

STATE OF NEW YORK

S. 6607--A

A. 9707--A

SENATE - ASSEMBLY

January 19, 2010

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

EXCERPTED

PART E

45 Section 1. This act shall be known and may be cited as the "New York
46 state public higher education empowerment and innovation act".

47 § 2. This act enacts into law major components of legislation which
48 are necessary to implement the state fiscal plan for the 2010-2011 state
49 fiscal year. Each component is wholly contained within a Subpart identi-
50 fied as Subparts A through F. The effective date for each particular
51 provision contained within such Subpart is set forth in the last section
52 of such Subpart. Any provision in any section contained within a
53 Subpart, including the effective date of the Subparts, which makes a
54 reference to a section "of this act", when used in connection with that
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1 particular component, shall be deemed to mean and refer to the corre-
2 sponding section of the Subpart in which it is found. Section four of
3 this act sets forth the general effective date of this act.

4 SUBPART A

5 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
6 355 of the education law, as amended by chapter 309 of the laws of 1996,
7 is amended to read as follows:

8 (4) The trustees shall not impose a differential tuition charge based
9 upon need or income. ~~[All]~~ Until the academic year commencing two thou-
10 sand ten--two thousand eleven, all students enrolled in programs leading
11 to like degrees at state-operated institutions of the state university
12 shall be charged a uniform rate of tuition except for differential
13 tuition rates based on state residency~~[- Provided]; provided~~, however,
14 that until the academic year commencing two thousand ten--two thousand
15 eleven, the trustees may authorize the presidents of the colleges of
16 technology and the colleges of agriculture and technology to set differ-

17 ing rates of tuition for each of the colleges for students enrolled in
18 degree-granting programs leading to an associate degree and non-degree
19 granting programs so long as such tuition rate does not exceed the
20 tuition rate charged to students who are enrolled in like degree
21 programs or degree-granting undergraduate programs leading to a bacca-
22 laurate degree at other state-operated institutions of the state
23 university of New York[. ~~The trustees shall not adopt changes affecting~~
24 ~~tuition charges prior to the enactment of the annual budget.~~]; and
25 provided further, that:

26 (i) Commencing with the two thousand ten--two thousand eleven academic
27 year, the president of any state-operated institution, in consultation
28 with the respective student government and upon the recommendation of
29 the respective college council, may recommend to the trustees, and the
30 trustees shall be authorized to implement, differing rates of annual
31 tuition upon the basis of campus or program:

32 (1) for students who are New York state residents in courses of study
33 leading to undergraduate, graduate and first professional degrees;
34 provided, however, that on or before June fifteenth, two thousand ten
35 the trustees shall promulgate guidelines outlining the criteria such
36 campus or program must meet in order to qualify for differential rates.
37 Such criteria shall include, but not be limited to, program cost,
38 program mix, need, comparison with peer programs or campuses, economic
39 elasticity, impact on access, fairness and measures to ensure that
40 students are not steered toward certain courses of study based on abili-
41 ty to pay; and

42 (2) for all students who are not New York state residents, provided
43 that the trustees shall establish maximum percentage enrollment limita-
44 tions for such students.

45 (ii) Notwithstanding the foregoing, any tuition increase implemented
46 pursuant to this subparagraph, other than pursuant to clause (i) of this
47 subparagraph shall not exceed two and a half times the five year rolling
48 average of the higher education price index.

49 (iii) Nothing in this section or any other provision of law shall be
50 interpreted as preventing state-operated institutions from providing
51 scholarships or financial aid to students on the basis of need, which
52 aid shall not require a deposit of funds into the state treasury or any
53 account held by the office of the state comptroller.

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1 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
2 law, as amended by chapter 327 of the laws of 2002, the opening para-
3 graph as amended by section 2 of part 0 of chapter 58 of the laws of
4 2006, is amended to read as follows:

5 (a) The board of trustees shall establish positions, departments,
6 divisions and faculties; appoint and in accordance with the provisions
7 of law fix salaries of instructional and non-instructional employees
8 therein; establish and conduct courses and curricula; prescribe condi-
9 tions of student admission, attendance and discharge; and shall have the
10 power to determine in its discretion whether tuition shall be charged
11 and to regulate tuition charges, and other instructional and non-in-
12 structional fees and other fees and charges at the educational units of
13 the city university. The trustees shall review any proposed community
14 college tuition increase and the justification for such increase. The
15 justification provided by the community college for such increase shall
16 include a detailed analysis of ongoing operating costs, capital, debt
17 service expenditures, and all revenues. The trustees shall not impose a
18 differential tuition charge based upon need or income. All students

19 enrolled in programs leading to like degrees at the senior colleges
20 shall be charged a uniform rate of tuition, except for differential
21 tuition rates based on state residency[-]; provided, however, that:

22 (i) Commencing with the two thousand ten--two thousand eleven academic
23 year, the president of any senior college, in consultation with the
24 respective student government, may recommend to the chancellor, and upon
25 recommendation of the chancellor, the trustees shall be authorized to
26 implement, differing rates of annual tuition upon the basis of campus or
27 program:

28 (1) for students who are New York state residents in courses of study
29 leading to undergraduate, graduate and first professional degrees;
30 provided, however, that on or before June fifteenth, two thousand ten
31 the trustees shall promulgate guidelines outlining the criteria such
32 campus or program must meet in order to qualify for differential rates.
33 Such measures shall include, but not be limited to, program cost,
34 program mix, need, comparison with peer programs or campuses, economic
35 elasticity, impact on access, fairness and measures to ensure that
36 students are not steered toward certain courses of study based on abili-
37 ty to pay; and

38 (2) for all students who are not New York state residents, provided
39 that the trustees shall establish maximum percentage enrollment limita-
40 tions for such students.

41 (ii) Notwithstanding the foregoing, any tuition increase implemented
42 pursuant to this paragraph, other than pursuant to clause one of subpar-
43 agraph (i) of this paragraph, shall not exceed two and a half times the
44 five year rolling average of the higher education price index.

45 (a-1) The trustees shall further provide that the payment of tuition
46 and fees by any student who is not a resident of New York state, other
47 than a non-immigrant alien within the meaning of paragraph (15) of
48 subsection (a) of section 1101 of title 8 of the United States Code,
49 shall be paid at a rate or charge no greater than that imposed for
50 students who are residents of the state if such student:

51 (i) attended an approved New York high school for two or more years,
52 graduated from an approved New York high school and applied for attend-
53 ance at an institution or educational unit of the city university within
54 five years of receiving a New York state high school diploma; or

55 (ii) attended an approved New York state program for general equiv-
56 alency diploma exam preparation, received a general equivalency diploma
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1 issued within New York state and applied for attendance at an institu-
2 tion or educational unit of the city university within five years of
3 receiving a general equivalency diploma issued within New York state; or

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

9 A student without lawful immigration status shall also be required to
10 file an affidavit with such institution or educational unit stating that
11 the student has filed an application to legalize his or her immigration
12 status, or will file such an application as soon as he or she is eligi-
13 ble to do so. The trustees shall not adopt changes in tuition charges
14 prior to the enactment of the annual budget. The board of trustees may
15 accept as partial reimbursement for the education of veterans of the
16 armed forces of the United States who are otherwise qualified such sums
17 as may be authorized by federal legislation to be paid for such educa-

18 tion. The board of trustees may conduct on a fee basis extension courses
19 and courses for adult education appropriate to the field of higher
20 education. In all courses and courses of study it may, in its
21 discretion, require students to pay library, laboratory, locker, break-
22 age and other instructional and non-instructional fees and meet the cost
23 of books and consumable supplies. In addition to the foregoing fees and
24 charges, the board of trustees may impose and collect fees and charges
25 for student government and other student activities and receive and
26 expend them as agent or trustee.

27 § 3. Subdivisions 8 and 8-a of section 355 of the education law,
28 subdivision 8 as amended by chapter 553 of the laws of 1985 and subdivi-
29 sion 8-a as added by chapter 363 of the laws of 1998, are amended to
30 read as follows:

31 8. All moneys received by the state university of New York and by
32 state-operated institutions thereof from [~~appropriations,~~] tuition,
33 fees, user charges, sales of products and services, savings under energy
34 performance, procurement or supply contracts and from [~~all other source-~~
35 ~~es, including~~] sources and activities of the state university which are
36 intended by law to be self-supporting may be credited to an appropriate
37 fund or funds [~~to be designated by the state comptroller~~] held by the
38 state university. The amounts so paid into such fund or funds which
39 were received by or for the state university shall be used for expenses
40 of the state university in carrying out any of its objects and purposes
41 and such amounts received by or for state-operated institutions of the
42 state university shall be used for expenses of the state university
43 under regulations prescribed by the state university trustees.

44 8-a. All monies received by state university health care facilities
45 from fees, charges, and reimbursement and from all other sources, other
46 than appropriations, shall be credited to a state university health care
47 account in a fund [~~to be designated by the state comptroller~~] held by
48 the state university. Monies to establish reserves for long-term
49 expenses of state university health care facilities and to fulfill obli-
50 gations required for any contract for health care services authorized
51 pursuant to subdivision sixteen of this section may be designated by the
52 state university as a reserve and transferred to a separate contractual
53 reserve account. The amounts in such accounts shall be available for use
54 in accordance with [~~paragraph b of subdivision four and~~] subdivision
55 eight of this section. Monies shall [~~only~~] be expended from the state
56 university health care account and the contractual reserve account
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1 [~~pursuant to~~] without appropriation; provided, however, that general
2 fund support for the operations of state university health care facili-
3 ties shall be expended pursuant to appropriation. Notwithstanding any
4 provision of this chapter, the state finance law or any other law to the
5 contrary, [~~such appropriations~~] monies appropriated in support of the
6 state university health care facilities shall remain in full force and
7 effect for two years from the effective date of the appropriation act
8 making the appropriation. Monies so transferred may be returned to the
9 state university health care account; provided, however, that funds in
10 such contractual reserve account must be sufficient to meet the obli-
11 gations of all such contracts.

12 § 4. Subdivision 8-b of section 355 of the education law is REPEALED.

13 § 5. Section 4 of the state finance law is amended by adding a new
14 subdivision 11 to read as follows:

15 11. Notwithstanding subdivision one of this section, moneys held by
16 the state university of New York derived from tuition, fees, user charg-

17 es, sales of products and services, savings under energy performance,
18 procurement or supply contracts and from sources and activities of the
19 state university that are intended to be self-supporting shall be paid
20 without an appropriation.

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

23 2. There are excepted from payment to the treasury as provided by
24 subdivision one of this section: (i) all moneys to which the provisions
25 of subdivision four of section four of this chapter apply unless such
26 moneys are held in a fund subject to appropriation; (ii) moneys held as
27 part of the principal of an endowment of the state university of New
28 York, units thereof and other state agencies; (iii) moneys received by
29 the state university of New York derived from tuition, fees, user charg-
30 es, sales of products and services, savings under energy performance,
31 procurement or supply contracts and from sources and activities of the
32 state university that are intended to be self-supporting; and [~~(iii)~~]
33 (iv) moneys received pursuant to a clinical practice plan established
34 pursuant to subdivision fourteen of section two hundred six of the
35 public health law. In those cases where such moneys are held in the
36 custody of the state officer other than the comptroller, the officer
37 shall file with the comptroller, at such times as the comptroller shall
38 determine, a detailed statement, in such form and content as the comp-
39 troller shall prescribe, for the period covered by the statement. The
40 comptroller shall from time to time, but not less than once in every
41 three years, examine the books and accounts relating to such moneys
42 heretofore or hereinafter established, including its receipts, disburse-
43 ments, investments, and any financial matters. An independent audit of
44 such moneys may be authorized by the comptroller in lieu of his own
45 examination, which examination shall be undertaken within twelve months
46 of such authorization.

47 § 7. Section 359 of the education law is amended by adding a new
48 subdivision 5 to read as follows:

49 5. On or before March first, annually, for the six month period ending
50 the preceding December thirty-first, and on or before September first,
51 for the six month period ending the preceding June thirtieth, the state
52 university shall provide to the chairs of the senate finance committee
53 and assembly ways and means committee and the director of the budget a
54 report that shall include the following:

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1 a. the allocation by the state university, by state-operated campus,
2 system administration and university-wide program, of state aid appro-
3 riated to the state university;

4 b. revenue received by each state-operated campus from tuition, fees
5 and other sources and activities of the state university that are
6 intended to be self-supporting (i) with respect to tuition revenue, by
7 program or degree category, (ii) with respect to fee revenue, by a list-
8 ing of each fee, the amount thereof, and aggregate revenue per fee, and
9 (iii) with respect to revenue derived from other sources and activities,
10 by a listing of each source, and the aggregate revenue derived from each
11 source;

12 c. expenditures made by each state-operated campus for personal
13 service and non-personal service, and (i) with respect to personal
14 service, for personal service-regular, temporary service and
15 holiday/overtime compensation, and (ii) with respect to non-personal
16 service, by supplies and materials, travel, contractual services and
17 equipment;

18 d. programs and activities the state university has funded with
19 tuition revenue derived from differing rates of tuition upon the basis
20 of campus or program authorized pursuant to clause (i) of subparagraph
21 four of paragraph (h) of subdivision two of section three hundred
22 fifty-five of this article;

23 e. enrollment at each state-operated campus (i) in the aggregate, and
24 (ii) by program or degree category as set forth in subparagraph (i) of
25 paragraph b of this subdivision; and

26 f. such other information as the director of the budget shall request.

