§ 3. General powers and duties of the commissioner of general services. The commissioner of general services is authorized to:

1. accept and receive for erection or location in any of the public buildings or grounds such statues, monuments, memorials or tablets having reference to historical events in the history or acts of the citizens or soldiers of the state of New York as shall meet his approval, provided that such gifts are unconditional and are erected or located without expenditure from the state treasury.

2. cause the flags of the United States and the state flag bearing the arms of the state, to be displayed upon the capitol building during the daily sessions of the legislature and on public occasions, and cause the necessary flagstaffs to be erected therefor. Cause the flag of the United States to be appropriately displayed at all times in the senate chamber and in the assembly chamber. Cause the flag of the United States to be appropriately displayed upon the walls of any hall or other meeting place in a public building under his supervision and control during any meeting or gathering of persons to which the public is invited. The necessary expenses incurred thereby shall be paid out of the treasury on the warrant of the comptroller.

3. without process and of his own authority, arrest and convey to any magistrate in the county of Albany any person found disorderly or in the commission of a breach of the peace within any building or on any grounds under his supervision and control and designate employees in the unit having charge of the operation and maintenance of public buildings and grounds, who, on taking and filing an oath of office with the county clerk of Albany county, shall have the same power of arrest and presentment of complaint as the commissioner of general services.

4. Notwithstanding the provisions of this chapter or of any general or special law, and whenever funds therefor are available or have been otherwise provided, the commissioner of general services is hereby authorized and empowered, subject to the approval of the division of the budget, to retain and employ private engineers, architects and consultants, or firms practicing such professions, for the purposes of (1) preparing designs, plans and estimates of structures of any type and character, (2) rendering assistance and advice in connection of any project, whether defined or proposed, and under the supervision of the office of general services, and (3) performing such other and necessary services as the commissioner of general services may deem necessary in the administration of the office of general services.

5. The commissioner of general services shall have power and it shall be his duty to prepare the plans, specifications, designs and estimates, and, by the procedure and methods provided by the laws relating thereto, to construct and reconstruct the public buildings and grounds of the state that are now or shall hereafter be under the jurisdiction of the office of general services for such purposes.

6. Any other provision of law to the contrary notwithstanding, the commissioner of general services may make any agreements with respect to any lands or properties acquired for state purposes in the city of Albany pursuant to the recommendations of the temporary state commission on the capital city, whereby such lands and properties may continue to be occupied and used by the former owners, their tenants or assigns, or any other person or persons, for a period from the date of acquisition of such lands and properties until such time as the state requires actual physical possession, provided that during the period of such occupancy, such lands shall remain on the assessment rolls of the city of Albany and shall be subject to real estate taxes and assessments in the same manner as privately owned lands. The right of the former owner or such other person or persons to occupy and use such lands shall be
conditioned on the prompt payment of the full amount of such taxes and assessments, with interest and penalties, if any. The state shall not in any event be liable for real estate taxes or assessments on such lands. The agreement may also provide for such other terms, including any additional payments as net rentals, as the parties may stipulate. The relationship of the state and such occupants shall be deemed to be that of landlord and tenant. A copy of any such agreement shall be filed with the county clerk of the county of Albany. Any other provision of law to the contrary notwithstanding, the commissioner of general services may also enter into contracts or agreements with any other state agency or any person, firm or corporation for the management or operation of any such lands or properties until such time as the state requires actual physical possession.

7. The provisions of this article and sections one hundred forty-three and one hundred forty-four of the state finance law shall not apply to academic buildings, dormitories, and other facilities constructed, acquired, reconstructed, rehabilitated or improved for the use of the state university of New York or any state-operated institution or statutory or contract college under the jurisdiction thereof or for the use of the students, faculty and staff of the state university or any such state-operated institution or statutory or contract college under the jurisdiction thereof, and their families, or to contracts entered into by the state university construction fund or the state university trustees pursuant to article eight-a of the education law or to real property held in the name of the state for purposes of the state university of New York or any state-operated institution or statutory or contract college under the jurisdiction thereof. However, the office of general services, by or through the commissioner of general services or his duly authorized officer or employee, may construct, acquire, reconstruct, rehabilitate or improve such facilities in accordance with the provisions of article eight-a of the education law pursuant to agreement with the state university construction fund, as agent for the state university of New York.

