

4075--A

2009-2010 Regular Sessions

I N   S E N A T E

April 9, 2009

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Introduced by Sens. WINNER, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the public authorities law, chapter 297 of the laws of 1985 authorizing the transfer of sponsorship of Corning community college from the city school district of the city of Corning to a community college region, and chapter 144 of the laws of 1996 amending the education law relating to the establishment of a community college region to sponsor Jamestown community college and authorizing the transfer of sponsorship of Jamestown community college from the city of Jamestown to a community college region, in relation to capital financings of community college regions

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "community college region capital financing act of 2010".  
3     S 2.     Paragraph c of subdivision 1 of section 6304 of the education  
4     law is amended by adding a new undesignated paragraph to read as  
5     follows:  
6     NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN THE CASE OF  
7     COMMUNITY COLLEGE REGIONS, A COMMUNITY COLLEGE REGIONAL BOARD OF TRUS-  
8     TEES AS FINANCE BOARD OF THE REGION MAY AUTHORIZE THE ISSUANCE OF BONDS,  
9     NOTES OR OTHER EVIDENCE OF INDEBTEDNESS OR THE EFFECTUATION OF A FINANC-  
10    ING TRANSACTION BY THE COMMUNITY COLLEGE REGION WITH THE DORMITORY  
11    AUTHORITY PURSUANT TO THE PROVISIONS OF ARTICLE EIGHT OF TITLE FOUR OF  
12    THE PUBLIC AUTHORITIES LAW TO PROVIDE ALL OR ANY PORTION OF SUCH COSTS  
13    FOR WHICH A PERIOD OF POSSIBLE USEFULNESS HAS BEEN ESTABLISHED IN THE  
14    LOCAL FINANCE LAW.     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE

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

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1 COMMUNITY COLLEGE REGION SHALL ITSELF HAVE THE POWER TO BORROW MONEY FOR  
2 SPECIFIC OBJECTS OR PURPOSES OR A CLASS OR CLASSES OF OBJECTS OR  
3 PURPOSES DESCRIBED IN SECTION 11.00 OF THE LOCAL FINANCE LAW BY  
4 ADOPTION, BY TWO-THIRDS OF THE VOTING STRENGTH OF THE REGIONAL BOARD OF  
5 TRUSTEES THEREOF, OF A BOND RESOLUTION AS DESCRIBED IN SECTION 32.00 OF  
6 THE LOCAL FINANCE LAW AND SHALL INCLUDE THE RECITATION DESCRIBED IN  
7 SECTION 80.00 OF THE LOCAL FINANCE LAW. SAID BOND RESOLUTION SHALL  
8 INCLUDE THE POWER TO ENTER INTO FINANCING TRANSACTIONS WITH THE DORMITO-  
9 RY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF TITLE  
10 FOUR OF THE PUBLIC AUTHORITIES LAW. UPON ADOPTION AND RECEIPT OF THE  
11 APPROVALS DESCRIBED IN SUBDIVISION TEN OF SECTION SIXTY-THREE HUNDRED  
12 TEN OF THIS ARTICLE, THE COMMUNITY COLLEGE REGION SHALL PUBLISH A LEGAL  
13 NOTICE OF ESTOPPEL AS DESCRIBED IN SECTION 81.00 OF THE LOCAL FINANCE  
14 LAW, WHICH SHALL BE APPLICABLE TO SAID BOND RESOLUTION. A COMMUNITY  
15 COLLEGE REGION IS HEREBY AUTHORIZED TO PLEDGE ANY REVENUES OR OTHER  
16 MONIES TO THE PAYMENT OF ANY OBLIGATIONS ISSUED, OR ANY FINANCING AGREE-  
17 MENT ENTERED INTO WITH THE DORMITORY AUTHORITY.

18 S 3. Subdivision 8 of section 6304 of the education law is amended by  
19 adding a new paragraph c to read as follows:

20 C. FOR PURPOSES OF THIS SUBDIVISION, THE REFERENCE TO THE LOCAL SPON-  
21 SOR OF A COMMUNITY COLLEGE MAY BE DEEMED, IN THE CASE OF A COMMUNITY  
22 COLLEGE REGION, TO ALTERNATIVELY REFER TO THE COMMUNITY COLLEGE REGIONAL  
23 BOARD OF TRUSTEES THEREOF.

24 S 4. Subdivision 10 of section 6304 of the education law is amended by  
25 adding a new paragraph c to read as follows:

26 C. A COMMUNITY COLLEGE REGION SHALL HAVE FULL POWER AND AUTHORITY TO  
27 FINANCE ALL OR A PORTION OF THE CAPITAL COSTS OF A REGIONAL COMMUNITY  
28 COLLEGE FACILITY PURSUANT TO THE PROVISIONS OF ARTICLE EIGHT OF TITLE  
29 FOUR OF THE PUBLIC AUTHORITIES LAW AND TO EXPEND THE PROCEEDS THEREFROM  
30 TO PAY SUCH COSTS.

31 S 5. Section 6310 of the education law is amended by adding a new  
32 subdivision 17 to read as follows:

33 17. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, A  
34 COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES OF A COMMUNITY COLLEGE  
35 REGION SHALL BE THE LOCAL SPONSOR OF SUCH COMMUNITY COLLEGE FOR THE  
36 PURPOSES OF ENTERING INTO AGREEMENTS WITH THE DORMITORY AUTHORITY OF THE  
37 STATE OF NEW YORK ON BEHALF OF THE COMMUNITY COLLEGE PURSUANT TO SUBDI-  
38 VISIONS NINE, TEN, ELEVEN, TWELVE, THIRTEEN, FOURTEEN AND SIXTEEN OF  
39 SECTION SIXTEEN HUNDRED EIGHTY OF THE PUBLIC AUTHORITIES LAW AND SHALL  
40 HAVE FULL AUTHORITY TO PERFORM, ON BEHALF OF SUCH COMMUNITY COLLEGE, ALL  
41 OBLIGATIONS OF THE COLLEGE UNDER ITS AGREEMENTS WITH THE DORMITORY  
42 AUTHORITY.