27 § 8. Section 352 of the education law is amended by adding a new
28 subdivision 4 to read as follows:

29 4. Notwithstanding any other law to the contrary, the state shall
30 annually appropriate and pay an amount, to be held in accounts of the
31 state university of New York, equal to available state support for the
32 state university. Such state payment shall be made in four install-
33 ments, on or before the first week of July, October, January and April.

34 § 9. Paragraph 4-a of subdivision A of section 6221 of the education
35 law is REPEALED.

36 § 10. Paragraphs 1 and 7 of subdivision A of section 6221 of the
37 education law, paragraph 1 as amended by chapter 554 of the laws of
38 1985, paragraph 7 as added by chapter 305 of the laws of 1979 and
39 subparagraph (d) of paragraph 7 as amended by chapter 585 of the laws of
40 1988, are amended to read as follows:

41 1. Notwithstanding any other provision of law, amounts for all expend-
42 itures, which includes net operating expenses as defined by paragraph
43 seven of this subdivision, tuition as defined in subparagraph (a) of
44 such paragraph and that portion of operating costs of central adminis-
45 tration and university-wide programs as defined by subparagraph (d) of
46 such paragraph for the senior college programs and services of the city
47 university of New York shall continue to be pre-financed from city of
48 New York funds. The comptroller of the state of New York may establish a
49 separate fund for the receipt and deposit of such pre-financing funds
50 from the city of New York pursuant to this subdivision, and all other
51 monies deemed appropriate by the state comptroller and the state direc-
52 tor of the budget, except that all monies presently required by law to
53 be paid directly to the city university construction fund shall continue
54 to be so paid. All [~~monies~~] net operating expenses as defined in para-
55 graph seven of this subdivision appropriated for such senior college
56 programs and services[~~, or derived from other sources in the course of~~
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1 ~~the administration thereof,~~] shall be expended upon vouchers approved by
2 the chancellor of the city university, as chief administrative officer
3 of the city university, or by such authority or authorities in the city
4 university as shall be designated by the chancellor by a rule or written
5 direction filed with the comptroller, when and in the manner authorized
6 by the board of trustees. No monies appropriated for such senior college
7 programs and services[~~, or derived from other sources in the course of~~
8 ~~the administration thereof,~~] shall be expended until a certificate of
9 the aggregate funds available for expenditure pursuant to section
10 forty-nine of the state finance law has been approved by the director of
11 the budget and copies thereof filed with the state comptroller, the
12 chairman of the senate finance committee and the chairman of the assem-
13 bly ways and means committee. All tuition and instructional and non-in-
14 structional fees attributable to the senior colleges and received from
15 the city university construction fund pursuant to subdivision (b) of
16 section sixty-two hundred seventy-eight of this title and that portion

17 of operating costs of central administration and university-wide
18 programs shall be paid and expended without an appropriation upon writ-
19 ten agreement by the city university, the office of the state comp-
20 troller, and the New York city comptroller setting forth the amount, to
21 be comprised of all costs pre-financed by New York city less net operat-
22 ing expenses. If an amount is not agreed to within thirty days following
23 the enactment of the budget then the director of the budget shall deter-
24 mine such amount. In regard to the city university, the director of the

25 budget shall exercise the authority granted under section forty-nine of
26 the state finance law in accordance with the provisions of paragraph b
27 of subdivision four of section three hundred fifty-five of this chapter.

28 7. For the purposes of this subdivision, "net operating expenses"
29 shall be defined as the total operating expenses of approved programs
30 and services less: (a) all [~~excess~~] tuition and instructional and non-
31 instructional fees attributable to the senior colleges and received from
32 the city university construction fund pursuant to subdivision b of
33 section sixty-two hundred seventy-eight of this [~~chapter~~] title; (b) an
34 amount to be deposited from overhead funds and miscellaneous earnings
35 recovered in the administration of sponsored programs for which the
36 research foundation of the city university of New York has been desig-
37 nated as fiscal administrator; (c) the amount of all monies from any
38 source other than those paid by the city, if any, and the state on a per
39 centum basis of the net operating budget, which are expended through the
40 operating budget; and (d) that portion of the operating costs of central
41 administration and university-wide programs which the state budget
42 director determines to be chargeable to the community colleges and which
43 is to be paid by the city of New York pursuant to paragraph two of
44 subdivision C of this section.

45 § 11. Section 6233 of the education law is amended by adding a new
46 subdivision 4 to read as follows:

47 4. On or before March first, annually, for the six month period ending
48 the preceding December thirty-first, and on or before September first,
49 for the six month period ending the preceding June thirtieth, the city
50 university shall provide to the chairs of the senate finance committee
51 and assembly ways and means committee and the director of the budget a
52 report that shall include the following:

53 a. the allocation by the city university, by senior college campus,
54 central administration and university-wide programs, of state aid appro-
55 priated to the city university;

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1 b. revenue received by each senior college campus from tuition, fees
2 and other sources and activities of the city university that are
3 intended to be self-supporting (i) with respect to tuition revenue, by
4 program or degree category, (ii) with respect to fee revenue, by a list-
5 ing of each fee, the amount thereof, and aggregate revenue per fee, and
6 (iii) with respect to revenue derived from other sources and activities,
7 by a listing of each source, and the aggregate revenue derived from each
8 source;

9 c. expenditures made by each senior college campus for personal
10 service and non-personal service, and (i) with respect to personal
11 service, for personal service-regular, temporary service and
12 holiday/overtime compensation, and (ii) with respect to non-personal
13 service, by supplies and materials, travel, contractual services and
14 equipment;

15 d. programs and activities the city university has funded with tuition
16 revenue derived from differing rates of tuition upon the basis of campus

17 or program authorized pursuant to subparagraph (i) of paragraph (a) of
18 subdivision seven of section sixty-two hundred six of this article;

19 e. enrollment at each senior college campus (i) in the aggregate, and
20 (ii) by program or degree category as set forth in subparagraph (i) of
21 paragraph b of this subdivision; and

22 f. such other information as the director of the budget shall request.

23 § 12. Subdivision 1 of section 355-a of education law, as amended by
24 chapter 552 of the laws of 1985, paragraph (b) as amended by chapter 554
25 of the laws of 1985, is amended to read as follows:

26 1. (a) Notwithstanding any law to the contrary, all rights and bene-
27 fits, including terms and conditions of employment, and protection of
28 civil service and collective bargaining status of all employees of the
29 state university affected by the provisions of the New York state public
30 higher education empowerment and innovation act, shall be preserved and
31 protected. Incumbents of any newly created positions within the state
32 university shall be considered public employees for all purposes of
33 article fourteen of the civil service law.

34 (b) The state university trustees are authorized and empowered to
35 classify and reclassify all positions in the state university determined
36 pursuant to section thirty-five of the civil service law to be in the
37 professional service as defined in subdivision three of this section,
38 except those of the New York state colleges, schools and experiment
39 stations administered by Cornell university and Alfred university.

40 [~~b~~] (c) To the fullest extent possible consistent with its authority
41 under the civil service law, and after consultation with the state
42 university trustees, the state civil service commission shall consider
43 the unique educational mission and operating requirements of the state
44 university when making any determination relating to the jurisdictional
45 classification of positions in the state university in the classified
46 service. The director of the classification and compensation division of
47 the department of civil service shall similarly consider the unique
48 educational mission and operating requirements of the state university
49 when making determinations concerning the classification and reclassi-
50 fication and the allocation and reallocation of the positions in the
51 state university in the classified service.

52 § 13. Section 6207 of the education law, as added by chapter 305 of
53 the laws of 1979, is amended to read as follows:

54 § 6207. Administration of civil service. 1. Notwithstanding any law
55 to the contrary, all rights and benefits, including terms and conditions
56 of employment, and protection of civil service and collective bargaining

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1 status of all employees of the city university affected by the
2 provisions of the New York state public higher education empowerment and
3 innovation act, shall be preserved and protected. Incumbents of any
4 newly created positions within the city university shall be considered
5 public employees for all purposes of article fourteen of the civil
6 service law.

7 (2) The city university, for the purpose of administering the state
8 civil service law, shall be deemed to be a municipal employer, provided,
9 however, that the city university may elect to delegate the adminis-
10 tration of any or all of the provisions of the civil service law, except
11 article fourteen of such law, to the department of personnel of the city
12 of New York. In that event, the city department of personnel shall
13 enter into a contract with such university for the rendition of such
14 services. The city university of New York shall compensate the city of
15 New York for such services only with respect to such services rendered

16 for or on behalf of the senior colleges of such university. If the city
17 of New York and city university cannot agree on the amount of such
18 compensation, the state comptroller shall determine the fair and reason-
19 able value of such services and the city university shall pay such sum
20 to the city of New York. Any person on an eligible list for a position
21 with the city university of New York in effect on the effective date of
22 this article shall continue to hold such position on such list and shall
23 be entitled to the same civil service rights. With respect to all
24 persons employed by the city university on the effective date of this
25 article, the city university and the city of New York shall be deemed to
26 be the same public employer only for purposes of transfer of employment
27 under the civil service law. No civil service right of an employee of
28 the city university of New York employed on the effective date of this
29 article shall be lost, impaired or affected by reason of the enactment
30 of this article into law.

31 § 14. This act shall take effect immediately.

32

SUBPART B

33 Section 1. Paragraph a of subdivision 2 of section 355 of the educa-
34 tion law, as amended by chapter 552 of the laws of 1985, is amended to
35 read as follows:

36 a. **(1)** To take, hold and administer on behalf of the state university
37 or any institution therein, real and personal property or any interest
38 therein and the income thereof either absolutely or in trust for any
39 educational or other purpose within the jurisdiction and corporate
40 purposes of the state university. The trustees may acquire property for
41 such purposes by purchase, appropriation or lease and by the acceptance
42 of gifts, grants, bequests and devises, and, within appropriations made
43 therefor, may equip and furnish buildings and otherwise improve property
44 owned, used or occupied by the state university or any institution ther-
45 ein. The trustees may acquire property by the acceptance of conditional
46 gifts, grants, devises or bequests, the provisions of section eleven of
47 the state finance law notwithstanding. Where real property is to be
48 acquired by purchase or appropriation, such acquisition shall be in
49 accordance with the provisions of section three hundred seven of this
50 chapter except that the powers and duties in said section mentioned to
51 be performed by the commissioner [~~of education~~] shall be performed by
52 the state university trustees.

53 **(2)** The provisions of sections three, thirty-a, and thirty-three of
54 the public lands law notwithstanding, the trustees may provide for the

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1 lease, transfer or conveyance, other than conveyance of title, of state-
2 owned real property under the jurisdiction of the state university, upon
3 approval of the state university asset maximization review board
4 created pursuant to section three hundred sixty-one of this article. The
5 foregoing notwithstanding, the trustees, upon approval of the state
6 university asset maximization review board, may provide for the lease of
7 such real property for periods not to exceed fifty years in support of
8 the educational and other corporate purposes of the state university,
9 unless the subject project is in conflict with the mission of the campus
10 to which it relates, including but not limited to, the development and
11 operation of research, incubator, community, health care, retail, food
12 service, telecommunication, student and faculty housing, energy, govern-
13 mental, senior community, hotel, conference center and recreational
14 facilities, and for the purpose of maximizing the use of natural

15 resources; provided, however, that with regard to any such lease, trans-
16 fer or conveyance:

17 (i) such lease or agreement shall be deemed a state contract for
18 purposes of article fifteen-A of the executive law, and the entity
19 entering into such contract shall be deemed a state agency for purposes
20 of article fifteen-A of the executive law.

21 (ii) such lease or agreement for construction, demolition, recon-
22 struction, excavation, rehabilitation, repair, renovation, alteration or
23 improvement shall be deemed a public works project for the purposes of
24 article eight of the labor law, and compliance with all provisions of
25 article eight of the labor law shall be required of any lessee, subles-
26 see, contractor or subcontractor which performs such work.

