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

5020

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to prohibiting financing political organizations through mandatory student fees by state universities and colleges

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

Section 1. Legislative findings. The legislature hereby finds and declares that the trustees of the state university of New York should not authorize or permit student governments at any state university of New York, city university of New York or community college campus to subsidize political organizations or political groups through mandatory student fees. Under the education law, the trustees may permit student governments to impose a mandatory student fee. This fee, which all students must pay, is intended to support programs of an educational, cultural, recreational, and social nature on college campuses. A student's failure to pay this fee will prompt administrative officers of the university or college to withhold grades or transcript of credits until payment is made. Recently, student governments have been subsidizing political organizations and political groups that spend student fees off campus. These organizations and groups use student money to promote political causes that run contrary to the interests of many students. If the fee were not mandatory, many students would refuse to contribute their money to these organizations and groups. This act will prohibit state university trustees from allowing any moneys received by state university of New York, city university of New York or community college student governments to be used to finance any political organization or group.

S 2. Section 355 of the education law is amended by adding a new subdivision 20 to read as follows:

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

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20. A. AS USED IN THIS SUBDIVISION, THESE TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "MANDATORY FEE" MEANS THE INVOLUNTARY COLLECTION OF MONEY FROM STUDENTS BY A COLLEGE ADMINISTRATION TO FUND THE STUDENT GOVERNMENT, OR ANY OTHER STUDENT REPRESENTATIVE BODY, THAT IS USED FOR THE PURPOSES OF FINANCING CAMPUS ACTIVITIES.

(2) "POLITICAL ORGANIZATION" MEANS ANY ORGANIZATION THAT IS DIRECTLY CONCERNED WITH INFLUENCING PUBLIC POLICY OR POLITICAL CAMPAIGNS OR ENGAGES IN LOBBYING ACTIVITIES, AS DEFINED IN SECTION ONE-C OF THE LEGISLATIVE LAW WHETHER OR NOT SUCH ORGANIZATION IS REGISTERED WITH THE COMMISSION ON PUBLIC INTEGRITY.

(3) "POLITICAL GROUP" MEANS ANY ORGANIZATION THAT IS AFFILIATED WITH AN ESTABLISHED OR RECOGNIZED POLITICAL PARTY.

(4) "OPTIONAL FEE" MEANS ANY MONEY VOLUNTARILY COLLECTED FROM STUDENTS BY A COLLEGE ADMINISTRATION.

B. MONEYS RECEIVED BY ANY STATE UNIVERSITY OF NEW YORK ADMINISTRATION, FROM THE COLLECTION OF MANDATORY FEES SHALL NOT BE USED TO SUBSIDIZE OR FINANCIALLY SUPPORT ANY POLITICAL GROUP OR POLITICAL ORGANIZATION THAT IS CONCERNED WITH INFLUENCING PUBLIC POLICY OTHER THAN THE STUDENT ASSOCIATION OR ANY OTHER ORGANIZATION WHICH PERTAINS EXCLUSIVELY TO SUCH STATE UNIVERSITY OF NEW YORK. NOTHING IN THIS SECTION SHALL PRECLUDE THE COLLECTION OF OPTIONAL FEES FOR POLITICAL ORGANIZATIONS WHICH MAY EMPLOY LEGISLATIVE AGENTS OR ATTEMPT TO INFLUENCE LEGISLATION. THESE OPTIONAL FEES MAY BE COLLECTED BY THE STUDENT GOVERNMENT OR ANY OTHER STUDENT REPRESENTATIVE IF THE STUDENTS AT THE INSTITUTION HAVE AUTHORIZED AN OPTIONAL FEE EXPRESSLY TO FUND SUCH ORGANIZATIONS BY A MAJORITY VOTE OF THOSE STUDENTS VOTING IN AN OFFICIAL STUDENT REFERENDUM OR STUDENT ELECTION.

S 3. Section 6215 of the education law is amended by adding a new subdivision 4 to read as follows:

4. A. AS USED IN THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "MANDATORY FEE" MEANS THE INVOLUNTARY COLLECTION OF MONEY FROM STUDENTS BY A COLLEGE ADMINISTRATION TO FUND THE STUDENT GOVERNMENT, OR ANY OTHER STUDENT REPRESENTATIVE BODY, THAT IS USED FOR THE PURPOSES OF FINANCING CAMPUS ACTIVITIES.

(2) "POLITICAL ORGANIZATION" MEANS ANY ORGANIZATION THAT IS DIRECTLY CONCERNED WITH INFLUENCING PUBLIC POLICY OR POLITICAL CAMPAIGNS OR ENGAGES IN LOBBYING ACTIVITIES, AS DEFINED IN SECTION ONE-C OF THE LEGISLATIVE LAW WHETHER OR NOT SUCH ORGANIZATION IS REGISTERED WITH THE COMMISSION ON PUBLIC INTEGRITY.

