

10758

I N A S S E M B L Y

April 20, 2010

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. DESTI-
TO, MAYERSOHN, J. RIVERA, ROBINSON -- read once and referred to the
Committee on Higher Education

AN ACT to amend the education law, in relation to student activity fees

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

1 Section 1. Section 355 of the education law is amended by adding a new
2 subdivision 20 to read as follows:
3 20. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COLLEGE OR UNIVERSI-
4 TY OF THE STATE UNIVERSITY SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCES-
5 SIBLE WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL
6 INCLUDE, BUT NOT BE LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE
7 RULES AND PROCEDURES FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE
8 NAME AND MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED
9 FUNDING FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE
10 REQUIREMENT THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE
11 ALL STUDENTS ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING
12 DECISIONS SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO
13 THE VIEWPOINTS OF THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A
14 REFERENDUM SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH
15 IS TO DETERMINE WHETHER THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR
16 VOLUNTARY.
17 B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR
18 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT
19 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE
20 OR UNIVERSITY OPERATED BY THE STATE UNIVERSITY SHALL DETERMINE BY REFER-
21 ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER
22 VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED
23 ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH
24 TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER
25 NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-
26 MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY
27 POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS
28 PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH

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

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1 NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE
2 REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE
3 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS
4 BEFORE THE STUDENT BODY.

5 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY
6 THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES
7 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM
8 STUDENT ACTIVITY FEE PROCEEDS.

9 D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL
10 BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND
11 NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION
12 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM
13 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

14 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-
15 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED
16 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE
17 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-
18 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-
19 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

20 S 2. Section 6215 of the education law is amended by adding a new
21 subdivision 4 to read as follows:

22 4. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COLLEGE OR UNIVERSITY
23 OF THE CITY UNIVERSITY SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE
24 WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE,
25 BUT NOT BE LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES AND
26 PROCEDURES FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND
27 MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING
28 FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT
29 THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS
30 ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS
31 SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEW-
32 POINTS OF THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM
33 SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETER-
34 MINE WHETHER THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR VOLUNTARY.

35 B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR
36 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT
37 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE
38 OR UNIVERSITY OPERATED BY THE CITY UNIVERSITY SHALL DETERMINE BY REFER-
39 ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER
40 VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED
41 ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH
42 TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER
43 NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-
44 MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY
45 POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS
46 PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH
47 NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE
48 REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE
49 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS
50 BEFORE THE STUDENT BODY.

51 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY
52 THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES
53 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM
54 STUDENT ACTIVITY FEE PROCEEDS.

55 D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL
56 BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND

1 NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION
2 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM
3 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

4 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-
5 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED
6 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE
7 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-
8 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-
9 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

10 S 3. Section 6304 of the education law is amended by adding a new
11 subdivision 1-a to read as follows:

12 1-A. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COMMUNITY COLLEGE
13 SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE WEBSITE A NOTICE
14 REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE, BUT NOT BE
15 LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES AND PROCEDURES
16 FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND MISSION
17 STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING FROM SUCH
18 FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT THAT ALL
19 FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS ARE GIVEN
20 THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS SHALL BE MADE
21 IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE
22 ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM SHALL BE HELD
23 AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETERMINE WHETHER
24 THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR VOLUNTARY.

25 B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR
26 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT
27 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COMMUNI-
28 TY COLLEGE SHALL DETERMINE BY REFERENDUM WHETHER STUDENT ACTIVITY
29 PROGRAMS SHALL BE SUPPORTED BY EITHER VOLUNTARY OR MANDATORY STUDENT
30 FEES. SUCH REFERENDUM SHALL BE CONDUCTED ON CAMPUS AT AN EASILY ACCESSI-
31 BLE POLLING PLACE OR PLACES AND AT SUCH TIME AS SHALL BE CONVENIENT FOR
32 THE GREATEST NUMBER OF STUDENTS. UNDER NO CIRCUMSTANCES SHALL FUNDING
33 FOR ANY PARTICULAR ORGANIZATION BE DETERMINED BY REFERENDUM. NOTICE OF
34 SUCH REFERENDUM SHALL BE CONSPICUOUSLY POSTED AT SEVERAL LOCATIONS ON
35 CAMPUS FOR NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE
36 REFERENDUM SHALL BE CONDUCTED. SUCH NOTICE SHALL INCLUDE, BUT NOT BE
37 LIMITED TO, THE DATE ON WHICH THE REFERENDUM WILL BE HELD, THE TIMES
38 DURING WHICH POLLING PLACES WILL BE OPEN, THE LOCATION OF ALL POLLING
39 PLACES, AND THE QUESTION OR QUESTIONS BEFORE THE STUDENT BODY.

40 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY
41 THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES
42 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM
43 STUDENT ACTIVITY FEE PROCEEDS.

44 D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL
45 BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND
46 NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION
47 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM
48 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

49 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-
50 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED
51 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE
52 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-
53 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-
54 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

55 S 4. This act shall take effect on the first of August next succeeding
56 the date on which it shall have become a law.