27 (iii) the lessee or sublessee shall indemnify and defend the state
28 university of New York against all claims, suits, actions and liability
29 to all persons arising out of the lessee or sublessee's use or occupancy
30 of the demised premises.

31 (iv) nothing in the lease or agreement shall be deemed to waive or
32 impair any rights or benefits of employees of the state university of
33 New York that otherwise would be available to them pursuant to the terms
34 of collective bargaining agreements. All work performed on the demised
35 premises that ordinarily would be performed by employees subject to
36 article fourteen of the civil service law shall continue to be performed
37 by such employees.

38 (v) upon the expiration of the lease or agreement, the demised prem-
39 ises shall revert to the state university of New York.

40 (vi) in the event the demised premises shall cease to be used for the
41 purposes described in the lease or agreement, the lease or agreement
42 shall immediately terminate, and the demised premises shall revert to
43 the state university of New York.

44 (vii) Any contracts awarded or entered into by a campus related foun-
45 dition, alumni association or affiliate thereof, any not-for-profit
46 corporation or association organized by a state-operated institution to
47 further its purposes, or any limited liability company whose sole member
48 is any of the foregoing entities, for construction, reconstruction,
49 renovation, rehabilitation, improvement or expansion at the state-oper-
50 ated institution, for any single construction project exceeding twenty
51 million dollars in the aggregate, for which more than twenty-five
52 percent of such aggregate amount is to be paid from appropriations
53 furnished by either the state of New York or the state university, such
54 construction, reconstruction, renovation, rehabilitation, improvement or
55 expansion at the state-operated institution shall be undertaken pursuant
56 to a project labor agreement, as defined in subdivision one of section

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1 two hundred twenty-two of the labor law, provided a study done by or for
2 the contracting entity determines that a project labor agreement will
3 benefit such construction, reconstruction, renovation, rehabilitation,
4 improvement or expansion through reduced risk of delay, potential cost
5 savings or potential reduction in the risk of labor unrest in light of
6 any pertinent local history thereof. For purposes of applying the dollar
7 thresholds set forth in this clause, the term "single construction
8 project" shall mean any functionally-interdependent construction, recon-
9 struction, renovation, rehabilitation, improvement or expansion activity
10 associated with a single building, structure or improvement, including
11 all directly related infrastructure and site work in contemplation ther-
12 eof.

13 (3) The provisions of section one hundred sixty-seven of the state

14 finance law notwithstanding, the trustees may provide for the sale,
15 lease, transfer or conveyance of personal property under the custody and
16 control of the state university in such manner and upon such terms as
17 the trustees shall determine. The provisions of section twenty-three of
18 the public lands law and section one hundred sixty-seven of the state
19 finance law notwithstanding, the proceeds from the sale, lease, transfer
20 or conveyance of state-owned real property under the jurisdiction of the
21 state university or of personal property under the custody and control
22 of the state university shall be retained by the state university.

23 § 2. The education law is amended by adding a new section 361 to read
24 as follows:

25 § 361. State university asset maximization review board; creation;
26 procedure. 1. Creation. (a) The state university asset maximization
27 review board ("the board") is hereby created to have and exercise the
28 powers, duties and prerogatives provided by the provisions of this
29 section and any other provision of law.

30 (b) The voting membership of the board shall consist of three persons
31 appointed by the governor, of which one shall be upon the recommendation
32 of the temporary president of the senate and one upon the recommendation
33 of the speaker of the assembly. Upon recommendation of the nominating
34 party, the governor shall replace any member in accordance with the
35 provision contained in this subdivision for the appointment of members.
36 The governor shall designate one of the members to serve as chairperson.
37 The board shall act by majority vote of the members of the board;
38 provided, however that within forty-five days of receipt of an applica-
39 tion specified in paragraph (b) of subdivision three of this section,
40 the designated board chairperson shall convene a meeting of the board,
41 consisting of all voting members of the board pursuant to paragraph (b)
42 of this section. Any determination of the board shall be evidenced by a
43 certification thereof executed by all the members. Each member of the
44 board shall be entitled to designate a representative to attend meetings
45 of the board on the designating member's behalf, and to vote or other-
46 wise act on the designating member's behalf in the designating member's
47 absence. Notice of such designation shall be furnished in writing to the
48 board by the designating member. A representative shall serve at the
49 pleasure of the designating member during the member's term of office. A
50 representative shall not be authorized to delegate any of his or her
51 duties or functions to any other person.

52 (c) The governor shall also appoint two non-voting members to the
53 board of which one shall be upon the recommendation of the minority
54 leader of the senate and one upon the recommendation of the minority
55 leader of the assembly. Each non-voting member shall be entitled to

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1 designate a representative to attend meetings of the board in his or her
2 place.

3 (d) Two ex-officio non-voting members of the board shall be the state
4 comptroller and the state attorney general. Each ex-officio member shall
5 be entitled to designate a representative to attend meetings of the
6 board in his or her place.

7 (e) Every officer, employee, or member of a governing board or other
8 board of any college or group or association of colleges, and every New
9 York state regent, every officer or employee of the board of regents or
10 the department and every trustee, officer or employee of the state
11 university of New York shall be ineligible for appointment as a member,
12 representative, officer, employee or agent of the board.

13 (f) The members of the board shall serve without salary or per diem

14 allowance but shall be entitled to reimbursement for actual and neces-
15 sary expenses incurred in the performance of official duties pursuant to
16 this section or other provision of law, provided however that such
17 members and representatives are not, at the time such expenses are
18 incurred, public officers or employees otherwise entitled to such
19 reimbursement.

20 (g) The members, their representatives, officers and staff to the
21 board shall be deemed employees within the meaning of section seventeen
22 of the public officers law.

23 2. Powers, functions and duties of the state university asset maximiza-
24 tion review board; limitations. Pursuant to this chapter, the board
25 shall have the power and it shall be its duty to approve or deny: (a)
26 requests received from the trustees of the state university for the
27 lease, transfer or conveyance, other than the conveyance of title, of
28 state-owned real property under the jurisdiction of the state
29 university, and (b) requests from the trustees of the state university
30 to participate in joint and cooperative arrangements with public, not-
31 for-profit and business entities as partners, joint venturers, members
32 of not-for-profit corporations, members of limited liability companies
33 and shareholders of business corporations, as authorized by paragraph z
34 of subdivision two of section three hundred fifty-five of this article.

35 3. (a) The trustees of the state university of New York shall submit,
36 in writing, an application to the board for the lease, transfer, convey-
37 ance, other than the conveyance of title, of state-owned real property
38 under the jurisdiction of the state university. The application shall
39 include, but not be limited to, the name or names of the prospective
40 entity for which a lease or agreement shall be entered, the geographical
41 location and parcel of real property that would be utilized, the period
42 of time for which the lease, transfer or conveyance is to be executed
43 and any consideration which is to be granted to the state university for
44 the lease, transfer or conveyance of such real property. Where a lease
45 agreement for student and/or faculty housing is submitted to the board
46 for approval, if applicable, the board may take into consideration
47 whether the agreement would impact occupancy in dormitories financed
48 pursuant to agreements between the dormitory authority of the state of
49 New York, the state university of New York or the state university
50 construction fund. The trustees shall also furnish any other informa-
51 tion that the board deems necessary within fifteen days of the request.

52 (b) Upon receipt of an application from the trustees, the board shall
53 have no more than forty-five days to deem an application for the lease,
54 transfer or conveyance of property, other than the conveyance of title,
55 approved or denied.

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1 (c) If the board fails to act on an application within the allotted
2 time period specified in paragraph (b) of this subdivision, the applica-
3 tion shall be deemed approved.

4 4. (a) The trustees of the state university shall submit, in writing,
5 an application to the board to participate in joint and cooperative
6 arrangements with public, not-for-profit and business entities as part-
7 ners, joint venturers, members of not-for-profit corporations, members
8 of limited liability companies and shareholders of business corpo-
9 rations, as authorized by paragraph z of subdivision two of section
10 three hundred fifty-five of this article. The application shall include,
11 but not be limited to, the name of the entity with which the state
12 university seeks to participate, the type of legal entity to be created,
13 and the transaction that the state university and the other participant

14 seek to undertake. The trustees shall also furnish any other information
15 that the board deems necessary with fifteen days of the request.

16 (b) Upon receipt of an application from the trustees, the board shall
17 have no more than forty-five days to approve or deny the application.

18 (c) If the board fails to act on an application within the allotted
19 time period specified in paragraph (b) of this subdivision, the applica-
20 tion shall be deemed approved.

21 5. Insofar as the provisions of this section are inconsistent with the
22 provisions of any law, general, special or local, the provisions of this
23 section shall be controlling.

24 § 3. Subdivision 2 of section 355 of the education law is amended by
25 adding two new paragraphs y and z to read as follows:

26 y. To lease or make available to any other public or private for-pro-
27 fit or non-profit entity, including, but not limited to, a local devel-
28 opment corporation organized under section fourteen hundred eleven of
29 the not-for-profit corporation law or an industrial development agency
30 organized under article eighteen-A of the general municipal law, a
31 portion of the grounds or real property occupied by a state operated
32 institution or statutory or contract college for the construction,
33 acquisition, reconstruction, rehabilitation or improvement of academic
34 buildings, dormitories or other facilities thereon and for the purpose
35 of facilitating such construction, acquisition, reconstruction, rehabil-
36 itation or improvement, to enter into leases and agreements for the use
37 of any such academic building, dormitory or other facility; provided,
38 however, that nothing herein contained shall affect the provisions of
39 any lease or agreement heretofore executed by the state university with
40 the dormitory authority. The state university trustees may also enter
41 into agreements with any other public or private for-profit or non-pro-
42 fit entity, including, but not limited to a local development corpo-
43 ration organized under section fourteen hundred eleven of the not-for-
44 profit corporation law or an industrial development agency organized
45 under article eighteen-A of the general municipal law, to furnish heat
46 from a central heating plant to any academic building, dormitory or
47 other facility erected by them or with moneys supplied by them.

48 z. In connection with public-private partnerships in support of the
49 corporate purposes of the state university, to participate in joint and
50 cooperative arrangements with public, not-for-profit and business enti-
51 ties as partners, joint venturers, members of not-for-profit corpo-
52 rations, members of limited liability companies and shareholders of
53 business corporations. The state university's participation shall be
54 subject to guidelines of the state university with respect to conflicts
55 of interest and to article fourteen of the civil service law and the
56 applicable provisions of agreements between the state and employee

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1 organizations pursuant to such article fourteen. Notwithstanding any
2 inconsistent provision in section eight of the court of claims act, the
3 state university may include in a contract relating to such partic-
4 ipation, other than a contract with state employees relating to terms
5 and conditions of their employment, a provision that some or all
6 disputes arising under or related to such contract shall be resolved by
7 binding arbitration in accordance with the rules of a nationally-recog-
8 nized arbitration association. Nothing contained in the public officers
9 law or in any other law, rule or regulation shall be construed or
10 applied to prohibit state university officers and employes from engaging
11 in activities for which no compensation is paid as designees of the
12 state university in connection with such joint and cooperative arrange-

13 ments, including serving as designees of the state university as direc-
14 tors on boards or other governing bodies of corporations or other enti-
15 ties.

16 § 4. Subdivisions 8, 12, and 15 of section 373 of the education law,
17 as added by chapter 251 of the laws of 1962, are amended and a new
18 subdivision 20 is added to read as follows:

19 8. To design, construct, acquire, reconstruct, rehabilitate and
20 improve academic buildings, dormitories and other facilities for the
21 state university [~~in accordance with sections three hundred seventy-five~~
22 ~~and three hundred seventy-six of this chapter~~] using any project deliv-
23 ery method, including but not limited to, design, bid, build,
24 design/build, or construction manager at risk, that will assist the fund
25 in fulfilling its purposes under section three hundred seventy-two of
26 this article, provided that all contracts for such construction, recon-
27 struction, rehabilitation and improvements shall require compliance with
28 the provisions of section two hundred twenty of the labor law and shall
29 be subject to article fifteen-A of the executive law;

30 12. To [~~make~~] procure and execute contracts, lease agreements, and all
31 other instruments necessary or convenient for the exercise of its corpo-
32 rate powers and the fulfillment of its corporate purposes under this
33 article. Notwithstanding section one hundred twelve of the state finance
34 law or any other law to the contrary, all such fund procurements shall
35 be subject only to procurement guidelines that are annually adopted by
36 the fund trustees, which shall conform to the provisions of title four
37 of article nine of the public authorities law except section twenty-
38 eight hundred seventy-nine-a of such law;

39 15. To engage the services of construction, engineering, architect-
40 tural, legal and financial consultants, surveyors and appraisers, on a
41 contract basis or as employees, for professional service and technical
42 assistance and advice and notwithstanding section one hundred twelve of
43 the state finance law or any other law to the contrary, to determine its
44 staffing, support services and equipment needs which in the judgment of
45 the fund are necessary to fulfill its purposes as set forth in section
46 three hundred seventy-two of this article; and

47 20. Notwithstanding any law to the contrary, all rights and benefits,
48 including terms and conditions of employment, and protection of civil
49 service and collective bargaining status of all employees of the fund
50 affected by the provisions of the New York state public higher education
51 empowerment and innovation act, shall be preserved and protected.
52 Incumbents of any newly created positions within the state university
53 construction fund shall be considered public employees for all purposes
54 of article fourteen of the civil service law.

