointed a police officer must have satisfactorily completed or complete within one year of the date of his appointment a course of law enforcement training approved by the municipal police training council in consultation with the university. It shall be the duty of such police officers to preserve law and order on the campuses and other property of the university, including any portion of a public highway which crosses or abuts such property. Subject to the approval of the chancellor, the president of each state-operated campus of the state university shall enter into a written agreement with adjoining law enforcement agencies establishing protocols for the exercise of authority by such university police officer off-campus, including mutual aid and assistance. Such written protocols shall not be deemed to supersede the authority of other police officers. The provisions of this paragraph shall not apply to any of the state institutions and property referred to in section five thousand seven hundred nine of this chapter.

m. To name and rename any state-operated institution of the state university after consultation with its council.

n. To enter into a contract with the board of education of a city or school district in which a state-operated institution is located for the education by such college, for such period of time as may be agreed upon, of all or part of the children of legal school age residing in such city or school district. A board of education in such a city or school district is hereby authorized and empowered to enter into such contracts with the state university trustees, subject to the approval of the commissioner of education, and to perform all necessary acts to

carry out the purposes of this paragraph.

o. To conduct or authorize the conduct of research and experiments at state-operated institutions of the state university in the field or, pursuant to agreements therefor, in industrial and commercial plants, in connection with the educational programs of the state university, including projects involving the care, preservation, utilization and management of natural resources and the disposition of crops and other products incidental thereto.

p. To perform such other acts as may be necessary or appropriate to carry out effectively the objects and purposes of the state university as specified in this article.

q. To prepare and adopt, within the amounts appropriated therefor, plans for land acquisition, state university development and expansion, space needs and uses and for the construction, acquisition, reconstruction, rehabilitation and improvement of academic buildings, dormitories and other facilities required or to be required for the state-operated institutions and the statutory or contract colleges, and for such planning functions to retain or employ private architects, engineers and artists, or firms thereof, or other and different consultants for proposed projects and for the preparation of space requirements, cost estimates, preliminary plans, budgetary justifications, and construction standards. During the selection of projects for such plans, the trustees shall, where applicable, give due consideration to projects that support improvements in environmental protection, energy and resource management, solar energy and conservation with particular consideration given to a project's potential to generate cost savings over time.

r. To cooperate with and assist the state university construction fund in the construction, acquisition, reconstruction, rehabilitation and improvement of academic buildings, dormitories and other facilities pursuant to article eight-A of this chapter, and to approve the architectural concept of all such construction projects.

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, 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, 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.

t. The trustees shall have the power to lease or make available to a not-for-profit corporation or political subdivision of the state, or the state, or the office for the aging, for the purposes set forth in section sixteen hundred seventy-seven of the public authorities law; pertaining to the use of dormitory authority facilities by the aged, facilities or portions thereof located on the grounds or real property occupied by a state-operated institution or statutory or contract college, which facilities are owned by or mortgaged to the dormitory authority. Such leases and agreements shall be upon such terms and conditions as may be agreed upon between the parties thereto, provided

that any such lease or agreement shall be subject to the approval of the dormitory authority. Nothing herein contained shall affect the provisions of any lease or agreement heretofore executed by the state university with the dormitory authority, or any other agency.

u. To establish a water conservation program for academic buildings, dormitories and other facilities of the state university. Such program shall include a survey of water use and conservation in such buildings.

v. To cooperate with and assist the state university construction fund in the construction of academic incubator facilities. "Academic incubator facilities" as used in this chapter shall mean facilities providing low-cost space, technical assistance, support services and educational opportunities, including but not limited to central services shared by tenants of the facility, to new high technology companies in the formative stages of development through a partnership with the state university and shall be state university educational facilities under subdivision twenty-eight of section sixteen hundred seventy-six of the public authorities law. Academic incubator facilities shall promote job creation, entrepreneurship, technology transfer and provide support services to incubator tenants, including, but not limited to, business planning, management assistance, financial-packaging, linkages to financing sources, and coordination with other sources of assistance.