(3) "POLITICAL GROUP" MEANS ANY ORGANIZATION THAT IS AFFILIATED WITH AN ESTABLISHED OR RECOGNIZED POLITICAL PARTY.

(4) "OPTIONAL FEE" MEANS ANY MONEY VOLUNTARILY COLLECTED FROM THE STUDENTS BY A COLLEGE ADMINISTRATION.

B. MONEYS RECEIVED BY ANY CITY UNIVERSITY OF NEW YORK ADMINISTRATION FROM THE COLLECTION OF MANDATORY FEES SHALL NOT BE USED TO SUBSIDIZE OR FINANCIALLY SUPPORT ANY POLITICAL GROUP OR POLITICAL ORGANIZATION THAT IS CONCERNED WITH INFLUENCING PUBLIC POLICY OTHER THAN THE STUDENT ASSOCIATION OR ANY OTHER ORGANIZATION WHICH PERTAINS EXCLUSIVELY TO SUCH CITY UNIVERSITY OF NEW YORK. NOTHING IN THIS SECTION SHALL PRECLUDE THE COLLECTION OF OPTIONAL FEES FOR POLITICAL ORGANIZATIONS WHICH MAY EMPLOY LEGISLATIVE AGENTS OR ATTEMPT TO INFLUENCE LEGISLATION. THESE OPTIONAL FEES MAY BE COLLECTED BY THE STUDENT GOVERNMENT OR ANY OTHER STUDENT REPRESENTATIVE IF THE STUDENTS AT THE INSTITUTION HAVE AUTHORIZED AN OPTIONAL FEE EXPRESSLY TO FUND SUCH ORGANIZATIONS BY A MAJORITY VOTE OF

THOSE STUDENTS VOTING IN AN OFFICIAL STUDENT REFERENDUM OR STUDENT ELECTION.

S 4. Subdivision 1 of section 6304 of the education law is amended by adding a new paragraph e to read as follows:

E. (I) AS USED IN THIS PARAGRAPH, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "MANDATORY FEE" MEANS THE INVOLUNTARY COLLECTION OF MONEY FROM STUDENTS BY A COLLEGE ADMINISTRATION TO FUND THE STUDENT GOVERNMENT, OR ANY OTHER STUDENT REPRESENTATIVE BODY, THAT IS USED FOR THE PURPOSES OF FINANCING CAMPUS ACTIVITIES.

(B) "POLITICAL ORGANIZATION" MEANS ANY ORGANIZATION THAT IS DIRECTLY CONCERNED WITH INFLUENCING PUBLIC POLICY OR POLITICAL CAMPAIGNS OR ENGAGES IN LOBBYING ACTIVITIES, AS DEFINED IN SECTION ONE-C OF THE LEGISLATIVE LAW WHETHER OR NOT SUCH ORGANIZATION IS REGISTERED WITH THE COMMISSION ON PUBLIC INTEGRITY.

(C) "POLITICAL GROUP" MEANS ANY ORGANIZATION THAT IS AFFILIATED WITH AN ESTABLISHED OR RECOGNIZED POLITICAL PARTY.

(D) "OPTIONAL FEE" MEANS ANY MONEY VOLUNTARILY COLLECTED FROM STUDENTS BY A COLLEGE ADMINISTRATION.

(II) MONEYS RECEIVED BY ANY COMMUNITY COLLEGE ADMINISTRATION FROM THE COLLECTION OF MANDATORY FEES SHALL NOT BE USED TO SUBSIDIZE OR FINANCIALLY SUPPORT ANY POLITICAL GROUP OR POLITICAL ORGANIZATION THAT IS CONCERNED WITH INFLUENCING PUBLIC POLICY OTHER THAN THE STUDENT ASSOCIATION OR ANY OTHER ORGANIZATION WHICH PERTAINS EXCLUSIVELY TO SUCH COMMUNITY COLLEGE. NOTHING IN THIS SECTION SHALL PRECLUDE THE COLLECTION OF OPTIONAL FEES FOR POLITICAL ORGANIZATIONS WHICH MAY EMPLOY LEGISLATIVE AGENTS OR ATTEMPT TO INFLUENCE LEGISLATION. THESE OPTIONAL FEES MAY BE COLLECTED BY THE STUDENT GOVERNMENT OR ANY OTHER STUDENT REPRESENTATIVE IF THE STUDENTS AT THE INSTITUTION HAVE AUTHORIZED AN OPTIONAL FEE EXPRESSLY TO FUND SUCH ORGANIZATIONS BY A MAJORITY VOTE OF THOSE STUDENTS VOTING IN AN OFFICIAL STUDENT REFERENDUM OR STUDENT ELECTION.

S 5. This act shall take effect August 1, 2010.