

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:

1 Section 1. The education law is amended by adding a new section 361 to  
2 read as follows:

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

17 2. UPON COMPLETION OF THE FOUR OR FIVE SCHOOL YEARS SET FORTH IN  
18 SUBDIVISION ONE OF THIS SECTION, ANY RESIDENT STUDENT WHO CONTINUES IN  
19 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.

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

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

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

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

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

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

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

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