w. When authorized by law, to cooperate with and assist the state university construction fund in the acquisition and development of sites for university-related economic development facilities as defined in section three hundred seventy-two-a of this title.

x. To enter into one or more agreements with the dormitory authority to provide financial assistance on behalf of the state, as provided in subdivision eight of section six thousand three hundred four of this chapter, to the local sponsors of community colleges for the design, acquisition, construction, reconstruction, rehabilitation or improvement of one or more facilities for locally sponsored community colleges including the furnishing and equipping of such facilities pursuant to section six thousand three hundred four of this chapter. Each such

agreement shall provide for annual payments to the dormitory authority from the state aid or other financial assistance provided to the local sponsors of such community colleges and paid into the community college tuition and instructional fund pursuant to paragraph (iii) of subdivision two of section ninety-seven-p of the state finance law, and may contain such other terms and conditions as may be agreed upon by the parties thereto, including, but not limited to, provisions relating to the establishment of reserve funds and indemnities. Each such agreement shall be subject to the approval of the director of the budget.

y. To better secure dormitory authority bonds issued in connection with dormitory facilities, including dormitory facility revenue bonds, the state university of New York is hereby authorized, in its own name, to assign or otherwise transfer to the dormitory authority any or all of the state university's rights, title and interest in and to the dormitory facility revenues, and to enter into agreements with the dormitory authority pursuant to subdivision two of section sixteen hundred eighty-q of the public authorities law in furtherance of such assignment or transfer. Any assignment or transfer made pursuant to this paragraph shall constitute a true sale and absolute transfer of the dormitory facilities revenues. The characterization of such assignment or transfer shall not be negated or adversely affected by the retention by the state university of New York of any ownership interest in the dormitory facilities revenues or of any residual right to payment of any dormitory facility revenues remaining in the dormitory facilities revenue fund after the moneys therein have been applied in accordance with paragraph (b) of subdivision three of section sixteen hundred eighty-q of the public authorities law. All rights, title and interest in and to any moneys paid to or upon the order of the state university of New York pursuant to any agreement by and between the dormitory authority and the state university of New York entered into pursuant to subdivision two of section sixteen hundred eighty-q of the public authorities law or pursuant to any agreement entered into pursuant to paragraph j of subdivision two of section sixteen hundred eighty of the public authorities law shall vest in the state university of New York and be the absolute property of the state university of New York, and the dormitory authority shall no longer have any interest in such

moneys.

z. In connection with business/university partnerships in support of the corporate purposes of the state university, to participate in joint and cooperative arrangements with businesses that have located in a tax-free NY area approved pursuant to article twenty-one of the economic development law provided such arrangements are consistent with the approved plan for such tax-free NY area.

2-a. Notwithstanding any other provision of law, rule, or regulation to the contrary, the state university trustees charter school committee, as a charter entity, are further authorized and empowered, to promulgate regulations with respect to governance, structure and operations of charter schools for which they are the charter entity pursuant to section twenty-eight hundred fifty-one of this chapter.

3. The state university trustees shall adopt and implement a patent policy for research conducted in university facilities which is consistent with the university's mission of education, scholarly research and public service. Such policy shall be designed to encourage research activities which produce new knowledge which is of benefit to the public and which may result in the development of new products and processes which are likely to improve the quality of life and the standard of living of the people of the state, contribute to increased productivity and advance the public health, safety and welfare. Such policy shall also provide appropriate incentives for participation by private sector business concerns in efforts to develop and utilize patents orginated in conjunction with such research and to commercialize new products and processes based on the results of such research. The trustees, when it is deemed necessary to fulfill the objectives of this subdivision, shall adopt and implement appropriate modifications to such policy. The trustees shall include in the annual report required by section three hundred fifty-nine of this chapter an evaluation of the effectiveness of the policy adopted pursuant to this subdivision together with a synopsis of any changes in that policy adopted during the previous year.

