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

638

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. HOYT, SCHIMMINGER, BROOK-KRASNY, CAMARA, KAVANAGH, GREENE, PEOPLES, KOON, BENEDETTO, TOWNSEND, WALKER, BACALLES, FINCH, BENJAMIN, FIELDS, PERRY, SCHROEDER, MAISEL -- Multi-Sponsored by -- M. of A. BOYLAND, CHRISTENSEN, CROUCH, DIAZ, ERRIGO, GOTTFRIED, GUNTHER, JAFFEE, JEFFRIES, JOHN, KOLB, MAGEE, McDONOUGH, OAKS, PHEFFER, QUINN, REILICH, ROBINSON, SALADINO, SAYWARD, SPANO, TOWNS, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to four and five year fixed tuitions at the state university of New York and the city university of New York; and providing for the repeal of such provisions upon expiration thereof

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 361 to read as follows:

S 361. FRESHMEN TUITION CHARGES; FOUR OR FIVE YEAR FIXED AMOUNT. 1. BEGINNING WITH THE ACADEMIC YEAR TWO THOUSAND TEN--TWO THOUSAND ELEVEN, THE AMOUNT OF TUITION AND ANY CAMPUS BASED OR STUDENT FEES PAID BY ANY FULL-TIME RESIDENT STUDENT ENTERING AS AN UNDERGRADUATE FRESHMAN AT ANY OF THE FOUR UNIVERSITY CENTERS OR THE DESIGNATED COLLEGES OF ARTS AND SCIENCES, OR THE AGRICULTURAL AND TECHNICAL COLLEGES AT ALFRED, CANTON, COBLESKILL, DELHI, FARMINGDALE, MORRISVILLE AND MARITIME, AND THE COLLEGE OF TECHNOLOGY AT UTICA/ROME, OR ANY SENIOR COLLEGE OF THE CITY UNIVERSITY, SHALL NOT BE INCREASED FOR THE PERIOD CONSISTING OF THE THREE SCHOOL YEARS SUBSEQUENT TO SUCH FRESHMAN YEAR OR FOUR YEARS IF THE RESIDENT STUDENT IS ENROLLED IN A FIVE YEAR DEGREE PROGRAM, PROVIDED THAT SUCH ATTENDANCE IS ON A FULL-TIME BASIS FOR EACH OF SUCH FOUR OR FIVE YEARS AT ANY SUCH UNIVERSITY OR COLLEGE SET FORTH IN THIS SUBDIVISION.

2. UPON COMPLETION OF THE FOUR OR FIVE SCHOOL YEARS SET FORTH IN SUBDIVISION ONE OF THIS SECTION, ANY RESIDENT STUDENT WHO CONTINUES IN FULL-TIME OR PART-TIME ATTENDANCE FOR A FIFTH OR SIXTH SCHOOL YEAR AT

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

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ANY OF THE UNIVERSITIES OR COLLEGES SET FORTH IN SUBDIVISION ONE OF THIS SECTION OR ANY SENIOR COLLEGE OF THE CITY UNIVERSITY, SHALL PAY TUITION AS DETERMINED PURSUANT TO THE PROVISIONS OF THIS CHAPTER FOR SUCH YEAR. TUITION CHARGES FOR ANY ADDITIONAL YEARS OF FULL-TIME OR PART-TIME ATTENDANCE BEYOND THE FOUR OR FIVE YEARS AS DETERMINED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE DETERMINED EACH YEAR PURSUANT TO THE PROVISIONS OF THIS CHAPTER.

3. ANY UNDERGRADUATE RESIDENT STUDENT THAT TRANSFERS FROM A COMMUNITY COLLEGE TO A UNIVERSITY OR COLLEGE PURSUANT TO SUBDIVISION ONE OF THIS SECTION WITH AN ASSOCIATE DEGREE SHALL PAY TUITION AT SUCH AMOUNT AS THAT STIPULATED PURSUANT TO THE PROVISIONS OF THIS CHAPTER FOR THAT YEAR AND FOR ONE SUBSEQUENT YEAR THEREAFTER, SUCH TRANSFER STUDENT SHALL PAY TUITION PURSUANT TO THE CHARGES ESTABLISHED BY THE STATE UNIVERSITY OF NEW YORK OR CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES, PROVIDED THAT SUCH STUDENT MAINTAINS HIS OR HER FULL-TIME STATUS.

4. BEGINNING WITH THE ACADEMIC YEAR TWO THOUSAND TEN--TWO THOUSAND ELEVEN, AND FOR EACH YEAR THEREAFTER, TUITION SHALL INCREASE BY AN AMOUNT CONSISTENT WITH THE CONSUMER PRICE INDEX AS REPORTED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR IN AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS IN ANY SINGLE ACADEMIC YEAR, FOR A FULL-TIME RESIDENT STUDENT ENTERING AS AN UNDERGRADUATE FRESHMAN AT ANY COLLEGE AS DETERMINED BY SUBDIVISION ONE OF THIS SECTION.

5. A. THE TUITION ADJUSTMENT ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION SHALL BE CONTINGENT UPON THE STATE PROVIDING DIRECT OPERATING AID IN AN AMOUNT EQUAL TO OR GREATER THAN THE PREVIOUS YEAR. SUCH OPERATING AID SHALL BE EQUAL TO THE PREVIOUS YEARS STATE OPERATING AID PLUS ANY ADDED COST AS A RESULT OF COLLECTIVE BARGAINING, EMPLOYEE FRINGE BENEFITS, AND THE AVERAGE INCREASE OF ENERGY COST FOR THE SYSTEM. SUCH AMOUNTS SHALL BE ESTABLISHED BY THE TRUSTEES AND THE DIVISION OF BUDGET INCLUDED IN THEIR BUDGET REQUESTS EACH YEAR.

B. IF THE FINAL ENACTED BUDGET PROVIDES DIRECT OPERATING AID EQUAL TO WHAT IS REQUIRED BY PARAGRAPH A OF THIS SUBDIVISION, THEN THE TUITION INCREASE SHALL BE AUTHORIZED, BUT NOT MANDATED, FOR ANY GIVEN CAMPUS. THE TUITION INCREASE AUTHORIZED PURSUANT TO THIS SECTION SHALL BE DETERMINED BY THE CAMPUS PRESIDENT WITH THE CONSENT OF THE BOARD OF TRUSTEES, CONSISTENT WITH THE LIMITATIONS ESTABLISHED BY THIS SECTION.

C. IF THE FINAL ENACTED BUDGET PROVIDES LESS DIRECT OPERATING AID TO THE UNIVERSITY THAN THE PREVIOUS YEAR, AS CALCULATED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION, THEN THERE SHALL NOT BE A TUITION INCREASE UNLESS SPECIFICALLY AUTHORIZED BY THE TRUSTEES, IN WHICH CASE THE TUITION INCREASE AUTHORIZED SHALL NOT EXCEED FIFTY DOLLARS FOR A NEW YORK RESIDENT UNDERGRADUATE FRESHMAN. IF THE FINAL ENACTED BUDGET PROVIDES MORE DIRECT OPERATING AID TO THE UNIVERSITY THAN THE PREVIOUS YEAR, AS CALCULATED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION, SO THAT DIRECT OPERATING AID IS GREATER THAN THE REVENUE THAT WOULD HAVE BEEN GENERATED AS A RESULT OF THE TUITION INCREASE, PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, FOR THAT YEAR, THEN THERE SHALL BE NO TUITION INCREASE FOR THAT YEAR.

6. THE TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK AND THE TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK ARE AUTHORIZED AND DIRECTED TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law, and shall expire and be deemed repealed June 30, 2015.