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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA, ORTIZ, DIAZ, ESPAILLAT, ARROYO, N. RIVERA, J. RIVERA, POWELL, RAMOS, GREENE, BENJAMIN, HEASTIE, PERALTA, PEOPLES, PERRY, PRETLOW, CAMARA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the public authorities law, in relation to reducing state aid for certain independent institutions of higher learning; to provide for transfer and disbursement to the colleges and universities of the state university of New York and the city university of New York of the moneys remaining after the reduction and elimination of state aid to certain independent institutions of higher learning; and to repeal certain provisions of the education law relating to state aid for certain independent institutions of higher learning

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

Section 1. Subdivision 3 of section 6401 of the education law, as amended by chapter 507 of the laws of 2008, is amended to read as follows:

3. Degree awards. The amount of such annual apportionment to each institution meeting the requirements of subdivision two of this section shall be computed by multiplying [by not to exceed six hundred dollars]

(A) the number of earned associate degrees[,] by AN AMOUNT not to exceed [one thousand five hundred dollars]:

(I) FOR EACH ANNUAL PERIOD COMMENCING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SEVENTY-SIX AND BEFORE JULY FIRST, TWO THOUSAND TEN, SIX HUNDRED DOLLARS,

(II) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TEN, FOUR HUNDRED EIGHTY DOLLARS,

(III) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND ELEVEN, THREE HUNDRED SIXTY DOLLARS,

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

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(IV) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED FORTY DOLLARS, AND
(V) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND THIRTEEN, ONE HUNDRED TWENTY DOLLARS;
(B) the number of earned bachelor's degrees[,] by AN AMOUNT not to exceed [nine hundred fifty dollars]:
(I) FOR EACH ANNUAL PERIOD COMMENCING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SEVENTY-SIX AND BEFORE JULY FIRST, TWO THOUSAND TEN, ONE THOUSAND FIVE HUNDRED DOLLARS,
(II) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TEN, ONE THOUSAND TWO HUNDRED DOLLARS,
(III) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND ELEVEN, NINE HUNDRED DOLLARS,
(IV) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TWELVE, SIX HUNDRED DOLLARS, AND
(V) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND THIRTEEN, THREE HUNDRED DOLLARS;
(C) the number of earned master's degrees[, and] by AN AMOUNT not to exceed [four thousand five hundred fifty dollars]:
(I) FOR EACH ANNUAL PERIOD COMMENCING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SEVENTY-SIX AND BEFORE JULY FIRST, TWO THOUSAND TEN, NINE HUNDRED FIFTY DOLLARS,
(II) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TEN, SEVEN HUNDRED SIXTY DOLLARS,
(III) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND ELEVEN, FIVE HUNDRED SEVENTY DOLLARS,
(IV) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TWELVE, THREE HUNDRED EIGHTY DOLLARS, AND
(V) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND THIRTEEN, ONE HUNDRED NINETY DOLLARS; AND
(D) the number of earned doctorate degrees[,] BY AN AMOUNT NOT TO EXCEED:
(I) FOR EACH ANNUAL PERIOD COMMENCING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SEVENTY-SIX AND BEFORE JULY FIRST, TWO THOUSAND TEN, FOUR THOUSAND FIVE HUNDRED FIFTY DOLLARS,
(II) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TEN, THREE THOUSAND SIX HUNDRED FORTY DOLLARS,
(III) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND ELEVEN, TWO THOUSAND SEVEN HUNDRED THIRTY DOLLARS,
(IV) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND TWELVE, ONE THOUSAND EIGHT HUNDRED TWENTY DOLLARS, AND
(V) FOR THE ANNUAL PERIOD COMMENCING ON JULY FIRST, TWO THOUSAND THIRTEEN, NINE HUNDRED TEN DOLLARS;
conferred by such institution during the twelve-month period next preceding the annual period for which such apportionment is made, provided that there shall be excluded from any such computation the number of degrees earned by students with respect to whom state aid other than that established by this section or section sixty-four hundred one-a of this article is granted directly to the institution, and provided further that, except as otherwise provided in this subdivision, the amount apportioned for an associate degree shall be awarded only to two year institutions qualifying under subdivision two of this section. The regents shall promulgate rules defining and classifying professional degrees for the purposes of this section. Institutions qualifying for state aid pursuant to the provisions of paragraph (b) of subdivision two of this section shall, for purposes of this subdivision,

be deemed to be the institutions which confer degrees. For purposes of this subdivision, a two-year institution which has received authority to confer bachelor degrees shall continue to be considered a two-year institution until such time as it has actually begun to confer the bachelor's degree. Thereafter, notwithstanding any other provision of law to the contrary, an institution which was formerly a two-year institution for the purposes of this section and which was granted authority by the regents to confer bachelor degrees, (a) such authority having been granted after the first day of June, nineteen hundred ninety-three, but before the first day of July, nineteen hundred ninety-three, or (b) such authority having been granted after the first day of May, two thousand five, but before the first day of June, two thousand five, may elect to continue to receive awards for earned associate degrees. Should such institution so elect, it shall not be eligible during the time of such election to receive awards for earned bachelor's degrees.

S 2. Section 6401 of the education law is REPEALED.

S 3. Subdivision 3 of section 6402 of the education law is REPEALED.

S 4. Subdivision 1 of section 6431 of the education law, as added by chapter 597 of the laws of 2003, is amended to read as follows:

1. The president or chief administrative officer of each college[, except those independent colleges ineligible to receive state aid under section sixty-four hundred one of this title,] shall appoint an advisory committee on campus security.

S 5. Paragraph (f) of subdivision 2 of section 1680-j of the public authorities law, as added by section 1 of part MM of chapter 59 of the laws of 2004, is amended to read as follows:

(f) "Independent college" shall mean each independent not-for-profit institution of higher education[, as defined in subdivision two of section sixty-four hundred one of the education law].

S 6. Notwithstanding any provision of law to the contrary, for each annual period commencing on or after July 1, 2010, there shall be transferred for disbursement and expenditure by the state university of New York and the city university of New York, the difference between the moneys expended pursuant to section 6401 of the education law for the period July 1, 2009 through June 30, 2010 and the moneys expended pursuant to such section for each annual period thereafter.

The monies directed to be transferred pursuant to this section shall be allocated among the colleges and universities of the state university of New York and the city university of New York on the basis of the New York state student enrollment of each such college or university. All moneys transferred pursuant to this section shall be expended for the purpose of facilitating student retention and success in such colleges and universities.

S 7. This act shall take effect immediately, provided, that sections two, three, four and five of this act shall take effect July 1, 2014.