4. Notwithstanding the provisions of section forty-four, fifty, or fifty-one of the state finance law or any other provision of law to the contrary, the state university trustees are authorized and empowered:

a. To review and coordinate the budget and appropriation requests of all state-operated institutions and statutory or contract colleges and combine these requests with the fiscal requirements for institutions of higher education specified in section three hundred fifty-eight hereof into a university program budget for submission to the governor together with appropriate comments by the trustees of the independent institutions operating statutory or contract colleges on behalf of the state regarding the portion of the program budget which relates to such colleges. Such submission shall be made pursuant to the provisions of section twenty-two of the state finance law.

b. To expend all lump sum or consolidated appropriations and other appropriations made for the state university, including all moneys derived from other sources in the course of the administration thereof. Within aggregate funds available for expenditure pursuant to section forty-nine of the state finance law, the state comptroller shall draw warrants for the payment of all vouchers approved by the chancellor of the state university, as the chief administrative officer of the state university, or by such authority or authorities in the state university as shall be designated by the chancellor by a rule or written direction filed with the state comptroller, when and in the manner authorized by the state university trustees. Such lump sum or consolidated appropriations made for personal service, or for maintenance and operation or for non-personal service, or maintenance undistributed including personal service, other than appropriations from proprietary or fiduciary funds, shall be available for payments for personal service, or maintenance and operation or for non-personal service, or for maintenance undistributed including personal service upon the filing of a schedule of positions and salaries provided, however, that the salary of the chancellor shall be in accordance with section one hundred sixty-nine of the executive law and that the portions of the salaries funded from state appropriations for the presidents and senior staff shall not exceed that of the chancellor and the amounts to be available

for other personal service classes of expenditure, and for the expenses of maintenance and operation, or for non-personal service with the director of the budget, chairman of the senate finance committee, chairman of the assembly ways and means committee, and the state comptroller. Any such schedule may be amended and such amendment shall be filed with the officers named above. The state comptroller is authorized to pay any amounts required for the salaries and related employment benefits of state university employees from any appropriations or other funds available therefor. In regard to the state university, the budget director shall exercise the authority granted under section forty-nine of the state finance law by establishing an aggregate amount available for expenditure for the state university from the aggregate appropriations made, by funding source, for the state university in the state operations appropriations act, rather than by making the specific approvals and by filing the certificates of such approvals authorized by section forty-nine of the state finance law. The schedule of positions and salaries required to be filed by the budget director pursuant to section forty-nine of the state finance law shall be replaced by the schedule of positions and salaries filed by the state university pursuant to this paragraph. If the director of the budget, pursuant to section forty-nine of the state finance law, shall establish as available for expenditure an aggregate amount less than that contained in the appropriations made for the state university in the state operations appropriations act, the board of trustees shall within thirty days of the action of the director of the budget file with the comptroller, with an informational copy to the budget director and to the chairs of the assembly ways and means and senate finance committees, a certificate allocating such lesser amount in no greater detail than provided for in the state operations appropriations act. In the event that the board has failed to file such certification within such thirty day period, the budget director may issue a certificate of availability for the state university reflecting such amount in no greater detail than provided for in the state operations appropriations act.

c. To increase or decrease appropriations by transfer or interchange as follows:

(1) Amounts appropriated for the programs or purposes or for any item

or items within such programs or purposes of any individual state-operated institution and the statutory or contract colleges of the state university, including state university central administration within the schedules of such units or for any individual hospital within the schedule of hospitals of the state university from a particular fund or funds in a fiscal year may be interchanged between such programs or purposes of such unit or hospital of state university, or between items within the same program or purpose, or with other items appropriated from such fund not in the same program or purpose, but which are contained in the state comptroller's classification of items as last promulgated pursuant to a certificate of allocation. Such certificate shall be submitted by such units to the board of trustees of the state university. Such certificate shall be submitted by the board of trustees to the state comptroller with copies to be sent to the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget for informational purposes only. The total amount appropriated for any program or purpose may be decreased by not more than the aggregate of five percent of such appropriation for a program or purpose with the approval of the units or hospitals or such amounts may be decreased by more than the aggregate of five percent of such appropriation with the approval of the state university trustees.