55 § 5. Subdivisions 2 and 8 of section 376 of the education law, as
56 added by chapter 251 of the laws of 1962, the opening paragraph and
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1 paragraph a of subdivision 8 as amended by chapter 877 of the laws of
2 1990 and paragraph f of subdivision 8 as added by chapter 769 of the
3 laws of 1978, are amended to read as follows:

4 2. The fund may construct, acquire, reconstruct, rehabilitate and
5 improve such facilities, other than dormitories, by its own employees,
6 by agreement with a state retirement system or any state agency author-
7 ized to perform such work, or by contract awarded pursuant to subdivi-
8 sion eight of this section. If the fund and the state university enter
9 into an agreement whereby the state university is authorized by the fund
10 to construct, acquire, reconstruct, rehabilitate and improve such facil-
11 ities, such agreement may allow the state university to use the same

12 project delivery methods contained in subdivision eight of section three
13 hundred seventy-three of this chapter.

14 8. All contracts which are to be awarded pursuant to this subdivision
15 shall be awarded by public letting in accordance with the following
16 provisions, notwithstanding any contrary provision of section one
17 hundred twelve, one hundred thirty-five, one hundred thirty-six, one
18 hundred thirty-nine or one hundred forty of the state finance law or any
19 other law, provided, however, that where the estimated expense of any
20 contract which may be awarded pursuant to this subdivision is less than
21 two hundred fifty thousand dollars, a performance bond and a bond for
22 the payment of labor and material may, in the discretion of the fund,
23 not be required, and except that in the discretion of the fund, a
24 contract may be entered into for such purposes without public letting
25 where the estimated expense thereof is less than twenty thousand
26 dollars, or where in the judgment of the fund an emergency condition
27 exists as a result of damage to an existing academic building, dormitory
28 or other facility which has been caused by an act of God, fire or other
29 casualty, or any other unanticipated, sudden and unexpected occurrence,
30 that has resulted in damage to or a malfunction in an existing academic
31 building, dormitory or other facility and involves a pressing necessity
32 for immediate repair, reconstruction or maintenance in order to permit
33 the safe continuation of the use or function of such facility, or to
34 protect the facility or the life, health or safety of any person, and
35 the nature of the work is such that in the judgment of the fund it would
36 be impractical and against the public interest to have public letting;
37 provided, however, that the fund, prior to awarding a contract hereunder
38 because of an emergency condition notify the comptroller of its intent
39 to award such a contract:

40 a. [~~If contracts are to be publicly let, the~~] The letting agency shall
41 advertise the invitation to bid or the request for proposals in [~~a news-~~
42 ~~paper published in the city of Albany and in~~] such [~~other newspapers~~
43 newspaper] as will be most likely in its opinion to give adequate notice
44 to contractors of the work required [~~and of the invitation to bid~~]
45 provided, however, that where the estimated expense of any contract
46 which may be awarded pursuant to this subdivision is less than two
47 hundred fifty thousand dollars, the letting agency may advertise the
48 invitation to bid solely through the procurement opportunities newslet-
49 ter published pursuant to section one hundred forty-two of the economic
50 development law. The invitation to bid or request for proposals shall
51 contain such information as the letting agency shall deem appropriate
52 [~~and a statement of the time and place where all bids received pursuant~~
53 ~~to such notice will be publicly opened and read~~].

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

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

7 d. [~~The form of any~~] Any contract awarded pursuant to this subdivision
8 shall [~~be approved by the attorney general and by the comptroller and~~
9 ~~shall~~] contain a clause that the contract shall be deemed executory to
10 the extent of the moneys available and that no liability shall be

11 incurred by the fund beyond the moneys available therefor.

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

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

21 § 6. Subdivision 4 of section 377 of the education law, as added by
22 chapter 624 of the laws of 1999, is amended to read as follows:

23 4. Monies received by the fund, for all of its operating and adminis-
24 trative costs or in connection with approved university-related economic
25 development facilities, [~~other than state appropriations to the fund,~~]
26 may be deposited in a general account and other such accounts as the
27 fund may deem necessary, for the transaction of its business [~~or in~~
28 ~~relation to construction or property management activities undertaken in~~
29 ~~connection with such projects~~] and shall be paid out on checks signed by
30 the chairman of the fund or such other person or persons as the trustees
31 of the fund may authorize.

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

35 Any entity which is organized by officers, employees, alumni or
36 students of the state university of New York to support the state
37 university and which is qualified as an organization under the United
38 States internal revenue code as exempt from income tax, other than the
39 research foundation of state university of New York and any entity which
40 is organized exclusively by students of the state university, for the
41 financing, refinancing, acquisition, design, construction, recon-
42 struction, rehabilitation, improvement, furnishing and equipping of any
43 housing unit for the use of students, faculty, staff and their families
44 or any academic building, administration building, library, laboratory,
45 classroom, health facility or other facility, building or structure
46 essential, necessary or useful in furthering the academic, cultural,
47 health or research programs of the state university of New York, includ-
48 ing all necessary and usual attendant and related facilities and equip-
49 ment.

50 Any entity which is organized by officers, employees, alumni or
51 students of a locally sponsored community college, including a locally
52 sponsored community college established and operated by a community
53 college region as set forth in section sixty-three hundred one of the
54 education law, to support the locally sponsored community college and
55 which is qualified as an organization under the United States internal
56 revenue code as exempt from income tax, other than any entity which is

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1 organized exclusively by students of the locally sponsored community
2 college, for the financing, refinancing, acquisition, design,
3 construction, reconstruction, rehabilitation, improvement, furnishing
4 and equipping of any housing unit for the use of students, faculty,
5 staff and their families or any academic building, administration build-
6 ing, library, laboratory, classroom, health facility or other facility,
7 building or structure essential, necessary or useful in furthering the
8 academic, cultural, health or research programs of the locally sponsored
9 community college, including all necessary and usual attendant and

10 related facilities and equipment.

11 A locally sponsored community college, for the acquisition, design,
12 construction, reconstruction, rehabilitation and improvement of a hous-
13 ing unit, including all necessary and attendant and related facilities
14 and equipment, for the use of students, married students, faculty, staff
15 and the families thereof at such locally sponsored community college.

16 § 8. Subdivision 1 of section 1680 of the public authorities law is
17 amended by adding three new undesignated paragraphs to read as follows:

18 Any entity which is organized by officers, employees, alumni or
19 students of the state university of New York to support the state
20 university and which is qualified as an organization under the United
21 States internal revenue code as exempt from income tax, other than the
22 research foundation of state university of New York and any entity which
23 is organized exclusively by students of the state university, for the
24 financing, refinancing, acquisition, design, construction, recon-
25 struction, rehabilitation, improvement, furnishing and equipping of any
26 housing unit for the use of students, faculty, staff and their families
27 or any academic building, administration building, library, laboratory,
28 classroom, health facility or any other building, facility or structure
29 essential, necessary or useful in furthering the academic, cultural,
30 health or research programs for the state university of New York,
31 including all necessary and usual attendant and related facilities and
32 equipment; provided however that any project proposed to be undertaken
33 pursuant to this paragraph shall first be approved by the state univer-
34 sity of New York; provided further and notwithstanding any provision of
35 law to the contrary, that any such not-for-profit entity, the state
36 university of New York and the state university construction fund are
37 hereby authorized to take such actions and to enter into such agreements
38 with the dormitory authority as are necessary to: (i) undertake the
39 financing, refinancing, acquisition, design, construction, recon-
40 struction, rehabilitation, improvement, furnishing and equipping of any
41 project as provided in this paragraph, including, but not limited to,
42 providing for the conveyance of state-owned property under the jurisdic-
43 tion of the state university to the not-for-profit entity; or (ii) grant
44 the authority a lien on any revenues or property or any moneys to be
45 received by the not-for-profit entity to the extent that such revenues,
46 property or moneys are pledged by the entity to the dormitory authority
47 to secure the payment of all amounts owed to the authority on account of
48 any project undertaken pursuant to this paragraph; provided further,
49 that any project undertaken by the authority pursuant to this paragraph
50 shall constitute a public work for purposes of the labor law, shall be
51 subject to the requirements of article fifteen-A of the executive law,
52 and shall be subject to a competitive process. All state and local
53 officers are hereby authorized to pay all funds so assigned and pledged
54 to the dormitory authority or, upon the direction of the dormitory
55 authority, to any trustee of any dormitory authority bond or note issue.
56 Neither the state of New York, the state university of New York nor the

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1 state university construction fund shall take any action in such manner
2 as to impair or diminish the rights and remedies of the authority pursu-
3 ant to any such pledge and assignment and any lien or other security
4 interest created pursuant to this paragraph.

5 Any entity which is organized by officers, employees, alumni or
6 students of a locally sponsored community college, including a locally
7 sponsored community college established and operated by a community
8 college region as set forth in section sixty-three hundred one of the

9 education law, to support the locally sponsored community college and
10 which is qualified as an organization under the United States internal
11 revenue code as exempt from income tax, other than any entity which is
12 organized exclusively by students of the locally sponsored community
13 college, for the financing, refinancing, acquisition, design,
14 construction, reconstruction, rehabilitation, improvement, furnishing
15 and equipping of any housing unit for the use of students, faculty,
16 staff and their families or any academic building, administration build-
17 ing, library, laboratory, classroom, health facility or any other build-
18 ing, facility or structure essential, necessary or useful in furthering
19 the academic, cultural, health or research programs for the locally
20 sponsored community college, including all necessary and usual attendant
21 and related facilities and equipment; provided however that any project
22 proposed to be undertaken pursuant to this paragraph shall first be
23 approved by the board of trustees of the locally sponsored community
24 college; provided further and notwithstanding any provision of law to
25 the contrary, that any such not-for-profit entity, the locally sponsored
26 community college and the local sponsor are hereby authorized to take
27 such actions and to enter into such agreements with the dormitory
28 authority as are necessary to: (i) undertake the financing, refinancing,
29 acquisition, design, construction, reconstruction, rehabilitation,
30 improvement, furnishing and equipping of any project as provided in this
31 paragraph, including, but not limited to, providing for the conveyance
32 of property held in trust by the local sponsor for the uses and purposes
33 of the locally sponsored community college to the not-for-profit entity;
34 or (ii) grant the authority a lien on any revenues or property or any
35 moneys to be received by the not-for-profit entity to the extent that
36 such revenues, property or moneys are pledged by the entity to the
37 dormitory authority to secure the payment of all amounts owed to the
38 authority on account of any project undertaken pursuant to this para-
39 graph; provided further, that any project undertaken by the authority
40 pursuant to this paragraph shall constitute a public work for purposes
41 of the labor law, shall be subject to the requirements of article
42 fifteen-A of the executive law and shall be subject to a competitive
43 process. All state and local officers are hereby authorized to pay all
44 such funds so assigned and pledged to the dormitory authority or, upon
45 the direction of the dormitory authority, to any trustee of any dormito-
46 ry authority bond or note issue. Neither the state of New York, the
47 local sponsor nor the locally sponsored community college shall take any
48 action in such manner as to impair or diminish the rights and remedies
49 of the authority pursuant to any such pledge and assignment and any lien
50 or other security interest created pursuant to this paragraph.

51 A locally sponsored community college, for the acquisition, design,
52 construction, reconstruction, rehabilitation and improvement of a hous-
53 ing unit, including all necessary and attendant and related facilities
54 and equipment, for the use of students, married students, faculty, staff
55 and the families thereof at such locally sponsored community college.

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1 § 9. Section 6304 of the education law is amended by adding a new
2 subdivision 14 to read as follows:

3 14. a. For the purposes of this subdivision, a "community college
4 dormitory" shall mean a housing unit, including all necessary and
5 attendant and related facilities and equipment acquired, designed,
6 constructed, reconstructed, rehabilitated and improved, or otherwise
7 provided through the dormitory authority in accordance with the
8 provisions of the dormitory authority act for the use of students,

9 married students, faculty, staff and the families thereof at a community
10 college.

