

8079

2009-2010 Regular Sessions

I N   A S S E M B L Y

May 4, 2009

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Introduced by M. of A. PARMENT, BACALLES, GIGLIO, O'MARA -- read once  
and referred to the Committee on Higher Education

AN ACT to amend the public authorities law, the education 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 as and may be cited as  
2     the "community college region capital financing act of 2009".  
3     S 2. Subdivision 7 of section 1676 of the public authorities law, as  
4     added by chapter 332 of the laws of 1975, is amended to read as follows:  
5     7. The term "locally sponsored community college" shall mean a college  
6     established and administered pursuant to article one hundred twenty-six  
7     of the education law, INCLUDING ESTABLISHED PURSUANT TO CHAPTER TWO  
8     HUNDRED NINETY-SEVEN OF THE LAWS OF NINETEEN HUNDRED EIGHTY-FIVE, OR  
9     ESTABLISHED PURSUANT TO CHAPTER ONE HUNDRED FORTY-FOUR OF THE LAWS OF  
10    NINETEEN HUNDRED NINETY-SIX;  
11    S 3. Subdivision 1 of section 1680 of the public authorities law is  
12    amended by adding a new undesignated paragraph to read as follows:  
13    A COMMUNITY COLLEGE REGION.  
14    S 4. Subdivision 9 of section 1680 of the public authorities law is  
15    amended by adding a new paragraph (h) to read as follows:  
16    (H) FOR PURPOSES OF THIS SUBDIVISION, AND SUBDIVISIONS TEN, ELEVEN  
17    TWELVE, THIRTEEN, FOURTEEN, FIFTEEN, AND SIXTEEN OF THIS SECTION, THE  
18    TERM "LOCAL SPONSOR" SHALL ALTERNATELY INCLUDE A BOARD OF TRUSTEES OF A

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

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1 COMMUNITY COLLEGE REGION, IN ADDITION TO, AND APART FROM, THE LOCAL  
2 SPONSORS REPRESENTED THEREIN.

3 S 5. Paragraph c of subdivision 1 of section 6304 of the education law  
4 is amended by adding a new undesignated paragraph to read as follows:

5 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN THE CASE OF  
6 COMMUNITY COLLEGE REGIONS, A COMMUNITY COLLEGE REGIONAL BOARD OF TRUS-  
7 TEES AS FINANCE BOARD OF THE REGION MAY AUTHORIZE THE ISSUANCE OF BONDS,  
8 NOTES OR OTHER EVIDENCE OF INDEBTEDNESS OR THE EFFECTUATION OF A FINANC-  
9 ING TRANSACTION BY THE COMMUNITY COLLEGE REGION WITH THE DORMITORY  
10 AUTHORITY PURSUANT TO THE PROVISIONS OF ARTICLE EIGHT OF TITLE FOUR OF  
11 THE PUBLIC AUTHORITIES LAW TO PROVIDE ALL OR ANY PORTION OF SUCH COSTS  
12 FOR WHICH A PERIOD OF POSSIBLE USEFULNESS HAS BEEN ESTABLISHED IN THE  
13 LOCAL FINANCE LAW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
14 COMMUNITY COLLEGE REGION SHALL ITSELF HAVE THE POWER TO BORROW MONEY FOR  
15 SPECIFIC OBJECTS OR PURPOSES OR A CLASS OR CLASSES OF OBJECTS OR  
16 PURPOSES DESCRIBED IN SECTION 11.00 OF THE LOCAL FINANCE LAW BY  
17 ADOPTION, BY TWO-THIRDS OF THE VOTING STRENGTH OF THE REGIONAL BOARD OF  
18 TRUSTEES THEREOF, OF A BOND RESOLUTION AS DESCRIBED IN SECTION 32.00 OF  
19 THE LOCAL FINANCE LAW AND SHALL INCLUDE THE RECITATION DESCRIBED IN  
20 SECTION 80.00 OF THE LOCAL FINANCE LAW. SAID BOND RESOLUTION SHALL  
21 INCLUDE THE POWER TO ENTER INTO FINANCING TRANSACTIONS WITH THE DORMITO-  
22 RY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF TITLE  
23 FOUR OF THE PUBLIC AUTHORITIES LAW. UPON ADOPTION AND RECEIPT OF THE  
24 APPROVALS DESCRIBED IN SUBDIVISION TEN OF SECTION SIXTY-THREE HUNDRED  
25 TEN OF THIS ARTICLE, THE COMMUNITY COLLEGE REGION SHALL PUBLISH A LEGAL  
26 NOTICE OF ESTOPPEL AS DESCRIBED IN SECTION 81.00 OF THE LOCAL FINANCE  
27 LAW, WHICH SHALL BE APPLICABLE TO SAID BOND RESOLUTION.