(2) Amounts appropriated to state-operated institutions and statutory or contract colleges within the schedule of such units or to hospitals within the schedule of hospitals of the state university from a particular fund or funds in a fiscal year for the programs or purposes of such units or hospitals of the state university may be transferred between and among such units or hospitals pursuant to a certificate of allocation, submitted directly by the state university to the state comptroller, with copies of such certificates to be sent to the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget for informational purposes only. The total amount appropriated for any unit may not be decreased by more than the aggregate of three percent of an appropriation for a unit or the aggregate of ten percent of an appropriation for a hospital.

(3) Amounts appropriated for programs or purposes, or for any item within such programs or purposes, within the university-wide program schedule of state university from a particular fund or funds in a fiscal

year shall not be decreased by means of transfer or interchange by more than the aggregate of four percent of an appropriation for a program or purpose within such schedule.

(4) Amounts appropriated for hospitals within the hospital schedule of the state university from a particular fund or funds in a fiscal year for programs or purposes of such hospitals shall not be increased or decreased by means of transfer or interchange from the amounts appropriated to the state-operated institutions and the statutory or contract colleges, university-wide programs, or central administration of the state university. The aggregate appropriation for the hospital schedule shall not be increased or decreased by such transfers of appropriations.

(5) Amounts appropriated for the central administration of the state university within the central administration schedule from a particular fund or funds in a fiscal year for programs or purposes including, but not limited to, administration of state-operated institutions and statutory or contract colleges, university-wide programs, and hospitals of the state university shall not be increased by means of transfer or interchange by more than five percent of the aggregate appropriation within such schedule.

(6) Notwithstanding the foregoing provisions of this subdivision, whenever the director of the budget, pursuant to section forty-nine of the state finance law, shall establish an aggregate amount less than that contained in the state operations appropriations act, the trustees may transfer or interchange any or all of such lesser amount among any of the programs or purposes or items without regard to the restrictions provided in this subdivision.

(7) On the fifteenth day of October, January, April and July of each year, the state university shall provide the chair of the senate finance committee and the assembly ways and means committee, the state comptroller and the director of the budget with quarterly reports of all transfers or interchanges made by the state university pursuant to this section, with such reports to include the program impact of each transfer or interchange. The allocation of lump sum appropriations from a fund or funds made to the state university for later distribution to state operated institutions, statutory or contract colleges, hospitals and/or central administration of the state university or the allocation

of lump sum appropriations made to all state departments and agencies for later allocation for specific programs or purposes or units of the state university shall not be deemed to be part of any total increase or decrease authorized by this section.

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 section three 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; and equipment and supplies, including computer equipment and motor vehicles, where the amount for a single purchase does not exceed seventy-five thousand dollars, (ii) execute contracts for services and construction contracts to an amount not exceeding seventy-five thousand dollars, and (iii) contract for printing to an amount not exceeding seventy-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 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, services, or commodities from these limits;

b. 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; and

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 consumer price 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 consumer price 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.

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 the state university without prior review or approval by any state officer or agency other than the state comptroller and the attorney general including contracts with non-profit corporations organized by officers, employees, alumni or students of the state university for the furtherance of its objects and purposes. 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.

* 6-a. The state university trustees shall adopt guidelines for foundations of state-operated campuses that require each foundation to adopt a conflict of interest policy applicable to such foundation and its affiliated corporations. Among other items, the state university trustees' guidelines shall require such foundation policies to provide: (a) that service as a board member or officer thereof shall not be used as a means for private benefit or inurement for the board member or officer, a relative thereof, or any entity in which the board member or officer, or relative thereof, has a business interest; (b) no board member or officer who is a vendor of goods or services to the foundation or its affiliated corporation, or who has a business interest in such vendor, or whose relative has a business interest in such vendor, shall vote on, or participate in the foundation's administration of, any transaction with such vendor; and (c) a board member or officer shall advise the chair of the foundation or its affiliated corporation of his or a relative's business interest in any such existing or proposed vendor with the foundation or its affiliate. The state university trustees' guidelines shall define the nature of a business interest and the closeness of a personal relation that bring a relationship within

the purposes of this subdivision.