11 b. Notwithstanding any provision of law to the contrary, a community
12 college is authorized to take such actions and to enter into such agree-
13 ments with the dormitory authority as are necessary to: (i) undertake
14 the financing, refinancing, acquisition, design, construction, recon-
15 struction, rehabilitation, improvement, furnishing and equipping of a
16 community college dormitory, including, but not limited to, providing
17 for the leasing or otherwise making available to the dormitory authority
18 real property held by the local sponsor in trust for the uses and
19 purposes of the community college; or (ii) grant the dormitory authority
20 a lien on any revenues or property or any moneys to be received by the
21 community college derived from the operations of the project being
22 financed to the extent that such revenues, property or moneys are
23 pledged by the community college to the dormitory authority to secure
24 the payment of all amounts owed to the authority on account of any
25 community college dormitory undertaken pursuant to this subdivision;
26 provided, further, that any such agreements may provide that the obli-
27 gation of the community college to make rental or other payments to the
28 dormitory authority shall constitute a general obligation of the commu-
29 nity college payable from all monies legally available to the community
30 college (including amounts provided for operating aid by the local spon-
31 sor or sponsors to the community college pursuant to subdivision one of
32 this section or amounts provided for operating aid by the state to the
33 community college); and provided further, that any community college
34 dormitory undertaken by the dormitory authority pursuant to this subdivi-
35 vision shall constitute a public work for purposes of the labor law and
36 shall be subject to the requirements of article fifteen-A of the execu-
37 tive law. All state and local officers are hereby authorized and
38 required to pay all such funds so assigned and pledged to the dormitory
39 authority or, upon the direction of the dormitory authority, to any
40 trustee of any dormitory authority bond or note issue. Neither the state
41 of New York, the state university of New York nor a local sponsor shall
42 take any action in such manner as to impair or diminish the rights and
43 remedies of the dormitory authority pursuant to any such pledge and
44 assignment and any lien or other security interest created pursuant to
45 this subdivision.

46 c. A local sponsor is authorized to lease or otherwise make available
47 to the dormitory authority for the purposes set forth in this subdivi-
48 sion real property held in trust by the local sponsor for the uses and
49 purposes of the community college.

50 d. Notwithstanding any provision of law to the contrary, neither a
51 local sponsor nor the state of New York shall be required to provide a
52 share of the capital costs of a community college dormitory. The
53 provisions of this subdivision shall not apply to any project for which
54 the state appropriates funds pursuant to subdivision eight of this
55 section.

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1 § 10. Section 1680 of the public authorities law is amended by adding
2 a new subdivision 41 to read as follows:

3 41. a. For the purposes of this subdivision, a "community college
4 dormitory" shall mean a housing unit, including all necessary and
5 attendant and related facilities and equipment acquired, designed,
6 constructed, reconstructed, rehabilitated and improved, or otherwise
7 provided through the dormitory authority in accordance with the
8 provisions of the dormitory authority act for the use of students,

9 married students, faculty, staff and the families thereof at a locally
10 sponsored community college.

11 b. The dormitory authority is hereby empowered and authorized to enter
12 into a lease or other agreement with a locally sponsored community
13 college to finance, refinance, acquire, design, construct, reconstruct,
14 rehabilitate, improve, furnish and equip one or more community college
15 dormitories. Such lease or other agreement may provide for the payment
16 of annual rentals and other payments by the locally sponsored community
17 college to the dormitory authority and contain such other terms and
18 conditions as may be agreed upon by the parties thereto, including but
19 not limited to provisions relating to the maintenance and operation of
20 the community college dormitories, the establishment of reserve funds,
21 indemnities and the disposition of a community college dormitory or the
22 interest of the authority therein prior to or upon the termination or
23 expiration of such lease or other agreement.

24 c. In the event of a failure of a locally sponsored community college
25 to pay the dormitory authority when due all or part of amounts payable
26 by the locally sponsored community college to the dormitory authority
27 pursuant to a lease or agreement authorized by this subdivision, the
28 dormitory authority shall forthwith make and deliver to the state comp-
29 troller a certificate stating the amount of the payment required to have
30 been made by the locally sponsored community college, the amount paid by
31 the locally sponsored community college, and the amount remaining unpaid
32 by the locally sponsored community college. The state comptroller, after
33 giving written notice to the director of the budget, shall pay to the
34 dormitory authority the amount set forth in such certificate as remain-
35 ing unpaid, which amount shall be paid from any monies appropriated by
36 the state for or on account of the operating costs of the locally spon-
37 sored community college and not yet paid. The amount required to be paid
38 by the state comptroller pursuant to this paragraph shall be paid to the
39 dormitory authority as soon as practicable after receipt of the certif-
40 icate of the dormitory authority and notice to the director of the budg-
41 et is given, whether or not the moneys from which such payment is to be
42 made are then due and payable to the locally sponsored community
43 college. The amount of state appropriations payable to the locally spon-
44 sored community college from which the state comptroller has made a
45 payment pursuant to this paragraph shall be reduced by the amount so
46 paid to the dormitory authority, notwithstanding the amount appropriated
47 and apportioned by the state to the locally sponsored community college,
48 and the state shall not be obligated to make and the locally sponsored
49 community college shall not be entitled to receive any additional appor-
50 tionment or payment of state moneys. Nothing contained in this subdivi-
51 sion shall be construed to create an obligation upon the state to appro-
52 priate moneys for or on account of the operating costs of the locally
53 sponsored community college, to preclude the state from reducing the
54 amount of moneys appropriated or level of support provided for the oper-
55 ating costs of the locally sponsored community college from the amount
56 appropriated or level of support provided in any prior fiscal year, or

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1 to preclude the state from altering or modifying the manner in which it
2 provides for the operating costs of the locally sponsored community
3 college.

4 d. The provisions of this subdivision shall be in addition to any
5 authorization contained in this title governing the provision of facili-
6 ties by the dormitory authority for the local sponsor of a locally spon-
7 sored community college, and all provisions of this title not inconsist-

8 ent with the provisions of this subdivision shall be applicable with
9 respect to any bonds of the authority issued to obtain funds for any
10 purpose authorized under this subdivision for the benefit of a locally
11 sponsored community college and with respect to the powers of the dormi-
12 tory authority.

13 § 11. Subdivision 12 of section 3 of the public buildings law, as
14 amended by section 48 of part T of chapter 57 of the laws of 2007, is
15 amended to read as follows:

16 12. Lease from time to time buildings, rooms or premises in the county
17 of Albany, and elsewhere as required, for providing space for depart-
18 ments, commissions, boards and officers of the state government, upon
19 such terms and conditions as he or she deems most advantageous to the
20 state. Any such lease shall, however, be for a term not exceeding ten
21 years, but may provide for optional renewals on the part of the state,
22 for terms of ten years or less. Each such lease shall contain a clause
23 stating that the contract of the state thereunder shall be deemed execu-
24 tory only to the extent of moneys available therefor and that no liabil-
25 ity shall be incurred by the state beyond the money available for such
26 purpose. Notwithstanding the provisions of any other law, except section
27 sixteen hundred seventy-six of the public authorities law relating to
28 use of dormitory authority facilities by the aged, the commissioner of
29 general services shall have sole and exclusive authority to lease space
30 for state departments, agencies, commissions, boards and officers, other
31 than the state university of New York, within the county of Albany. Any
32 buildings, rooms or premises, now or hereafter held by the commissioner
33 of general services under lease, may be sublet, in part or in whole,
34 provided that in the judgment of the commissioner, and the occupying
35 department, commission, board, and officers of the state government,
36 such buildings, rooms or premises are not for a time needed.

37 § 12. This act shall take effect immediately, provided that the amend-
38 ments to subdivision 12 of section 3 of the public buildings law made by
39 section eleven of this act shall take effect on the same date as the
40 reversion of such subdivision as provided in subdivision 4 of section 27
41 of chapter 95 of the laws of 2000, as amended.

42 SUBPART C

43 Section 1. Subdivisions 5 and 6 of section 355 of the education law,
44 subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a
45 of subdivision 5 as amended by chapter 682 of the laws of 2007, para-
46 graph c of subdivision 5 as added by chapter 103 of the laws of 1989,
47 paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997
48 and subdivision 6 as amended by chapter 554 of the laws of 1985, are
49 amended to read as follows:

50 5. Notwithstanding the provisions of [~~paragraph~~] subdivisions two and
51 three of section one hundred twelve and sections one hundred fifteen,
52 one hundred sixty-one, and one hundred sixty-three [~~and one hundred~~
53 ~~seventy-four~~] of the state finance law and sections three and six of the
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1 New York state printing and public documents law or any other law to the
2 contrary, the state university trustees are authorized and empowered to:
3 a. (i) purchase materials, equipment and supplies, including computer
4 equipment and motor vehicles [~~, where the amount for a single purchase~~
5 ~~does not exceed twenty thousand dollars~~], (ii) execute contracts for
6 services, permits, licenses, leases, contracts for the purchase or sale
7 of real property and construction contracts [~~to an amount not exceeding~~

8 ~~twenty thousand dollars~~], and (iii) contract for printing [~~to an amount~~
9 ~~not exceeding five thousand dollars~~], without prior approval by any
10 other state officer or agency, but subject to rules and regulations of
11 the state comptroller not otherwise inconsistent with the provisions of
12 this section and in accordance with [~~the~~] guidelines, rules [~~and~~] or
13 regulations promulgated by the state university board of trustees after
14 consultation with the state comptroller. [~~In addition, the trustees,~~
15 ~~after consultation with the commissioner of general services, are~~
16 ~~authorized to annually negotiate with the state comptroller increases in~~
17 ~~the aforementioned dollar limits and the exemption of any articles,~~
18 ~~categories of articles or commodities from these limits. Rules and~~
19 Guidelines, rules or regulations promulgated by the state university
20 board of trustees shall, to the extent practicable, require that compet-
21 itive proposals be solicited for purchases, and shall include require-
22 ments that purchases and contracts authorized under this section be at
23 the lowest available price, including consideration of prices available
24 through other state agencies, consistent with quality requirements, and
25 as will best promote the public interest. Such purchases may be made
26 directly from any contractor pursuant to any contract for commodities
27 let by the office of general services or any other state agency;

28 b. to establish cash advance accounts for the purpose of purchasing
29 materials, supplies, or services, for cash advances for travel expenses
30 and per diem allowances, or for advance payment of wages and salary. The
31 account may be used to purchase such materials, supplies, or services
32 where the amount of a single purchase does not exceed two hundred fifty
33 dollars, in accordance with such guidelines as shall be prescribed by
34 the state university trustees after consultation with the state comp-
35 troller.

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

42 [~~d. (1) Award contract extensions for campus transportation without~~
43 ~~competitive bidding where such contracts were secured either through~~
44 ~~competitive bidding or through evaluation of proposals in response to a~~
45 ~~request for proposals pursuant to subparagraph (2) of this paragraph,~~
46 ~~however such extensions may be rejected if the amount to be paid to the~~
47 ~~contractor in any year of such proposed extension fails to reflect any~~
48 ~~decrease in the regional consumer price index for the New York, New~~
49 ~~York-Northeastern, New Jersey area, based upon the index for all urban~~
50 ~~consumers (CPI-U) during the preceding twelve-month period. At the time~~
51 ~~of any contract extension, consideration shall be given to any compet-~~
52 ~~itive proposal offered by a public transportation agency. Such contract~~
53 ~~may be increased for each year of the contract extension by an amount~~
54 ~~not to exceed the regional consumer price index increase for the New~~
55 ~~York, New York-Northeastern, New Jersey area, based upon the index for~~
56 ~~all urban consumers (CPI-U), during the preceding twelve-month period,~~

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1 ~~provided it has been satisfactorily established by the contractor that~~
2 ~~there has been at least an equivalent increase in the amount of his cost~~
3 ~~of operation, during the period of the contract.]~~

4 6. To enter into any contract or agreement deemed necessary or advis-
5 able after consultation with appropriate state agencies for carrying out
6 the objects and purposes of state university without prior review or

7 approval by any state officer or agency [~~other than the state comp-~~
8 ~~troller and the attorney general~~] including contracts with non-profit
9 corporations organized by officers, employees, alumni or students of
10 state university for the furtherance of its objects and purposes.
11 Contracts or agreements entered into with the federal government to
12 enable participation in federal student loan programs, including any and
13 all instruments required thereunder, shall not be subject to the
14 requirements of section forty-one of the state finance law; provided,
15 however, that the state shall not be liable for any portion of any
16 defaults which it has agreed to assume pursuant to any such agreement in
17 an amount in excess of money appropriated or otherwise lawfully avail-
18 able therefor at the time the liability for payment arises.

