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

8079--A

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 -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- 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:

Section 1. Short title. This act shall be known and may be cited as the "community college region capital financing act of 2010".

S 2. 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

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

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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. A COMMUNITY COLLEGE REGION IS HEREBY AUTHORIZED TO PLEDGE ANY REVENUES OR OTHER MONIES TO THE PAYMENT OF ANY OBLIGATIONS ISSUED, OR ANY FINANCING AGREEMENT ENTERED INTO WITH THE DORMITORY AUTHORITY.

S 3. 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 4. 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 5. Section 6310 of the education law is amended by adding a new subdivision 17 to read as follows:

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

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

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

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

In order to effectuate the purposes of this title, the following provisions shall apply to powers in connection with the provision of

facilities for locally sponsored community colleges except a facility for a locally sponsored community college in the city of New York OR A FACILITY FOR A COMMUNITY COLLEGE SPONSORED BY A COMMUNITY COLLEGE REGION:

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 judgment 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.