43 S 6. The undesignated paragraph of subdivision 1 of section 1680 of  
44 the public authorities law, as separately amended by chapters 165, 538,  
45 624 and 625 of the laws of 1978, is amended to read as follows:

46 A local sponsor as defined by subdivision three of section sixty-three  
47 hundred one of the education law, OR AS DEFINED BY SUBDIVISION FOUR OF  
48 SECTION SIXTY-THREE HUNDRED ONE OF THE EDUCATION LAW WITH RESPECT TO A  
49 COMMUNITY COLLEGE REGION, A COMMUNITY COLLEGE REGIONAL BOARD OF TRUS-  
50 TEES, or, with respect to locally sponsored community colleges in the  
51 city of New York, the city of New York or the board of education, as the  
52 case may be.

53 S 7. The opening paragraph of subdivision 15 of section 1680 of the  
54 public authorities law, as amended by chapter 332 of the laws of 1975,  
55 is amended to read as follows:

1 In order to effectuate the purposes of this title, the following  
2 provisions shall apply to powers in connection with the provision of  
3 facilities for locally sponsored community colleges except a facility  
4 for a locally sponsored community college in the city of New York OR A  
5 FACILITY FOR A COMMUNITY COLLEGE SPONSORED BY A COMMUNITY COLLEGE  
6 REGION:

7 S 8. Section 4 of chapter 297 of the laws of 1985 authorizing the  
8 transfer of sponsorship of Corning community college from the city  
9 school district of the city of Corning to a community college region, is  
10 amended by adding a new undesignated paragraph to read as follows:

11 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMUNITY COLLEGE  
12 REGION SHALL HAVE THE POWER TO BORROW MONEY FOR SPECIFIC OBJECTS OR  
13 PURPOSES OR A CLASS OR CLASSES OF OBJECTS OR PURPOSES DESCRIBED IN  
14 SECTION 11.00 OF THE LOCAL FINANCE LAW BY ADOPTION, BY TWO-THIRDS OF THE  
15 VOTING STRENGTH OF THE REGIONAL BOARD OF TRUSTEES THEREOF, OF A BOND  
16 RESOLUTION AS DESCRIBED IN SECTION 32.00 OF THE LOCAL FINANCE LAW AND  
17 SHALL INCLUDE THE RECITATION DESCRIBED IN SECTION 80.00 OF THE LOCAL  
18 FINANCE LAW. SAID BOND RESOLUTION SHALL INCLUDE THE POWER TO ENTER INTO  
19 FINANCING TRANSACTIONS WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW  
20 YORK IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF TITLE FOUR OF  
21 THE PUBLIC AUTHORITIES LAW.

22 S 9. Section 6 of chapter 144 of the laws of 1996 amending the educa-  
23 tion law relating to the establishment of a community college region to  
24 sponsor Jamestown community college and authorizing the transfer of  
25 sponsorship of Jamestown community college from the city of Jamestown to  
26 a community college region, is amended by adding a new undesignated  
27 paragraph to read as follows:

28 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMUNITY COLLEGE  
29 REGION SHALL HAVE THE POWER TO BORROW MONEY FOR SPECIFIC OBJECTS OR  
30 PURPOSES OR A CLASS OR CLASSES OF OBJECTS OR PURPOSES DESCRIBED IN  
31 SECTION 11.00 OF THE LOCAL FINANCE LAW BY ADOPTION, BY TWO-THIRDS OF THE  
32 VOTING STRENGTH OF THE REGIONAL BOARD OF TRUSTEES THEREOF, OF A BOND  
33 RESOLUTION AS DESCRIBED IN SECTION 32.00 OF THE LOCAL FINANCE LAW AND  
34 SHALL INCLUDE THE RECITATION DESCRIBED IN SECTION 80.00 OF THE LOCAL  
35 FINANCE LAW. SAID BOND RESOLUTION SHALL INCLUDE THE POWER TO ENTER INTO  
36 FINANCING TRANSACTIONS WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW  
37 YORK IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF TITLE FOUR OF  
38 THE PUBLIC AUTHORITIES LAW.

39 S 10. Section 6310 of the education law is amended by adding a new  
40 subdivision 10-a to read as follows:

41 10-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TEN OF THIS  
42 SECTION, UPON RECEIPT OF THE APPROVALS SET FORTH IN SUCH SUBDIVISION,  
43 THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE REGION MAY FINANCE A DULY  
44 AUTHORIZED SPECIFIC OBJECT OR PURPOSE OR CLASS OF OBJECTS OR PURPOSES BY  
45 THE ISSUANCE OF BONDS, NOTES OR OTHER EVIDENCE OF INDEBTEDNESS OR PURSU-  
46 ANT TO A FINANCING TRANSACTION OF THE COMMUNITY COLLEGE REGION WITH THE  
47 DORMITORY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT  
48 OF TITLE FOUR OF THE PUBLIC AUTHORITIES LAW.

49 S 11. If any clause, sentence, subdivision, paragraph, section or part  
50 of this act be adjudged by any court of competent jurisdiction to be  
51 invalid, such judgment shall not affect, impair or invalidate the  
52 remainder thereof, but shall be confined in its operation to the clause,  
53 sentence, subdivision, paragraph, section or part thereof directly  
54 involved in the controversy in which such judgment shall have been  
55 rendered.

56 S 12. This act shall take effect immediately.