19 § 2. Section 6218 of the education law, as amended by chapter 697 of
20 the laws of 1993, is amended to read as follows:

21 § 6218. Contracts and purchases. a. Notwithstanding the provisions of
22 [~~paragraph~~] subdivisions two and three of section one hundred twelve and
23 [~~sections~~] section one hundred fifteen, subdivision three of section one
24 hundred sixty, section one hundred sixty-one[7] and section one hundred
25 sixty-three [and one hundred seventy-four] of the state finance law and
26 sections three and six of the New York state printing and public docu-
27 ments law or any other law to the contrary, the city university [~~trust-~~
28 ~~tees are~~] is authorized and empowered to[+:

29 (i) ~~purchase materials, equipment and supplies, including computer~~
30 ~~equipment and motor vehicles, where the amount for a single purchase~~
31 ~~does not exceed twenty thousand dollars, (ii) execute contracts for~~
32 ~~services to an amount not exceeding twenty thousand dollars, and (iii)~~
33 ~~contract for printing to an amount not exceeding five thousand dollars,]~~
34 execute valid, enforceable and effective contracts for commodities,
35 including technology and motor vehicles and for services, including
36 printing, technology and construction and construction-related services,
37 without prior approval by any other state officer or agency, but subject
38 to rules and regulations of the state comptroller not otherwise incon-
39 sistent with the provisions of this section and in accordance with the
40 rules and regulations promulgated by the city university board of trust-
41 tees after consultation with the state comptroller. [~~In addition, the~~
42 ~~trustees are authorized to annually negotiate with the state comptroller~~
43 ~~increases in the aforementioned dollar limits and the exemption of any~~
44 ~~articles, categories of articles or commodities from these limits. Rules~~
45 ~~and regulations promulgated by the city university board of trustees~~
46 ~~shall, to the extent practicable, require that competitive proposals be~~
47 ~~solicited for purchases, and shall include requirements that purchases~~
48 ~~and contracts authorized under this section be at the lowest possible~~
49 ~~price.~~

50 b. ~~Except as hereinafter provided, no contract for work or labor or~~
51 ~~the purchase of supplies, material, or equipment or for the construction~~
52 ~~or the alteration of any building or facility involving an expenditure~~
53 ~~or liability of more than twenty thousand dollars shall be entered into~~
54 ~~by the board of trustees, unless said board of trustees shall have duly~~
55 ~~advertised for bids for the same for a period of not less than five days~~
56 ~~under regulations to be approved by the board of trustees and the~~
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1 ~~contract in each case shall be awarded to the lowest responsible bidder~~
2 ~~furnishing the security as required by the board of trustees. If two or~~
3 ~~more bids are tied, and are the lowest bids submitted by responsible~~
4 ~~bidders furnishing the security as required by the board, the board of~~
5 ~~trustees may award the contract to any of said tied bidders.~~

6 ~~e. If the several parts of the work or labor to be done and/or the~~
7 ~~supplies, materials or equipment to be furnished shall together involve~~
8 ~~an expenditure of not more than twenty thousand dollars, the same may be~~
9 ~~procured on an order awarded to the lowest responsible bidder upon bids~~
10 ~~submitted without public advertisement under such regulations as shall~~
11 ~~be made by the board of trustees. Purchases of five thousand dollars or~~
12 ~~less may be made without competition.~~

13 ~~d. The board of trustees, if it shall deem it in the public interest,~~
14 ~~may reject all bids.~~

15 ~~e. Upon the adoption of a resolution by a vote of at least two-thirds~~
16 ~~of the members of the board of trustees by vote at a meeting, stating~~
17 ~~that, for reasons of efficiency or economy, there is need for standardi-~~
18 ~~zation, purchase contracts for a particular type or kind of equipment,~~
19 ~~materials, or supplies of more than twenty thousand dollars may be~~
20 ~~awarded to the lowest responsible bidder furnishing the required securi-~~
21 ~~ty after advertisement for bids in the manner provided in this section.~~
22 ~~Such resolution shall contain a full explanation of the reasons for its~~
23 ~~adoption. Purchase contracts for a particular type or kind of equipment,~~
24 ~~materials or supplies of not more than twenty thousand dollars may be~~
25 ~~awarded to the lowest responsible bidder upon bids submitted without~~
26 ~~public advertisement under such regulations as shall be made by the~~
27 ~~board of trustees.~~

28 ~~f. Surplus or second-hand supplies, materials or equipment may be~~
29 ~~purchased without competitive bidding from the federal government, the~~
30 ~~state of New York or from any political subdivision of the state.~~

31 ~~g. The board of trustees is authorized to establish cash advance~~
32 ~~accounts for the purpose of purchasing materials, supplies, or services,~~
33 ~~for cash advances for travel expenses and per diem allowances, or for~~
34 ~~advance payment of wages and salary. The account may be used to~~
35 ~~purchase such materials, supplies, or services where the amount of a~~
36 ~~single purchase does not exceed two hundred fifty dollars in accordance~~
37 ~~with such guidelines as shall be prescribed by the city university trust-~~
38 ~~ees after consultation with the state comptroller.~~

39 ~~h. Notwithstanding any of the provisions of this section, the board of~~
40 ~~trustees may make purchases, when available, through the state of New~~
41 ~~York, the city of New York, the federal government or the board of~~
42 ~~education of the city of New York, provided that the board of trustees~~
43 ~~shall accept sole responsibility for any payment due the vendor.]~~

44 b. The city university is further authorized and empowered to estab-
45 lish guidelines which shall: (i) include requirements that purchases and
46 contracts authorized under this section be awarded to a responsive and
47 responsible offeror; (ii) require maximum practical competition; (iii)
48 permit award of the contract to any of the tied offerors if two or more
49 bids are tied; and (iv) permit the rejection of all offers in the public
50 interest.

51 c. The city university is further authorized and empowered to make
52 purchases, when available, through the use of a contract let by any
53 department, agency or instrumentality of the United States government
54 and/or any department, agency, office, political subdivision, instrumen-
55 tality or municipality of any state or states.

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1 d. The city university is further authorized and empowered to make
2 purchases, when available, of surplus or second hand commodities,
3 including technology and motor vehicles, without competitive bidding,
4 from any department, agency or instrumentality of the United States
5 government and/or any department, agency, office, political subdivision,

6 instrumentality or municipality of any state or states.

7 e. The city university is further authorized and empowered to estab-
8 lish cash advance accounts for the purpose of purchasing commodities,
9 renovations or services, for cash advances for travel expenses and per
10 diem allowances, or for advance payment of wages and salary. Such
11 accounts may be used to purchase such commodities, renovations or
12 services where the amount of a single purchase does not exceed one thou-
13 sand dollars, in accordance with the guidelines established by the city
14 university after consultation with the state comptroller.

15 § 3. The education law is amended by adding a new section 6283 to read
16 as follows:

17 § 6283. Procurements of the fund. Notwithstanding any other
18 provision of law, the contracts of the fund may be executed and shall be
19 valid, enforceable and effective without prior review or approval by, or
20 filing with, the state comptroller, provided, however, that such
21 contracts shall be subject to procurement guidelines that are annually
22 adopted by the fund trustees, which shall conform to the provisions of
23 title four of article nine of the public authorities law, except section
24 twenty-eight hundred seventy-nine-a of such law.

25 § 4. Subdivisions 2 and 3 of section 112 of the state finance law, as
26 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision
27 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,
28 are amended to read as follows:

29 2. (a) Before any contract made for or by any state agency, depart-
30 ment, board, officer, commission, or institution, except the office of
31 general services, the city university of New York and the state univer-
32 sity of New York, shall be executed or become effective, whenever such
33 contract exceeds fifty thousand dollars in amount and before any
34 contract made for or by the office of general services shall be executed
35 or become effective, whenever such contract exceeds eighty-five thousand
36 dollars in amount, it shall first be approved by the comptroller and
37 filed in his or her office, provided, however, that the comptroller
38 shall make a final written determination with respect to approval of
39 such contract within ninety days of the submission of such contract to
40 his or her office unless the comptroller shall notify, in writing, the
41 state agency, department, board, officer, commission, or institution,
42 prior to the expiration of the ninety day period, and for good cause, of
43 the need for an extension of not more than fifteen days, or a reasonable
44 period of time agreed to by such state agency, department, board, offi-
45 cer, commission, or institution and provided, further, that such written
46 determination or extension shall be made part of the procurement record
47 pursuant to paragraph f of subdivision one of section one hundred
48 sixty-three of this chapter.

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

54 3. A contract or other instrument wherein the state or any of its
55 officers, agencies, boards or commissions other than the city university
56 of New York and the state university of New York agrees to give a

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1 consideration other than the payment of money, when the value or reason-
2 ably estimated value of such consideration exceeds ten thousand dollars,
3 shall not become a valid enforceable contract unless such contract or
4 other instrument shall first be approved by the comptroller and filed in

5 his office.

6 § 5. Subparagraph (iv) of paragraph a of subdivision 3 of section 163
7 of the state finance law, as amended by chapter 430 of the laws of 1997,
8 is amended to read as follows:

9 (iv) The commissioner is authorized to permit any officer, body or
10 agency of the state or of a political subdivision or a district therein,
11 or fire company or volunteer ambulance service as such are defined in
12 section one hundred of the general municipal law, to make purchases of
13 commodities through the office of general services' centralized
14 contracts, pursuant to the provisions of section one hundred four of the
15 general municipal law. The commissioner is authorized to permit any
16 county extension service association as authorized under subdivision
17 eight of section two hundred twenty-four of the county law, or any asso-
18 ciation or other entity as specified in and in accordance with section
19 one hundred nine-a of the general municipal law, or any non-profit
20 corporation organized in furtherance of the objects and purposes of the
21 state university of New York, or any other association or entity as
22 specified in state law, to make purchases of commodities through the
23 office of general services' centralized contracts; provided, however,
24 that such entity so empowered shall accept sole responsibility for any
25 payment due with respect to such purchase; and provided further, howev-
26 er, that commodities so purchased by a non-profit corporation organized
27 in furtherance of the objects and purposes of the state university of
28 New York shall not be used directly or indirectly by a for-profit corpo-
29 ration or other entity which contracts with the non-profit corporation,
30 nor shall such commodities so purchased by such non-profit corporation
31 be offered for resale.

32 § 6. Paragraph e of subdivision 4 of section 163 of the state finance
33 law, as amended by chapter 95 of the laws of 2000, is amended to read as
34 follows:

35 e. Any officer, body or agency of a political subdivision as defined
36 in section one hundred of the general municipal law or a district there-
37 in, may make purchases of services through the office of general
38 services' centralized contracts for services, subject to the provisions
39 of section one hundred four of the general municipal law. The commis-
40 sioner may permit and prescribe the conditions for the purchase of
41 services through the office of general services' centralized contracts
42 for services by any public authority or public benefit corporation of
43 the state including the port authority of New York and New Jersey, or
44 any non-profit corporation organized in furtherance of the objects and
45 purposes of the state university of New York; provided, however, that
46 services so purchased by a non-profit corporation organized in further-
47 ance of the objects and purposes of the state university of New York
48 shall not be used directly or indirectly by a for-profit corporation or
49 other entity which contracts with the non-profit organization. The

50 commissioner is authorized to permit any public library, association
51 library, library system, cooperative library system, the New York
52 Library Association, and the New York State Association of Library
53 Boards or any other library except those which are operated by for
54 profit entities, to make purchases of services through the office of
55 general services' centralized contracts; provided, however, that such
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1 entity so empowered shall accept sole responsibility for any payment due
2 with respect to such purchase.

3 § 7. Paragraph i of subdivision 2 of section 355 of the education law,
4 as amended by chapter 552 of the laws of 1985, is amended to read as

5 follows:

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

21 § 8. Subdivision (b) of section 6281 of the education law, as amended
22 by chapter 1081 of the laws of 1969, is amended to read as follows:

23 (b) Notwithstanding any other provision of this article or any other
24 law, any contract let by the dormitory authority and/or the city univer-
25 sity construction fund for the purposes of this article shall be in
26 conformity with the provisions of section one hundred one of the general
27 municipal law, and may be awarded using any delivery method authorized
28 by the procurement guidelines adopted by the city university
29 construction fund or the dormitory authority pursuant to section twen-
30 ty-eight hundred seventy-nine of the public authorities law.

31 § 9. This act shall take effect immediately; provided, however, that
32 the amendments to section 163 of the state finance law made by sections
33 five and six of this act shall not affect the repeal of such section and
34 shall be deemed repealed therewith.

35 SUBPART D

36 Section 1. Subdivision 1 of section 17 of the public officers law is
37 amended by adding a new paragraph (w) to read as follows:

38 (w) For the purposes of this section, the term "employee" shall
39 include any student while enrolled and participating in a credit bearing
40 course offered by the city university of New York or by a state operated
41 institution in the state university of New York for which there is a
42 course requirement to complete a supervised clinical or experienced-
43 based affiliation at an affiliate's site, including but not limited to
44 internships and services provided to other entities by student volun-
45 teers at university-sponsored clinics.

