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I N   A S S E M B L Y

April 20, 2010

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Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. DESTI-  
TO, MAYERSOHN, J. RIVERA, ROBINSON -- read once and referred to the  
Committee on Higher Education

AN ACT to amend the education law, in relation to student activity fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 355 of the education law is amended by adding a new  
2     subdivision 20 to read as follows:  
3     20. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COLLEGE OR UNIVERSI-  
4     TY OF THE STATE UNIVERSITY SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCES-  
5     SIBLE WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL  
6     INCLUDE, BUT NOT BE LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE  
7     RULES AND PROCEDURES FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE  
8     NAME AND MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED  
9     FUNDING FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE  
10    REQUIREMENT THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE  
11    ALL STUDENTS ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING  
12    DECISIONS SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO  
13    THE VIEWPOINTS OF THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A  
14    REFERENDUM SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH  
15    IS TO DETERMINE WHETHER THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR  
16    VOLUNTARY.  
17    B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR  
18    IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT  
19    LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE  
20    OR UNIVERSITY OPERATED BY THE STATE UNIVERSITY SHALL DETERMINE BY REFER-  
21    ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER  
22    VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED  
23    ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH  
24    TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER  
25    NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-  
26    MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY  
27    POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS  
28    PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH

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

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1 NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE  
2 REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE  
3 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS  
4 BEFORE THE STUDENT BODY.

5 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY  
6 THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES  
7 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM  
8 STUDENT ACTIVITY FEE PROCEEDS.

9 D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL  
10 BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND  
11 NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION  
12 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM  
13 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

14 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-  
15 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED  
16 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE  
17 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-  
18 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-  
19 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

20 S 2. Section 6215 of the education law is amended by adding a new  
21 subdivision 4 to read as follows:

22 4. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COLLEGE OR UNIVERSITY  
23 OF THE CITY UNIVERSITY SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE  
24 WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE,  
25 BUT NOT BE LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES AND  
26 PROCEDURES FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND  
27 MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING  
28 FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT  
29 THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS  
30 ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS  
31 SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEW-  
32 POINTS OF THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM  
33 SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETER-  
34 MINE WHETHER THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR VOLUNTARY.

35 B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR  
36 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT  
37 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE  
38 OR UNIVERSITY OPERATED BY THE CITY UNIVERSITY SHALL DETERMINE BY REFER-  
39 ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER  
40 VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED  
41 ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH  
42 TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER  
43 NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-  
44 MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY  
45 POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS  
46 PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH  
47 NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE  
48 REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE  
49 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS  
50 BEFORE THE STUDENT BODY.

51 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY  
52 THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES  
53 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM  
54 STUDENT ACTIVITY FEE PROCEEDS.

55 D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL  
56 BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND

1 NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION  
2 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM  
3 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

4 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-  
5 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED  
6 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE  
7 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-  
8 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-  
9 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

10 S 3. Section 6304 of the education law is amended by adding a new  
11 subdivision 1-a to read as follows:

12 1-A. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COMMUNITY COLLEGE  
13 SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE WEBSITE A NOTICE  
14 REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE, BUT NOT BE  
15 LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES AND PROCEDURES  
16 FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND MISSION  
17 STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING FROM SUCH  
18 FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT THAT ALL  
19 FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS ARE GIVEN  
20 THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS SHALL BE MADE  
21 IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE  
22 ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM SHALL BE HELD  
23 AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETERMINE WHETHER  
24 THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR VOLUNTARY.

25 B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR  
26 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT  
27 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COMMUNI-  
28 TY COLLEGE SHALL DETERMINE BY REFERENDUM WHETHER STUDENT ACTIVITY  
29 PROGRAMS SHALL BE SUPPORTED BY EITHER VOLUNTARY OR MANDATORY STUDENT  
30 FEES. SUCH REFERENDUM SHALL BE CONDUCTED ON CAMPUS AT AN EASILY ACCESSI-  
31 BLE POLLING PLACE OR PLACES AND AT SUCH TIME AS SHALL BE CONVENIENT FOR  
32 THE GREATEST NUMBER OF STUDENTS. UNDER NO CIRCUMSTANCES SHALL FUNDING  
33 FOR ANY PARTICULAR ORGANIZATION BE DETERMINED BY REFERENDUM. NOTICE OF  
34 SUCH REFERENDUM SHALL BE CONSPICUOUSLY POSTED AT SEVERAL LOCATIONS ON  
35 CAMPUS FOR NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE  
36 REFERENDUM SHALL BE CONDUCTED. SUCH NOTICE SHALL INCLUDE, BUT NOT BE  
37 LIMITED TO, THE DATE ON WHICH THE REFERENDUM WILL BE HELD, THE TIMES  
38 DURING WHICH POLLING PLACES WILL BE OPEN, THE LOCATION OF ALL POLLING  
39 PLACES, AND THE QUESTION OR QUESTIONS BEFORE THE STUDENT BODY.

40 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY  
41 THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES  
42 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM  
43 STUDENT ACTIVITY FEE PROCEEDS.

44 D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL  
45 BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND  
46 NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION  
47 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM  
48 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

49 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-  
50 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED  
51 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE  
52 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-  
53 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-  
54 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

55 S 4. This act shall take effect on the first of August next succeeding  
56 the date on which it shall have become a law.