* NB Repealed July 1, 2027

7. To refund or credit moneys paid to the state university for tuition or any other fee or charge imposed or received by the state university trustees (1) where such moneys were not required by law or trustees' rule, to the extent of the amount paid; (2) where such moneys were in excess of the amount required by law or trustees' rule, to the extent of such excess; (3) where registration or attendance at a state university institution is canceled or terminated prior to the expiration of an academic term otherwise than by dismissal, to the extent prescribed by rule or otherwise by the state university trustees; provided, however, that no moneys shall be refunded or credited unless application therefor is made within three years after receipt of such moneys by the state university.

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.

8-a. All monies received by state university health care facilities from fees, charges, and reimbursement and from all other sources shall be credited to a state university health care account in a fund to be designated by the state comptroller. Notwithstanding the provision of any law, rule or regulation to the contrary, a portion of such monies credited may be transferred to a state university account as requested by the state university chancellor or his or her designee. Monies to establish reserves for long-term expenses of state university health care facilities and to fulfill obligations required for any contract for health care services authorized pursuant to subdivision sixteen of this section may be designated by the state university as a reserve and transferred to a separate contractual reserve account. The amounts in such accounts shall be available for use in accordance with paragraph b of subdivision four and subdivision eight of this section. Monies shall only be expended from the state university health care account and the contractual reserve account pursuant to appropriation. Notwithstanding any provision of this chapter, the state finance law or any other law to the contrary, such appropriations shall remain in full force and effect for two years from the effective date of the appropriation act making the appropriation. Monies so transferred may be returned to the state university health care account; provided, however, that funds in such contractual reserve account must be sufficient to meet the obligations of all such contracts.

8-b. Notwithstanding the provision of any law, rule or regulation to the contrary, the state university shall be entitled to annually receive an apportionment and payment of state assistance equal to all moneys derived as a result of the tuition increase, calculated as the difference in the amount generated using the tuition rates authorized by the state university trustees for the two thousand seven--two thousand eight academic year and the amount generated using the tuition rates authorized by state university trustees for the two thousand nine--two thousand ten academic year, pursuant to the following schedule: for the two thousand nine--two thousand ten academic year, the state university shall receive an amount equal to twenty percent of such tuition increase; for the two thousand ten--two thousand eleven academic year, the state university shall receive an amount equal to thirty percent of

such tuition increase; for the two thousand eleven--two thousand twelve academic year, the state university shall receive an amount equal to forty percent of such tuition increase; and for the two thousand twelve--two thousand thirteen academic year, the state university shall receive an amount equal to fifty percent of such tuition increase. Such apportionment shall be for the enhanced investment in the state university of the state of New York and shall be used to supplement, not supplant, state gross general fund support, unless the director of the budget determines that state fiscal conditions preclude such an outcome and, in which case, the director shall submit a report regarding the recommended funding levels and whether the tuition increase apportionment provisions of this subdivision have been complied with for the state university of the state of New York to the chairs of the senate finance committee and the assembly ways and means committee and the chairs of the senate higher education committee and the assembly higher education committee no later than fifteen days following the release of the executive budget.

9. Notwithstanding any other provision of this section, the state university trustees may assign to the state university construction fund for the corporate purposes of the fund all or any portion of any moneys received or to be received by the state university and by the state-operated institutions which are not required by a donor or grantor to be used for other state university purposes.