28 S 6. Subdivision 8 of section 6304 of the education law is amended by  
29 adding a new paragraph c to read as follows:

30 C. FOR PURPOSES OF THIS SUBDIVISION, THE REFERENCE TO THE LOCAL SPON-  
31 SOR OF A COMMUNITY COLLEGE MAY BE DEEMED, IN THE CASE OF A COMMUNITY  
32 COLLEGE REGION, TO ALTERNATIVELY REFER TO THE COMMUNITY COLLEGE REGIONAL  
33 BOARD OF TRUSTEES THEREOF.

34 S 7. Subdivision 10 of section 6304 of the education law is amended by  
35 adding a new paragraph c to read as follows:

36 C. A COMMUNITY COLLEGE REGION SHALL HAVE FULL POWER AND AUTHORITY TO  
37 FINANCE ALL OR A PORTION OF THE CAPITAL COSTS OF A REGIONAL COMMUNITY  
38 COLLEGE FACILITY PURSUANT TO THE PROVISIONS OF ARTICLE EIGHT OF TITLE  
39 FOUR OF THE PUBLIC AUTHORITIES LAW AND TO EXPEND THE PROCEEDS THEREFROM  
40 TO PAY SUCH COSTS.

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

45 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMUNITY COLLEGE  
46 REGION SHALL HAVE THE POWER TO BORROW MONEY FOR SPECIFIC OBJECTS OR  
47 PURPOSES OR A CLASS OR CLASSES OF OBJECTS OR PURPOSES DESCRIBED IN  
48 SECTION 11.00 OF THE LOCAL FINANCE LAW BY ADOPTION, BY TWO-THIRDS OF THE  
49 VOTING STRENGTH OF THE REGIONAL BOARD OF TRUSTEES THEREOF, OF A BOND  
50 RESOLUTION AS DESCRIBED IN SECTION 32.00 OF THE LOCAL FINANCE LAW AND  
51 SHALL INCLUDE THE RECITATION DESCRIBED IN SECTION 80.00 OF THE LOCAL  
52 FINANCE LAW. SAID BOND RESOLUTION SHALL INCLUDE THE POWER TO ENTER INTO  
53 FINANCING TRANSACTIONS WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW  
54 YORK IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF TITLE FOUR OF  
55 THE PUBLIC AUTHORITIES LAW.

1 S 9. Section 6 of chapter 144 of the laws of 1996 amending the educa-  
2 tion law relating to the establishment of a community college region to  
3 sponsor Jamestown community college and authorizing the transfer of  
4 sponsorship of Jamestown community college from the city of Jamestown to  
5 a community college region, is amended by adding a new undesignated  
6 paragraph to read as follows:

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

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

20 10-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TEN OF THIS  
21 SECTION, UPON RECEIPT OF THE APPROVALS SET FORTH IN SUCH SUBDIVISION,  
22 THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE REGION MAY FINANCE A DULY  
23 AUTHORIZED SPECIFIC OBJECT OR PURPOSE OR CLASS OF OBJECTS OR PURPOSES BY  
24 THE ISSUANCE OF BONDS, NOTES OR OTHER EVIDENCE OF INDEBTEDNESS OR PURSU-  
25 ANT TO A FINANCING TRANSACTION OF THE COMMUNITY COLLEGE REGION WITH THE  
26 DORMITORY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT  
27 OF TITLE FOUR OF THE PUBLIC AUTHORITIES LAW.

28 S 11. If any clause, sentence, subdivision, paragraph, section or part  
29 of this act be adjudged by any court of competent jurisdiction to be  
30 invalid, such judgement shall not affect, impair or invalidate the  
31 remainder thereof, but shall be confined in its operation to the clause,  
32 sentence, subdivision, paragraph, section or part thereof directly  
33 involved in the controversy in which such judgment shall have been  
34 rendered.

35 S 12. This act shall take effect immediately.