46 § 2. Subdivisions 2, 3, 4, 5 and 6 of section 237 of the education
47 law, subdivisions 2, 3 and 4 as amended by chapter 186 of the laws of
48 1977 and subdivisions 5 and 6 as amended by chapter 567 of the laws of
49 1971, are amended to read as follows:

50 2. The regents shall, on or before the twenty-fifth day of April
51 [~~nineteen hundred seventy-one~~] two thousand eleven and each [~~fourth~~
52 eighth] year thereafter, request the state university trustees, the board
53 of higher education of the city of New York, and all independent higher
54 educational institutions to submit long-range master plans for their
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1 development. Such request shall specify the nature of the information,
2 plans and recommendations to be submitted, shall describe statewide
3 needs, problems, societal conditions and interests of the citizens and

4 discuss their priorities, and provide appropriate information which may
5 be useful in the formulation of such plans.

6 3. The regents shall, once every [~~four~~] eight years, review the
7 proposed plan and recommendations required to be submitted by the state
8 university trustees pursuant to section three hundred fifty-four of this
9 chapter, the proposed plan and recommendations of the board of higher
10 education in the city of New York required to be submitted pursuant to
11 section sixty-two hundred [~~two~~] six of this chapter, and the plans of
12 independent institutions of higher education and, upon approval by the
13 regents of the plans submitted by the state university trustees and the
14 board of higher education, they shall be incorporated into a regents
15 plan or general revision thereof for the development of higher education
16 in the state. Such regents plan shall include the plan and recommenda-
17 tions proposed by the state university trustees and the plan and recom-
18 mendations proposed by the board of higher education in the city of New
19 York and may include plans with respect to other matters not compre-
20 hended within the plan of the state and city universities, including but
21 not limited to improving institutional management and resources,
22 instruction and guidance programs, financial assistance to students and
23 extension of educational opportunities. In determining the need for
24 additional educational facilities in a particular area, the plans and
25 facilities of existing public and independent institutions shall be
26 fully evaluated. Such statewide plan shall include for information
27 purposes a summary of all recommendations appearing in the prior state-
28 wide plan and subsequent amendments thereof containing a brief statement
29 of action taken and progress toward achievement of each such recommenda-
30 tion.

31 4. During the calendar year [~~nineteen hundred sixty-four~~] two thousand
32 twelve and each [~~fourth~~] eighth year thereafter the regents shall evalu-
33 ate all available information with respect to the plans and facilities
34 of independent institutions and shall review and act upon the proposed
35 plan and recommendations of the state university trustees and upon the
36 proposed plan and recommendations of the board of higher education in
37 the city of New York and incorporate such information, recommendations
38 and each of the component plans so acted upon into a tentative regents
39 plan or general revision thereof for the development of higher education
40 in the state. Copies of such tentative regents plan or general revision
41 thereof, as the case may be, shall be made available to the trustees of
42 the state university, the board of higher education in the city of New
43 York and the governing boards of all other institutions of higher educa-
44 tion admitted to the university of the state of New York. Thereafter,
45 after giving due notice, the regents shall conduct one or more hearings
46 on such tentative regents plan or general revision thereof.

47 5. The regents shall transmit their plan or general revision thereof
48 for the development of higher education in the state to the governor and
49 the legislature on or before the first day of November, [~~nineteen~~
50 ~~hundred sixty-four~~] two thousand twelve and each [~~fourth~~] eighth year
51 thereafter. The governor may disapprove or conditionally approve any
52 part of the plan or general revision thereof after notifying the regents
53 of such disagreements at least sixty days prior to such action during
54 which time they may revise their recommendations relating to such items
55 and request the governor to adopt such revised recommendations in lieu
56 of such action. Such plan or general revision thereof or so much thereof
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1 as shall be approved and upon such terms and conditions as the governor
2 may impose, shall become effective upon such approval by the governor.

3 6. Any modification recommended by the state university trustees or by
4 the board of higher education in the city of New York to their respec-
5 tive plans, theretofore formulated and approved pursuant to section
6 three hundred fifty-four or section sixty-two hundred [~~two~~] six of this
7 chapter shall be reviewed by the regents who may hold one or more hear-
8 ings thereon after giving due notice thereof. As approved by the
9 regents, such modification shall be made a part of the respective plans
10 of the state university and of the city university and shall, together
11 with any modifications the regents may make to that portion of their
12 plan for the development of higher education in the state not compre-
13 hended in the plans of the state and city universities, be transmitted
14 to the governor and the legislature, all of which shall then become
15 effective upon approval by the governor as modifications of the regents
16 plan. By the first day of November in [~~nineteen hundred seventy-four~~]
17 two thousand eight and each [~~fourth~~] eighth year thereafter the regents
18 shall summarize and report to the governor and the legislature any
19 modifications made pursuant to this subdivision and shall include in
20 such report a statement on the progress made in implementing the regents
21 plan and their general recommendations with respect to higher education.

22 § 3. Subdivisions 1, 2 and 3 of section 354 of the education law, as
23 amended by chapter 552 of the laws of 1985, are amended to read as
24 follows:

25 1. The state university trustees shall, once every [~~four~~] eight years,
26 formulate a long-range state university plan or general revision thereof
27 and make recommendations to the board of regents and the governor for
28 the organization, development, coordination and expansion of the state
29 university and for the establishment of community colleges in areas
30 suitable for and in need of such institutions, which plan and recommen-
31 dations shall include the following:

- 32 a. plans for new curricula;
- 33 b. plans for new facilities;
- 34 c. plans for change in policies with respect to student admissions;
- 35 d. projected student enrollments; and
- 36 e. comments upon its relationship to other colleges and universities,
37 public, independent and proprietary, within the state.
- 38 f. For informational purposes only, projection standards and overall
39 expenditure projections of capital and operating costs. Prior to trans-
40 mitting their long-range state university plan or general revision ther-
41 eof to the board of regents and the governor the state university trus-
42 tees may, after giving due notice, conduct one or more hearings on such
43 plan.

44 2. During the calendar year [~~nineteen hundred sixty-four~~] two thousand
45 twelve and each [~~fourth~~] eighth year thereafter the state university
46 trustees shall transmit their proposed plan or general revision thereof
47 to the board of regents and the governor on or before the first day of
48 June in each such year. Such plan shall be reviewed by the board of
49 regents and shall be subject to approval by such board. As approved by
50 the board of regents and incorporated into the regents plan or general
51 revision thereof for the development of higher education in the state
52 and, upon approval thereafter by the governor, such plan shall guide and
53 determine the development of the state university and its community
54 colleges until such plan is modified or revised in the manner provided
55 herein.

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1 3. By the first day of June in [~~nineteen hundred seventy-four~~] two
2 thousand eight and every [~~fourth~~] eighth year thereafter, the state

3 university trustees shall report in writing to the board of regents, to
4 the governor and to the legislature on the progress made in carrying out
5 their responsibilities under such plan and their general recommendations
6 with respect to public higher education, including recommendations as to
7 modifications of such plan which the trustees deem essential to meet the
8 then current demands upon public higher education. The state university
9 trustees may also at any other time propose modifications which they
10 then deem essential or desirable with respect to such plan. They may,
11 after giving due notice, conduct one or more hearings on such modifica-
12 tions and shall transmit their recommendations therefor to the board of
13 regents and the governor. Such modifications shall be subject to
14 approval by the regents and thereafter by the governor in the same
15 manner as such plan or general revisions thereof.

16 § 4. Subdivision 3 of section 390 of the education law, as amended by
17 chapter 486 of the laws of 1967, is amended to read as follows:

18 3. The term "eligible employees" means those employees in positions
19 requiring the performance of educational functions in teacher education,
20 agriculture, home economics, forestry, ceramics, liberal and applied
21 arts and sciences, engineering, technical skills, crafts, business
22 education, labor and industrial relations, medicine, dentistry, veteri-
23 nary medicine, pharmacy, nursing, law, public affairs, maritime officer
24 training, academic administration, library service, student activities,
25 student personnel service and other professions required to carry on the
26 work of the state university and the colleges, schools, institutes,
27 research centers, facilities and institutions comprising it and of the
28 community colleges; provided, that the term "eligible employees" shall
29 include medical, dental and optometric residents and interns who render
30 services at health sciences centers of the state university and who may
31 opt to participate in the New York state employees' retirement system
32 but not in the optional retirement program or the New York state teach-
33 ers' retirement system. Such positions in the state university, includ-
34 ing those at the state colleges of agriculture, home economics, veteri-
35 nary medicine or industrial and labor relations, the state agricultural
36 experiment station at Geneva, or any other institution or agency under
37 the management and control of Cornell university as representative of
38 the board, and at the state college of ceramics under the management and
39 control of Alfred university as the representative of the board, and
40 such positions in the community colleges shall be those certified to the
41 board by the chancellor of state university as requiring the performance
42 of such functions. No person receiving a benefit by reason of his
43 retirement from any retirement or pension system of New York state or
44 any political subdivision thereof shall be eligible to elect the
45 optional retirement program.

46 § 5. Paragraph (a) of subdivision 1 of section 393 of the education
47 law, as amended by chapter 696 of the laws of 1965, is amended to read
48 as follows:

49 (a) Each eligible employee initially appointed on or after July first,
50 nineteen hundred sixty-four, within thirty days of his entry into
51 service, shall elect (i) to join either the New York state teachers'
52 retirement system or the New York state employees' retirement system or
53 other public retirement system in this state in accordance with the
54 provisions of law applicable thereto or (ii) to elect the optional
55 retirement program established pursuant to this article; provided that a
56 medical, dental or optometric resident or intern who renders services at

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1 a health sciences center of the state university may elect to join the

2 New York state employees' retirement system, but may not elect the
3 optional retirement program or the New York state teachers' retirement
4 program; provided, further, however, that (1) such persons initially
5 entering service during the period July first, nineteen hundred sixty-
6 four through November fourth, nineteen hundred sixty-four may defer such
7 election until December fourth, nineteen hundred sixty-four, and (2)
8 eligible employees of an electing employer initially appointed on or
9 after the effective date of the election to offer such program may defer
10 such election until the ninetieth day following such effective date of
11 the election to offer such program established by an electing employer.
12 Any such deferred election shall be effective as of the date of entry
13 into service or the effective date of such offer, whichever is later.

14 § 6. Subdivision 4 of section 501 of the education law, as amended by
15 chapter 713 of the laws of 1986, is amended to read as follows:

16 4. "Teacher" shall mean any regular teacher, special teacher, includ-
17 ing any school librarian or physical training teacher, principal, vice-
18 principal, supervisor, supervisory principal, director, superintendent,
19 city superintendent, assistant city superintendent, district superinten-
20 dent and other member of the teaching or professional staff of any
21 class, public school, vocational school, truant reformatory school or
22 parental school, and of any or all classes of schools within the state
23 of New York, including schools on the Indian reservation, conducted
24 under the order and superintendence of and wholly or partly at the
25 expense of the New York state education department or of a duly elected
26 board of education, board of school directors or board of trustees of
27 the state or of any city or school district thereof, provided that no
28 person shall be deemed a teacher within the meaning of this article who
29 is not so employed for full time outside vacation periods. The word,
30 "teacher," shall also include any person employed in the state education
31 department who at the time he entered such employment, or within one
32 year prior thereto, was a teacher within the foregoing definition, or
33 who was engaged in such department in the performance of duties pertain-
34 ing to instructional services prior to September first, nineteen hundred
35 eighty-six or who provides instructional services at the New York state
36 school for the blind or the New York state school for the deaf, but
37 shall not include a person who is a teacher within the foregoing defi-
38 nition, and who elects to become a member of the New York state employ-
39 ees' retirement system pursuant to paragraph five or paragraph ten of
40 subdivision c of section forty of the retirement and social security law
41 upon his entry, on or after April first, nineteen hundred fifty, into
42 his employment as such a teacher in a state-operated institution or
43 community college under the jurisdiction of the board of trustees of the
44 state university, or who is a teacher within the foregoing definition,
45 and who elects to become a member of the New York city employees'
46 retirement system, upon his entry, on or after April first, nineteen
47 hundred fifty-six, into his employment as such a teacher in a community
48 college operated by the city of New York, or who is a teacher within the
49 foregoing definition, and who elects the optional retirement program
50 established either by article [~~eight-B~~] eight-B or by part V of article
51 three[~~, part V~~] of this chapter. In all cases of doubt, the retirement
52 board shall determine whether any person is a teacher as defined in this
53 article.