8. The provisions of this article and sections one hundred forty-three and one hundred forty-four of the state finance law shall not apply to mental hygiene facilities constructed, acquired, reconstructed, rehabilitated or improved pursuant to the health and mental hygiene facilities improvement act or to contracts entered into by the trustees of the mental hygiene facilities improvement fund or by the state housing finance agency in relation thereto, or to real property held in the name of the state for the corporate purposes of such fund, except that the provisions of this article and sections one hundred forty-three and one hundred forty-four of the state finance law shall apply, so far as practicable, to such mental hygiene facilities as are constructed, acquired, reconstructed, rehabilitated or improved by the commissioner of general services under an agreement made with the trustees of the mental hygiene facilities improvement fund. The commissioner of general services is hereby authorized and empowered to enter into any such agreement with the said trustees, upon such terms and conditions as may be mutually acceptable and in accordance with any requirements of subdivision two of section nine of the health and mental hygiene facilities improvement act relating to the approval of the commissioner of mental hygiene as to architectural concept and the detailed plans and specifications, the approval of the said trustees as to the proposed terms of construction contracts to be let by the commissioner of general services under such agreement, the supervision of the work to be performed, and the certification of bills for payment by the trustees of the mental hygiene facilities improvement fund.
9. (a) The commissioner of general services shall have the power and it shall be his duty to equip that room in the state capitol customarily utilized by the governor to brief the members of the working press and news media with an assistive listening system for use by the hearing impaired.

(b) For purposes of this section, the term "assistive listening system" shall mean situational-personal acoustic communication equipment designed to improve the transmission and auditory reception of sound. Such system shall include but not be limited to the use of standard amplitude modulation (AM), frequency modulation (FM), audio induction loop, infrared light sound, or hard wire systems.

10. Notwithstanding any provision of this article or of any general or special law, upon written certification by the department or agency having jurisdiction that efficiency or economy will result therefrom, the commissioner of general services may adopt and use standardized specifications for a particular type, class or item of equipment, material or system to be included in the plans and specifications prepared pursuant to this article. Such plans and specifications shall conform with sections seven thousand two hundred nine and seven thousand three hundred seven of the education law.

11. Allot to the legislature and to the departments, commissions, boards and officers of the state government such space and room in the public buildings or leased space that are now or shall be hereafter under the supervision and control of the commissioner of general services. Space in the state capitol occupied by the legislature, and committees and offices thereof, shall not be reduced nor other space substituted therefor without the approval of the temporary president of the senate and speaker of the assembly. Where a statute provides, in terms or effect, that a department, commission, board or officer of the state government shall have space or rooms in the state capitol, or in a building in the city of Albany which is now or which shall hereafter be under the supervision and control of the commissioner of general services, the commissioner may, if space in the capitol or in any such building be not adequate or available therefor, assign space or rooms therefor in buildings, rooms or premises in such city that are now or that shall be hereafter available by lease or leases as aforesaid.

12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, except that, the commissioner of general services may enter into leases for a term not exceeding fifteen years when, in the judgment of such commissioner, such longer term is in the best interests of the state. Any such lease may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of such commissioner, and the occupying department, commission,
board, and officers of the state government, such buildings, rooms or premises are not for a time needed. Notwithstanding any other provision of law to the contrary, if bonds or notes are issued pursuant to section sixteen hundred eighty-n of the public authorities law for the purpose of acquiring a building or other facility previously financed by a lease or lease-purchase obligation as authorized herein, the state agency which is the tenant in occupancy shall be authorized to remit tax payments or payments in lieu of thereof to the appropriate taxing authority in a manner consistent with the process and term established under the original lease or lease-purchase for the subject property for a period coincident with the term of the lease as established at the commencement of the term thereof. The state may undertake a certiorari review of assessments that may be imposed from time to time.

* NB Effective until June 30, 2015

12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, but may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of the commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed.

* NB Effective June 30, 2015

13. (a) In his or her discretion, lease space in any public building or other premises under his or her supervision and control, pursuant to this article, to any person, firm or corporation, for the operation of restaurants, retail stores, vending stands for the sale of newspapers, periodicals, confections, tobacco products and such other articles as may be approved by the commissioner for each stand, and for bootblack service. Any such lease shall be subject to such terms and conditions as he or she may deem proper, but for a term not exceeding five years, except that the commissioner may, in his or her discretion, lease space for a term of not more than ten years where extensive renovation or repair to or improvement of the space is required of or by the lessee and the commissioner determines that it is reasonable for the costs thereof to be amortized over a term greater than five years. Nothing herein shall restrict the commissioner from providing in any such lease for its renewal or extension, at the commissioner's option, for terms of five years or less. However, in order to provide blind persons with remunerative employment, enlarge their economic opportunities and facilitate their efforts to be self-supporting, whenever feasible, permits shall be given to the state department of social services for the operation of vending stands and machines.

