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

2921

2009-2010 Regular Sessions

I N S E N A T E

March 6, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the establishment of community college regions

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

Section 1. Subdivision 2 of section 6302 of the education law, as amended by chapter 295 of the laws of 1995, is amended to read as follows:

2. Pursuant to section sixty-three hundred ten of this article, any eligible county, city or school district acting through its local legislative body or board, may by local law or resolution, and pursuant to the master plan, standards and regulations prescribed by the state university trustees, and with the approval of said trustees, combine with one or more contiguous counties, cities or school districts, or any combination thereof, to constitute a community college region for the purpose of operating, as local sponsor, an existing community college [which is currently sponsored by a city or school district] other than A COMMUNITY COLLEGE CURRENTLY SPONSORED BY a school district located in a city with a population of one million or more.

S 2. Section 6310 of the education law is amended by adding five new subdivisions 17, 18, 19, 20 and 21 to read as follows:

17. THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION MAY TERMINATE ITS SOLE SPONSORSHIP OF SUCH COMMUNITY COLLEGE AND TRANSFER THE SPONSORSHIP OF THE COMMUNITY COLLEGE BY RESOLUTION IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THIS ARTICLE, THE MASTER PLAN, STANDARDS AND REGULATIONS PRESCRIBED BY THE STATE UNIVERSITY TRUSTEES, AND WITH THE APPROVAL OF SAID TRUSTEES; AND THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE REGION ESTABLISHED TO SPONSOR SUCH COMMUNITY COLLEGE MAY ACCEPT THE TRANSFER OF SUCH COLLEGE BY RESOLUTION.

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

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18. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY OTHER LAW, THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION MAY GRANT, TRANSFER, OR CONVEY TO THE COMMUNITY COLLEGE REGION ESTABLISHED TO SPONSOR SUCH COMMUNITY COLLEGE FOR AN AGREED AMOUNT OF CONSIDERATION, AND THE COMMUNITY COLLEGE REGION MAY ACCEPT, RECEIVE, AND HOLD ANY REAL OR PERSONAL PROPERTY OR ASSIGNED ASSETS, OR ANY INTEREST THEREIN, CONSISTING OF THE COMMUNITY COLLEGE.

19. THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION IS HEREBY AUTHORIZED TO PROVIDE BY AGREEMENT WITH THE COMMUNITY COLLEGE REGION FOR THE PAYMENT OF ANY LIABILITIES INCURRED BY IT FOR COMMUNITY COLLEGE PURPOSES, INCLUDING ALL DEBTS AND OBLIGATIONS OF EVERY KIND, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATIONS OUTSTANDING PRIOR TO THE DATE OF THE TRANSFER OF SPONSORSHIP OF THE COLLEGE TO THE COMMUNITY COLLEGE REGION. SUBSEQUENT TO THE DATE OF TRANSFER OF SPONSORSHIP, AND NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY OTHER LAW, THE COMMUNITY COLLEGE REGION SHALL HAVE THE POWER TO BORROW MONEY IN ANTICIPATION OF REVENUE DUE TO THE COMMUNITY COLLEGE REGION AND SHALL, SOLELY FOR THE PURPOSE OF CONTRACTING INDEBTEDNESS UNDER SECTION 25.00 OF THE LOCAL FINANCE LAW, BE DEEMED A MUNICIPALITY. FOR THE PURPOSES OF THE LOCAL FINANCE LAW, THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE REGION SHALL BE THE FINANCE BOARD, ITS CHAIRMAN SHALL BE ITS CHIEF FISCAL OFFICER, AND ITS FISCAL YEAR SHALL BE AS SET FORTH IN THIS SECTION; PROVIDED FURTHER THAT THE PROVISIONS OF SECTION 162.00 OF THE LOCAL FINANCE LAW SHALL BE APPLICABLE TO REVENUE ANTICIPATION NOTES ISSUED UNDER THIS SECTION.

20. THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION AND THE COMMUNITY COLLEGE REGION SHALL MAKE PROVISION FOR THE TRANSFER OF ALL PERSONNEL OF THE COMMUNITY COLLEGE TO THE COMMUNITY COLLEGE REGION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH EMPLOYEES SO TRANSFERRED SHALL IMMEDIATELY BECOME EMPLOYEES OF THE COMMUNITY COLLEGE REGION AND SHALL RETAIN ALL RIGHTS AND PRIVILEGES ACCRUED AT THE COMMUNITY COLLEGE, INCLUDING, BUT NOT LIMITED TO, TENURE, PENSION, EMPLOYMENT STATUS, AND SENIORITY. FOR SALARY, SICK LEAVE, AND OTHER PURPOSES AS APPROPRIATE, AN EMPLOYEE'S LENGTH OF SERVICE WITH THE COMMUNITY COLLEGE SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE REGIONAL COMMUNITY COLLEGE. ALL COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE TERMS AND CONDITIONS OF EMPLOYMENT OF THE THEN CURRENT EMPLOYEES OF THE COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS BEING TRANSFERRED TO A COMMUNITY COLLEGE REGION, INCLUDING ANY PAST PRACTICES THAT CONSTITUTE TERMS AND CONDITIONS OF EMPLOYMENT, SHALL REMAIN IN EFFECT UNTIL MODIFIED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. ALL NEGOTIATING UNITS OF SUCH EMPLOYEES SHALL CONTINUE IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, AND ALL CERTIFIED EMPLOYEE ORGANIZATIONS SHALL CONTINUE TO REPRESENT EMPLOYEES IN THE COMMUNITY COLLEGE REGION UNTIL MODIFIED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. THIS SECTION SHALL NOT DIMINISH ANY CURRENT RIGHTS OR BENEFITS OF NOR CONFER ANY ADDITIONAL RIGHTS OR BENEFITS TO ANY EMPLOYEE OR EMPLOYEE ORGANIZATION.

21. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY OTHER LAW, THE SPONSOR OF AN EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION, THE COMMUNITY COLLEGE, THE COMMUNITY COLLEGE REGION, OR ANY COUNTY ELIGIBLE TO APPOINT MEMBERS TO THE COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES ARE AUTHORIZED TO TAKE ALL ACTIONS NECESSARY OR PROPER WITH RESPECT TO THE ESTABLISHMENT OF A

COMMUNITY COLLEGE REGION OR THE TRANSFER OF SPONSORSHIP OF A COMMUNITY COLLEGE TO A COMMUNITY COLLEGE REGION, INCLUDING THE APPROVAL OF ANY BUDGET OR TAX, THE APPROVAL OF AND THE ISSUANCE OF REVENUE ANTICIPATION NOTES AND OTHER OBLIGATIONS, ALL CONTRACTS, PURCHASES, AGREEMENTS, AND APPOINTMENTS MADE AND ENTERED INTO BY SUCH SPONSOR, COLLEGE REGION AND COUNTIES ON BEHALF OF THE COMMUNITY COLLEGE, ALL CONTRACTS, PURCHASES, AGREEMENTS, AND APPOINTMENTS MADE AND ENTERED INTO BY THE COMMUNITY COLLEGE, ALL ACTIONS TAKEN BY ITS SPONSOR, AND SUCH COUNTIES IN INCURRING ANY OBLIGATION TO FINANCE ANY EXPENDITURES OF SUCH COMMUNITY COLLEGE, THE ACTIONS OF SUCH SPONSOR IN TRANSFERRING TITLE OF ALL COLLEGE PROPERTIES TO THE COMMUNITY COLLEGE REGION, AND ANY AND ALL ACTIONS TAKEN BY SUCH COUNTIES, SPONSOR, AND COMMUNITY COLLEGE WITH RESPECT TO THE AFORESAID MATTERS FOR ANY PURPOSES RELATING TO THE PROVISION OF EDUCATIONAL FACILITIES AND SERVICES FOR THE STUDENTS OF THE COMMUNITY COLLEGE.

S 3. 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 4. This act shall take effect immediately.