10. The state university trustees may authorize the chief administrative officer of each medical center of the state university operating in-patient or out-patient hospital facilities or clinic facilities to compromise any claim which the state may have for care, maintenance or treatment received or furnished to patients in such facilities, in proper cases, where substantial justice will best be served thereby. Any such compromise shall be subject to the prior written approval of the attorney general.

11. Notwithstanding any provision of law, rule or regulation to the contrary, the state university trustees may authorize the chief administrative officer of each medical center of the state university

operating in-patient or out-patient hospital facilities or clinic facilities to establish a system for the billing of patients for the care, maintenance or treatment received or furnished to patients in such facilities, which in proper cases or in the exercise of prudent fiscal discretion may allow for the payment of such charges by means of a credit card or similar device. Such system may allow for the payment of such reasonable administrative fees as may be regularly imposed by a banking institution or other credit service organization for the use of such credit devices. In establishing such system the chief administrative officer shall seek the assistance of the state comptroller who shall assist in developing such system so as to ensure that state funds allocated to such medical centers shall be utilized in an economically feasible method.

12. The state comptroller, or a legally authorized representative of the state comptroller, may accept from the state university in lieu of an examination of the books and accounts of state university, including its receipts and disbursements and any other matters relating to its financial standing, an external examination of its books and accounts made at the request of state university.

13. Master capital plan. On or before November fifteenth of each year, the trustees of the state university of New York shall approve and submit to the chairmen of the assembly ways and means committee and the senate finance committee and to the director of the budget a master capital plan setting forth the projects proposed to be constructed, reconstructed, rehabilitated or otherwise substantially altered pursuant to appropriations enacted or to be enacted during the succeeding five years. Such plan shall specify the name, location, estimated total cost at the time the project is to be bid, the anticipated date or dates on which the design of such project is to commence, the proposed method of financing and the estimated economic life of each project. Such plan shall further specify whether proposed projects constitute new construction, substantial rehabilitation, moderate rehabilitation or minor rehabilitation and shall indicate how projects support improvements in environmental protection, energy and resource management, solar energy and conservation. Such criteria for each method

of financing shall include, but not be limited to: (i) an analysis of private enterprise, federal and any other appropriate financing standards, (ii) the consideration of the period of economic life of projects as related to the method of financing, and (iii) project cost ranges for the methods of financing. Such plan specification and categories of construction shall be defined by the trustees, in consultation with the state university construction fund.

Such capital master plan report shall also include, for each project over one-million dollars, a description of the project; expected construction start date; any changes to the previously reported start or expected completion dates; any changes to the expected cost of the project; the total cash encumbered for the project for the year and the total to date for the project; and the total cash expended for the project for the year and the total to date for the project.

All projects that are reported under this subdivision shall be identified by campus, the name of the specific facility for which the allocation is provided and a description of what the project is that is being provided.

14. Notwithstanding the provisions of any general, special or local law or charter, the state university trustees shall prepare or cause to be prepared a development and operation plan for a state university athletic facility, as defined in section sixteen hundred eighty-e of the public authorities law. Such development and operation plan shall be submitted to the director of the budget for approval not later than the fifteenth day of September of the fiscal year of the state. The director of the budget shall file a copy of such plan and approval thereof with the chairpersons of the senate finance committee and the assembly ways and means committee. No proposed amendment to the plan shall be effective until submitted by the state university trustees and approved by, the director of the budget and filed by the director with the chairpersons of the senate finance committee and the assembly ways and means committee.

Such development and operation plan shall include, but not be limited

to, provisions concerning the following:

(a) revenue and expense estimates for the succeeding three year period commencing in the year of the completion of construction and beneficial occupancy of the state university athletic facility;

(b) the sources of revenues that are projected to be available to meet all costs of the operation, repair, maintenance and continuing use of the state university athletic facility, and any net income remaining to cover subsequent annual debt service expenses, and evidence satisfactory to the state university of New York and the director of the budget that, consistent with university and community use as set forth in this section, revenues will be maximized and available when needed for the state university athletic facility; and

(c) plans for the development, operation, repair, maintenance and continuing use of the state university athletic facility under the care, custody, and management of the state university to include, but not be limited to, athletic competition of the state university of New York at Buffalo, amateur sports, appropriate community events, and activities that generate support for facility operations.