(b) Issue to the state department of social services a permit for any of the purposes mentioned in this subdivision to be operated by a blind
person or persons as defined in subdivision four of section two hundred eight of the social services law or for the operation of vending machines and similar devices dispensing food, confections, tobacco products, coffee, tea, milk, soft drinks and such other articles as may be approved by him or her in consultation with the department of social services, for the benefit of the general purposes of the business enterprise program for the blind of the state department of social services commission for the blind and visually handicapped, and upon such terms and conditions as the commissioner may deem proper but without provision for payment of rent or other consideration for such permits, and for a term not exceeding five years, which permit may be extended and renewed. Such permit shall include a provision authorizing the department of social services to assign or transfer such permit to a blind person or persons, as herein referred to, for the purposes aforesaid, and it shall also provide that the department of social services shall send to the commissioner a notice of any assignment or transfer as aforesaid, which notice shall contain such information as the commissioner shall require. The permit and any assignment or transfer thereof shall reserve (i) to the department of social services the power of supervision over the conduct and operation of the premises covered thereby and (ii) to the commissioner of general services the right to revoke such permit or the assignment or transfer thereof upon the mailing to the last known address of the assignee or assignees a notice of such revocation to be effected within such period of time as the commissioner shall deem to be reasonable.

(c) If he or she shall deem it necessary to cause the removal of a lessee, licensee or assignee from the demised premises, other than the New York state commission for the blind and visually handicapped, or its licensee, the commissioner of general services shall cause the lessee, licensee or assignee and his or her representative to be removed therefrom and the possession to be delivered to the commissioner of general services in the same manner and by the same proceedings and before the same officers as provided for in article seven of the real property actions and proceedings law. The proceedings shall be brought in the name of the commissioner of general services as an agent of the state. If any person proceeded against shall contest the petition by an answer raising any material issue the attorney general shall be notified, and he or she thereafter shall represent the petitioner in the proceedings.

14. Where the use of any state-owned real property is not presently required for any other state purpose, the department, board, commission, division, or other state agency having jurisdiction thereof, may, with the approval of the commissioner of general services, temporarily lease or operate such property in such manner as will produce net revenue for the support of the state (a) by the forces and equipment of such department, board, commission, division or other state agency, or (b) by contracting for the management and operation thereof with any person, firm or corporation, or (c) by a combination of such methods, but no such contract nor any lease or permit for the use of such property shall be made for a period exceeding five years from the date thereof. All expenses incident to the leasing, use or operation of any such property shall be paid out of the gross revenue therefrom and shall not be a charge against the state. Insofar as the provisions of this subdivision may conflict with the provisions of section one hundred twenty-one of the state finance law or provisions of any other law, the provisions of this subdivision shall control and the same shall not be deemed to be repealed, altered or superseded by implication by the enactment or amendment of any other law. The use and occupancy of any such property
pursuant to any license, lease, permit or contract made under the provisions of this subdivision and the right of the state or its duly authorized agent to recover possession thereof shall not be subject to the emergency housing rent control law. Where it is necessary to cause the removal of an occupant of any such property, the head of the department, board, commission, division or other state agency having jurisdiction thereof may cause such occupant to be removed therefrom and the possession thereof to be delivered to him or her as agent of the state in the same manner and by the same proceedings in the same court or before the same judge or justice as is now or hereafter may be provided by law for the removal of a tenant holding over after the expiration of his or her term without the permission of the landlord. The proceeding shall be brought in the name of such head of such department, board, commission, division or other state agency having jurisdiction of such property, as agent of the state.

15. The provisions of subdivision fourteen of this section shall not apply to the following state-owned lands:

(a) Lands under the jurisdiction of the commissioner of general services.

(b) Lands under the jurisdiction of a state or interstate authority, commission or agency, the leasing of which is authorized by any other law.

(c) Lands acquired by the commissioner of transportation for purposes connected with the construction, reconstruction, improvement or maintenance of a state highway or other duly authorized project.

(d) Lands acquired by the commissioner of general services pursuant to chapter two hundred thirty-seven of the laws of nineteen hundred forty-six.

(e) Lands subject to the provisions of the salt springs law.