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

8079

2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

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:

Section 1. Short title. This act shall be known as and may be cited as the "community college region capital financing act of 2009".

S 2. Subdivision 7 of section 1676 of the public authorities law, as added by chapter 332 of the laws of 1975, is amended to read as follows:

7. The term "locally sponsored community college" shall mean a college established and administered pursuant to article one hundred twenty-six of the education law, INCLUDING ESTABLISHED PURSUANT TO CHAPTER TWO HUNDRED NINETY-SEVEN OF THE LAWS OF NINETEEN HUNDRED EIGHTY-FIVE, OR ESTABLISHED PURSUANT TO CHAPTER ONE HUNDRED FORTY-FOUR OF THE LAWS OF NINETEEN HUNDRED NINETY-SIX;

S 3. Subdivision 1 of section 1680 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

A COMMUNITY COLLEGE REGION.

S 4. Subdivision 9 of section 1680 of the public authorities law is amended by adding a new paragraph (h) to read as follows:

(H) FOR PURPOSES OF THIS SUBDIVISION, AND SUBDIVISIONS TEN, ELEVEN TWELVE, THIRTEEN, FOURTEEN, FIFTEEN, AND SIXTEEN OF THIS SECTION, THE 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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COMMUNITY COLLEGE REGION, IN ADDITION TO, AND APART FROM, THE LOCAL SPONSORS REPRESENTED THEREIN.

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

NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN THE CASE OF COMMUNITY COLLEGE REGIONS, A COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES AS FINANCE BOARD OF THE REGION MAY AUTHORIZE THE ISSUANCE OF BONDS, NOTES OR OTHER EVIDENCE OF INDEBTEDNESS OR THE EFFECTUATION OF A FINANCING TRANSACTION BY THE COMMUNITY COLLEGE REGION WITH THE DORMITORY AUTHORITY PURSUANT TO THE PROVISIONS OF ARTICLE EIGHT OF TITLE FOUR OF THE PUBLIC AUTHORITIES LAW TO PROVIDE ALL OR ANY PORTION OF SUCH COSTS FOR WHICH A PERIOD OF POSSIBLE USEFULNESS HAS BEEN ESTABLISHED IN THE LOCAL FINANCE LAW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMUNITY COLLEGE REGION SHALL ITSELF HAVE THE POWER TO BORROW MONEY FOR SPECIFIC OBJECTS OR PURPOSES OR A CLASS OR CLASSES OF OBJECTS OR PURPOSES DESCRIBED IN SECTION 11.00 OF THE LOCAL FINANCE LAW BY ADOPTION, BY TWO-THIRDS OF THE VOTING STRENGTH OF THE REGIONAL BOARD OF TRUSTEES THEREOF, OF A BOND RESOLUTION AS DESCRIBED IN SECTION 32.00 OF THE LOCAL FINANCE LAW AND SHALL INCLUDE THE RECITATION DESCRIBED IN SECTION 80.00 OF THE LOCAL FINANCE LAW. SAID BOND RESOLUTION SHALL INCLUDE THE POWER TO ENTER INTO FINANCING TRANSACTIONS WITH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF TITLE FOUR OF THE PUBLIC AUTHORITIES LAW. UPON ADOPTION AND RECEIPT OF THE APPROVALS DESCRIBED IN SUBDIVISION TEN OF SECTION SIXTY-THREE HUNDRED TEN OF THIS ARTICLE, THE COMMUNITY COLLEGE REGION SHALL PUBLISH A LEGAL NOTICE OF ESTOPPEL AS DESCRIBED IN SECTION 81.00 OF THE LOCAL FINANCE LAW, WHICH SHALL BE APPLICABLE TO SAID BOND RESOLUTION.

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

C. FOR PURPOSES OF THIS SUBDIVISION, THE REFERENCE TO THE LOCAL SPONSOR OF A COMMUNITY COLLEGE MAY BE DEEMED, IN THE CASE OF A COMMUNITY COLLEGE REGION, TO ALTERNATIVELY REFER TO THE COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES THEREOF.

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

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

S 8. Section 4 of 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, is amended by adding a new undesignated paragraph to read as follows:

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

S 9. Section 6 of 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, is amended by adding a new undesignated paragraph to read as follows:

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

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

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

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

S 12. This act shall take effect immediately.