15. State university fiscal year. Notwithstanding any provision of this chapter, the state finance law, or any other law to the contrary, on and after the first day of July, nineteen hundred ninety-three, the fiscal year of the state university of New York, for the purposes of the budget, appropriations, receipts and disbursements of state moneys and all other revenues of the state university, financial reporting, and all other affairs of the state university which are regulated in accordance with or are based on a fiscal year, shall begin with the first day of July and end with the next following thirtieth day of June. Appropriations made for the state university for whatever purpose on the basis of the state university fiscal year which at the close of such fiscal year shall cease to have force and effect except as to liabilities already incurred thereunder shall as to such liabilities continue in force and effect until the next succeeding thirtieth day of September, on which date such appropriation shall lapse and no money shall thereafter be paid out of the state treasury or any of its funds or any of the funds under its management pursuant to such appropriation.

16. Subject to laws and regulations applicable to the state university as a health care provider the state university trustees may:

a. Notwithstanding section one hundred sixty-three of the state finance law, authorize contracts for a state university health care facility for participation in managed care networks and other joint and cooperative arrangements with public, non-profit or business entities including entering into a maximum of twenty network arrangements per year, as partners, joint ventures, sole member or members of non-profit or for-profit corporations, sole member or members of non-profit or for-profit limited liability companies, as lessor or lessee, as participants in joint operating agreements, and shareholders of business corporations, and the provision of management and administrative services by or for state university; provided, however, that any such contracts with for-profit entities shall be authorized only upon approval by the commissioner of health and the director of the division of the budget of a request by the chancellor demonstrating financial need of a state university health care facility. Any contract for the provision of management services shall be subject to any provision of the public health law and health regulations applicable to the state university as a health care provider, including any review by the commissioner of health pursuant to 10 NYCRR section 405.3(f). In addition, the commissioner of health shall provide for public comment within thirty days of a submission of any management contract required to be reviewed pursuant to regulation. The trustees may also authorize contracts, including capitation contracts, for a state university health care facility for the provision of general comprehensive and specialty health care services, directly or through contract with other service providers or entities, including state university employees or entities comprised thereof. Contracts authorized hereunder shall be:

(1) consistent with trustee guidelines respecting all terms and conditions necessary and appropriate for managed care and other network, joint or cooperative arrangements, including guidelines for comparative review where appropriate;

(2) subject to laws and regulations applicable to the state university as a health care provider, including with respect to rates and certificates of need; and

(3) subject 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.

b. (i) Notwithstanding the provisions of subdivision two of section one hundred twelve of the state finance law relating to the dollar threshold requiring the comptroller's approval of contracts and subdivision six of section one hundred sixty-three of the state finance law, authorize contracts for the purchase of goods and services for state university health care facilities:

(A) for any contract which does not exceed one hundred fifty thousand dollars; or

(B) for joint or group purchasing arrangements which do not exceed one hundred fifty thousand dollars without prior approval by any other state officer or agency in accordance with procedures and requirements found in paragraph a of subdivision five of this section.

(ii) contracts authorized hereunder shall be subject 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. The trustees are authorized to negotiate annually with the state comptroller increases in the aforementioned dollar limits.

c. Authorize contracts for the acquisition, by purchase, lease, sublease, transfer of jurisdiction or otherwise, of facilities suitable for the delivery of health care services and for the construction, repair, maintenance, equipping, rehabilitation or improvement thereof. Such contracts shall be subject to approval by the attorney general as to form and by the director of the budget and the state comptroller. Contracts under this paragraph shall be funded from any moneys lawfully available for the expenses of the health care facilities.