54 § 7. Subdivision c of section 40 of the retirement and social security
55 law is amended by adding a new paragraph 10 to read as follows:

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1 10. A person who is a medical, dental or optometric resident or intern

2 who renders services at a health sciences center of the state universi-
3 ty.

4 § 8. Paragraph 3 of subdivision b of section 600 of the retirement and
5 social security law, as added by chapter 414 of the laws of 1983, is
6 amended to read as follows:

7 3. Enter the employment of a public employer which participates for
8 such employees in the New York state employees' retirement system in
9 positions in which they shall work full time shall be required to become
10 members;

11 (a) Provided, however, persons in the employ of such employers after
12 such date in positions in which they work less than full time shall be
13 permitted to become members of the New York state employees' retirement
14 system by filing an application therefor in the manner provided for by
15 section forty of this chapter;

16 (b) Provided further that an employee of a county extension service
17 association or Cornell university appointed for the first time on or
18 after August first, nineteen hundred seventy-seven who holds a federal
19 cooperative appointment with the United States department of agriculture
20 as designated by the director of the New York state cooperative exten-
21 sion service and who is eligible for participation in the federal
22 retirement system shall be excluded from membership in the state employ-
23 ees' retirement system; and

24 (c) Provided further that any employee of a county extension service
25 association and any employee of Cornell university appointed for the
26 first time on or after July first, nineteen hundred seventy-six but on
27 or before July thirty-first, nineteen hundred seventy-seven, who holds a
28 state cooperative appointment as designated by the director of the New
29 York state cooperative extension service may elect to receive a federal
30 cooperative appointment in the manner provided for by the relevant
31 federal laws, rules and regulations and to participate in the federal
32 retirement system and discontinue his participation in the state retire-
33 ment system by filing a written notice of termination on or before
34 December thirty-first, nineteen hundred eighty-three with the comp-
35 troller. Any employee who is a member of the state employees' retirement
36 system at the time he or she elects coverage in the federal retirement
37 program shall be deemed to be a person who discontinues service on the
38 effective date of such election, for the purpose of determining his or
39 her eligibility for rights and benefits in such state system; provided,

40 however, that if he or she does not withdraw accumulated contributions,
41 (i) continued service with the county extension service association or
42 Cornell university while under the federal retirement program shall be
43 deemed to be member service in the New York state employees' retirement
44 system for the purpose of determining eligibility for any vested retire-
45 ment allowance, retirement allowance or ordinary death benefit under
46 such system dependent upon a specified period of total service or upon
47 attainment of a specified age while in service or upon death while in
48 service; and (ii) the amount of any such benefit to which the person or
49 his or her estate or person designated by him or her may become entitled
50 under either such system shall be computed only on the basis of service
51 otherwise creditable to him or her therein and his or her compensation
52 during such service. Electing employees and their beneficiaries shall
53 not be entitled to any right or benefit under the New York state employ-
54 ees' retirement system other than a vested retirement allowance, retire-
55 ment allowance or ordinary death benefit to the extent expressly
56 provided for in this chapter[-]; and

1 (d) Provided, further that medical, dental and optometric residents
2 and interns who render services at health sciences centers of the state
3 university of New York shall be permitted to become members of the New
4 York state employees' retirement system by filing an application there-
5 for in the manner provided for by section forty of this chapter.

6 § 9. This act shall take effect immediately.

7 SUBPART E

8 Section 1. Subdivision 14 of section 130 of the civil service law, as
9 added by chapter 685 of the laws of 1995, is amended to read as follows:

10 14. Notwithstanding any foregoing provisions of this section to the
11 contrary, wage rates and/or pay differentials paid by the state pursuant
12 to subdivision thirteen of section three hundred fifty-five-a of the
13 education law, as added by chapter six hundred eighty-five of the laws
14 of nineteen hundred ninety-five, to teaching and research center nurses
15 of the state university of New York [~~pursuant to subdivision thirteen of~~
16 ~~section three hundred fifty-five-a of the education law~~] may be based on
17 a study of representative peer institutions in private or other public
18 hospitals in the same geographic area as a hospital of the state univer-
19 sity which shows that wage rates and/or pay differentials of nurses
20 employed by such peer institutions are higher than the wage rates and/or
21 pay differentials paid by the state to teaching and research center
22 nurses of the state university. Whenever, in the opinion of the chief
23 administrative officer of the health science centers at which teaching
24 and research center nurses are employed, additional compensation for
25 such employees is necessary to maintain adequate support to protect the
26 health, safety and welfare of patients, such chief administrative offi-
27 cer or president shall request the state university board of trustees to
28 conduct such a study.

29 § 2. Subdivision 6 of section 350 of the education law, as added by
30 chapter 363 of the laws of 1998, is amended to read as follows:

31 6. "Clinic" shall mean a facility licensed under article twenty-eight
32 of the public health law as a diagnostic and treatment center which is
33 located either within or outside of a state university health care
34 facility providing services related to the medical education mission of
35 the university, but shall not include state university student health
36 services.

37 § 3. Subdivision 16 of section 355 of the education law, as added by
38 chapter 363 of the laws of 1998, is amended to read as follows:

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

41 a. Notwithstanding section one hundred sixty-three of the state
42 finance law and section sixty-three of the executive law, authorize
43 [~~contracts for~~] a state university health care facility [~~for partic-~~
44 ~~ipation~~] to create and/or participate in managed care networks and other
45 joint and cooperative arrangements with public, [~~non-profit~~] not-for-
46 profit or for profit business entities, including joint venturers, not-
47 for-profit or for profit corporations, professional corporations, and
48 limited liability companies, including entering into a maximum of twenty
49 network arrangements per year, as partners, joint venturers, members of
50 [~~non-profit~~] not-for-profit corporations, members of limited liability
51 companies and shareholders of business corporations, and the provision
52 of management and administrative services by or for state university.
53 Any contract for the provision of management services shall be subject
54 to any provision of the public health law and health regulations appli-
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1 cable to the state university as a health care provider, including any
2 review by the commissioner of health pursuant to 10 NYCRR section
3 405.3(f). In addition, the commissioner of health shall provide for
4 public comment within thirty days of a submission of any management
5 contract required to be reviewed pursuant to regulation. The trustees
6 may also authorize contracts, including ~~[capitation]~~ **risk-sharing**
7 contracts, for a state university health care facility for the provision
8 of general comprehensive and specialty health care services, directly or
9 through contract with other service providers or entities, including
10 state university employees or entities comprised thereof. Contracts
11 authorized hereunder shall be:

12 (1) consistent with trustee guidelines respecting all terms and condi-
13 tions necessary and appropriate for managed care **networks** and other
14 ~~[network,]~~ joint or cooperative arrangements, including **guidelines**
15 **governing the awarding of such contracts,** guidelines for comparative
16 review where appropriate, **and conflict-of-interest guidelines;**

17 (2) subject to laws and regulations applicable to the state university
18 as a health care provider, including with respect to rates and certifi-
19 cates of need; and

20 (3) subject to article fourteen of the civil service law and the
21 applicable provisions of agreements between the state and employee
22 organizations pursuant to article fourteen of the civil service law.

23 b. ~~(1)~~ Notwithstanding the provisions of ~~[subdivision two of section~~
24 ~~one hundred twelve of the state finance law relating to the dollar~~
25 ~~threshold requiring the comptroller's approval of contracts and]~~ subdi-
26 vision six of section one hundred sixty-three of the state finance law
27 **and section sixty-three of the executive law,** authorize contracts for
28 the purchase of goods and services for state university health care
29 facilities **without prior approval by any other state officer or agency:**

30 ~~[(1)]~~ (A) for any contract ~~[which does not exceed seventy-five thou-~~
31 ~~sand dollars]~~ **for goods or services or for any revenue contract;** or

32 ~~[(2)]~~ (B) for joint or group purchasing arrangements ~~[which do not~~
33 ~~exceed seventy-five thousand dollars without prior approval by any other~~
34 ~~state, officer or agency]~~ in accordance with procedures and requirements
35 found in paragraph a of subdivision five of this section.

36 ~~[(3) contracts]~~ **(2) Contracts** authorized hereunder shall be subject to
37 article fourteen of the civil service law and the applicable provisions
38 of agreements between the state and employee organizations pursuant to
39 article fourteen of the civil service law **and shall be consistent with**
40 **trustee guidelines governing the awarding of such contracts, comparative**
41 **review where appropriate, and conflict-of-interest guidelines.**

42 ~~[The trustees are authorized to negotiate annually with the state~~
43 ~~comptroller increases in the aforementioned dollar limits.]~~

44 c. Authorize contracts for the acquisition **by state university health**
45 **care facilities or facilities suitable for the delivery of health care**
46 **services,** by purchase, lease, sublease, transfer of jurisdiction or
47 otherwise~~[, of facilities suitable for the delivery of health care~~
48 ~~services]~~ and for the construction, repair, maintenance, equipping,
49 rehabilitation or improvement thereof. **Such facilities may be acquired**
50 **in whole or in part by state university health care facilities, either**
51 **directly or through ownership in a joint or cooperative arrangement**
52 **authorized by paragraph a of this subdivision.** Such contracts shall be
53 ~~[subject to approval by the attorney general as to form and by the~~
54 ~~director of the budget and the state comptroller]~~ **consistent with trus-**
55 **tee guidelines governing the awarding of such contracts, including**
56 **guidelines requiring comparative review where appropriate and conflict**

1 of interest guidelines. Contracts under this paragraph shall be funded
2 from any moneys lawfully available for the expenses of the state univer-
3 sity health care facilities.

4 d. The state university shall provide by July fifteenth of each year
5 to the director of the budget and to the chairs of the senate finance
6 committee and the assembly ways and means committee a report which sets
7 forth with respect to contracts entered into during the prior year by
8 state university health care facilities (1) the amount, purpose, and
9 duration of contracts and arrangements entered into pursuant to para-
10 graphs a and c of this subdivision, (2) a listing of contracts over the
11 amount of two hundred fifty thousand dollars entered into pursuant to
12 clause (A) of subparagraph one of paragraph b of this subdivision, and
13 (3) the amount, purpose and duration of contracts over the amount of two
14 hundred fifty thousand dollars entered into pursuant to clause (B) of
15 subparagraph one of paragraph b of this subdivision.

16 § 4. Notwithstanding any inconsistent provision in section 8 of the
17 court of claims act, subdivision 10 of section 355 of the education law
18 or any other provision of law, a state university health care facility
19 may include in a contract authorized by paragraph a of subdivision 16 of
20 section 355 of the education law, other than a contract with state
21 employees relating to terms and conditions of their employment, a
22 provision that some or all disputes arising under or related to such
23 contract shall be resolved by binding arbitration in accordance with the
24 rules of a nationally-recognized arbitration association.

25 § 5. Clause (E) of subparagraph (iii) of paragraph (a) of subdivision
26 4 of section 364-j of the social services law is relettered clause (F)
27 and a new clause (E) is added to read as follows:

28 (E) the services are optometric services and are provided by a diag-
29 nostic and treatment center licensed under article twenty-eight of the
30 public health law which is affiliated with the college of optometry of
31 the state university of New York and which has been granted an operating
32 certificate pursuant to article twenty-eight of the public health law to
33 provide such optometric services. Any diagnostic and treatment center
34 providing optometric services pursuant to this clause shall prior to
35 June first of each year report to the governor, temporary president of
36 the senate and speaker of the assembly on the following: the total
37 number of visits made by medical assistance recipients during the imme-
38 diately preceding calendar year; the number of visits made by medical
39 assistance recipients during the immediately preceding calendar year by
40 recipients who were enrolled in managed care programs; the number of
41 visits made by medical assistance recipients during the immediately
42 preceding calendar year by recipients who were enrolled in managed care
43 programs that provide optometric benefits as a covered service; and the
44 number of visits made by the uninsured during the immediately preceding
45 calendar year; or

46 § 6. This act shall take effect immediately; provided, however, that
47 the amendments to section 364-j of the social services law, made by
48 section five of this act, shall not affect the repeal of such section
49 and shall be deemed repealed therewith.

50 SUBPART F

51 Section 1. The board of trustees of the state university of New York
52 and the city university of New York shall report every January first to
53 the governor, the temporary president of the senate and the speaker of

1 The report shall address the progress of the state-operated and senior
2 colleges in competing with the top academic research institutions, the
3 impact of efforts by the state university of New York and the city
4 university of New York to increase the economic well-being of New York;
5 and the impact of tuition increases and efforts to ensure affordable
6 access for economically deprived students.

7 § 2. This act shall take effect immediately.

8 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
9 sion, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 § 4. This act shall take effect immediately provided, however, that
18 the applicable effective date of Subparts A through F of this act shall
19 be as specifically set forth in the last section of such Subparts.