S T A T E O F N E W Y O R K

2925

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to non-academic service contracts entered into by state-operated institutions of the state university

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

Section 1. The education law is amended by adding a new section 356-a to read as follows:

S 356-A. CONTRACT APPROVAL CONTROL BOARD. 1. ALL NON-ACADEMIC SERVICE CONTRACTS WITH A STATE-OPERATED INSTITUTION OF THE STATE UNIVERSITY INCLUDING, BUT NOT LIMITED TO: BOOKSTORES, FOOD SERVICE, VENDING MACHINES, CAFES, SNACK BARS, RETAIL OUTLETS, TRAVEL AGENCIES, BANKS AND BILLBOARD ADVERTISING WHICH OPERATE ON THE PROPERTY OF OR UNDER THE AUTHORITY OF THE STATE-OPERATED INSTITUTION SHALL FIRST BE APPROVED BY A BOARD CONSISTING OF:

A. THE ELECTED STUDENT COUNCIL REPRESENTATIVE (AS PROVIDED IN SUBDIVISION ONE OF SECTION THREE HUNDRED FIFTY-SIX OF THIS ARTICLE) OR THE ELECTED HEAD OF THE STUDENT ASSOCIATION BY AGREEMENT BETWEEN ANY MULTIPLE STUDENT ASSOCIATIONS AT A SPECIFIC STATE-OPERATED ACADEMIC INSTITUTION;

B. THE ELECTED FACULTY REPRESENTATIVE OR THE ELECTED HEAD OF THE FACULTY SENATE OR ASSOCIATION BY AGREEMENT BETWEEN ANY MULTIPLE FACULTY ASSOCIATIONS AT A SPECIFIC STATE-OPERATED INSTITUTION; AND

C. THE HEAD OF SUCH INSTITUTION, OR HIS OR HER DESIGNEE.

2. FOR ANY MEETING A BOARD MEMBER MAY DESIGNATE A PROXY IN WRITING AND SIGNED FOR THAT MEETING.

3. A QUORUM SHALL BE ALL THREE BOARD MEMBERS IN ORDER TO APPROVE CONTRACTS.

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

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4. NO NON-ACADEMIC SERVICE CONTRACT WITH THE STATE-OPERATED INSTITUTION SHALL BE VALID WITHOUT THE APPROVAL OF THE BOARD.

5. THE CHAIR OF EACH BOARD SHALL ALTERNATE ANNUALLY BETWEEN THE BOARD MEMBER DESIGNATED IN PARAGRAPHS A AND B OF SUBDIVISION ONE OF THIS SECTION.

6. MEETINGS SHALL BE CALLED AS NECESSARY BY THE CHAIR FOR THE FUNCTIONING OF THE STATE-OPERATED INSTITUTION BUT NO LESS THAN ONCE EVERY FOUR MONTHS, OR THE REMAINING TWO MEMBERS BY PETITION, MAY AT ANY TIME CALL A SPECIAL MEETING OF THE BOARD AND FIX THE TIME AND PLACE THEREFOR. AT LEAST SEVEN DAYS NOTICE OF EVERY MEETING SHALL BE MAILED TO THE USUAL ADDRESS OF EACH MEMBER. THE AGENDA FOR SUCH MEETINGS SHALL BE AVAILABLE SEVEN DAYS PRIOR TO THE MEETINGS AND SHALL BE CONSIDERED PUBLIC RECORDS.

7. NOTHING IN THIS SECTION SHALL PREVENT A STATE-OPERATED INSTITUTION FROM ESTABLISHING AN AUXILIARY SERVICES CORPORATION, INSTEAD OF A BOARD OTHERWISE PROVIDED BY THIS SECTION, TO APPROVE AND OVERSEE NON-ACADEMIC SERVICE CONTRACTS WITH THE INSTITUTION WHICH MAINTAINS PROPORTIONAL REPRESENTATIVE CONTROL, ONE-THIRD FOR EACH, OF THAT CORPORATIONS BOARD OF DIRECTORS BETWEEN THE ELECTED STUDENT ASSOCIATION, ELECTED FACULTY ASSOCIATION AND THE HEAD OF THE INSTITUTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.