17. Investigation of crimes and crime reporting. a. The board of trustees of the state university of New York shall adopt rules requiring that each institution of the state university, on or before January first, two thousand, adopt and implement a plan providing for the investigation of any violent felony offense occurring at or on the

grounds of each such institution, and providing for the investigation of a report of any missing student. Such plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports and a requirement that the institution shall notify the appropriate law enforcement agency as soon as practicable but in no case more than twenty-four hours after a report of a violent felony or that a student who resides in housing owned or operated by such institution is missing; provided that each institution shall: (1) inform each victim of a sexual offense of their options to notify proper law enforcement authorities, including on-campus and local police; (2) inform the victim of a sexual offense of the right to report or not to report such offense to local law enforcement agencies; and (3) offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses, all in compliance with applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f).

b. As used in this subdivision, the following terms shall have the following meanings:

(i) "Local law enforcement agencies" means any agency or agencies employing peace officers or police officers for the enforcement of the laws of the state, and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution subject to the provisions of this subdivision.

(ii) "Missing student" means any student of an institution subject to the provisions of this subdivision, who resides in a facility owned or operated by such institution and who is reported to such institution as missing from his or her residence.

(iii) "Violent felony offense" means a violent felony offense as defined in subdivision one of section 70.02 of the penal law.

18. Scholarships for academic achievement. a. (1) Beginning with the two thousand--two thousand one academic year and thereafter,

scholarships for academic achievement shall be awarded to full-time students completing their sophomore and junior years of study at all state university state operated campuses. Two thousand five hundred scholarships shall be awarded to students in the junior year of study and two thousand five hundred scholarships shall be awarded to students in the senior year of study.

(2) Scholarships made to students in the junior year shall be to the two thousand five hundred students with the highest cumulative grade point average at the end of such students sophomore year of study. Any student receiving such award shall be a New York state resident and shall have a minimum grade point average of 3.5. Such scholarship shall be awarded at the beginning of the spring semester of such student's junior year.

(3) Scholarships made to students in the senior year will be to the two thousand five hundred students with the highest cumulative grade point average at the end of such students' junior year of study. Any student receiving such award shall be a New York state resident and shall have a minimum grade point average of 3.5. Such scholarship shall be awarded at the beginning of the spring semester of such students' senior year.

b. Each individual state university of New York state operated campus shall receive no more than its pro rata share of awards than the percentage of such university's juniors and seniors represent of the entire system enrollment in the junior and senior classes.

c. Upon determination of the recipients of the annual awards, the chancellor shall notify the members of the state legislature of all recipients who permanently reside within the district that such members represent.

19. The state university of New York shall provide the chairs of the assembly ways and means committee and the senate finance committee with the formula and/or methodology used in determining state aid allocations to state university of New York state operated campuses and university-wide programs and the specific budget allocation to each campus and university-wide program based on the overall funding level

for state-operated campuses and university-wide programs included within the executive budget submission for the state university of New York within forty-five days after the submission of the executive budget and within thirty days after the enactment of the state budget.

20. The state university trustees shall adopt rules requiring that each institution of the state university of New York adopt written policies requiring that all public single-occupancy bathroom facilities be designated as gender neutral for use by no more than one occupant at a time or for family or assisted use. Such gender neutral bathroom facilities shall be clearly designated by the posting of such on or near the entry door of each facility. For purposes of this section, "single-occupancy bathroom" shall have the same meaning as paragraph (d) of subdivision one of section one hundred forty-five of the public buildings law.

21. The state university trustees shall adopt a policy requiring that each institution of the state university of New York collaborate with students, faculty and staff to encourage campuses to eliminate the use of certain plastic items generally recognized by the public as being designed for single use. Such plastic items may include, but shall not be limited to, tableware, straws, stirrers, cups and food service containers. In establishing such a policy, the trustees shall consider the following:

a. the availability of affordable alternatives;

b. the accessibility of alternatives to all students, faculty, and staff;

c. an evaluation of the effectiveness of reusable alternatives; and

d. benchmarks for assessing progress.