

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:

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

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

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

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

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

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

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

27 20. THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSOR-
28 SHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION AND THE COMMUNITY
29 COLLEGE REGION SHALL MAKE PROVISION FOR THE TRANSFER OF ALL PERSONNEL OF
30 THE COMMUNITY COLLEGE TO THE COMMUNITY COLLEGE REGION. NOTWITHSTANDING
31 ANY OTHER PROVISION OF LAW, SUCH EMPLOYEES SO TRANSFERRED SHALL IMME-
32 DIATELY BECOME EMPLOYEES OF THE COMMUNITY COLLEGE REGION AND SHALL
33 RETAIN ALL RIGHTS AND PRIVILEGES ACCRUED AT THE COMMUNITY COLLEGE,
34 INCLUDING, BUT NOT LIMITED TO, TENURE, PENSION, EMPLOYMENT STATUS, AND
35 SENIORITY. FOR SALARY, SICK LEAVE, AND OTHER PURPOSES AS APPROPRIATE, AN
36 EMPLOYEE'S LENGTH OF SERVICE WITH THE COMMUNITY COLLEGE SHALL BE CREDIT-
37 ED AS EMPLOYMENT TIME WITH THE REGIONAL COMMUNITY COLLEGE. ALL COLLEC-
38 TIVE BARGAINING AGREEMENTS NEGOTIATED PURSUANT TO ARTICLE FOURTEEN OF
39 THE CIVIL SERVICE LAW AND THE TERMS AND CONDITIONS OF EMPLOYMENT OF THE
40 THEN CURRENT EMPLOYEES OF THE COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS
41 BEING TRANSFERRED TO A COMMUNITY COLLEGE REGION, INCLUDING ANY PAST
42 PRACTICES THAT CONSTITUTE TERMS AND CONDITIONS OF EMPLOYMENT, SHALL
43 REMAIN IN EFFECT UNTIL MODIFIED PURSUANT TO ARTICLE FOURTEEN OF THE
44 CIVIL SERVICE LAW. ALL NEGOTIATING UNITS OF SUCH EMPLOYEES SHALL CONTIN-
45 UE IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, AND ALL
46 CERTIFIED EMPLOYEE ORGANIZATIONS SHALL CONTINUE TO REPRESENT EMPLOYEES
47 IN THE COMMUNITY COLLEGE REGION UNTIL MODIFIED PURSUANT TO ARTICLE FOUR-
48 TEEN OF THE CIVIL SERVICE LAW. THIS SECTION SHALL NOT DIMINISH ANY
49 CURRENT RIGHTS OR BENEFITS OF NOR CONFER ANY ADDITIONAL RIGHTS OR BENE-
50 FITS TO ANY EMPLOYEE OR EMPLOYEE ORGANIZATION.

51 21. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY OTHER LAW, THE
52 SPONSOR OF AN EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS TRANS-
53 FERRED TO A COMMUNITY COLLEGE REGION, THE COMMUNITY COLLEGE, THE COMMU-
54 NITY COLLEGE REGION, OR ANY COUNTY ELIGIBLE TO APPOINT MEMBERS TO THE
55 COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES ARE AUTHORIZED TO TAKE ALL
56 ACTIONS NECESSARY OR PROPER WITH RESPECT TO THE ESTABLISHMENT OF A

1 COMMUNITY COLLEGE REGION OR THE TRANSFER OF SPONSORSHIP OF A COMMUNITY
2 COLLEGE TO A COMMUNITY COLLEGE REGION, INCLUDING THE APPROVAL OF ANY
3 BUDGET OR TAX, THE APPROVAL OF AND THE ISSUANCE OF REVENUE ANTICIPATION
4 NOTES AND OTHER OBLIGATIONS, ALL CONTRACTS, PURCHASES, AGREEMENTS, AND
5 APPOINTMENTS MADE AND ENTERED INTO BY SUCH SPONSOR, COLLEGE REGION AND
6 COUNTIES ON BEHALF OF THE COMMUNITY COLLEGE, ALL CONTRACTS, PURCHASES,
7 AGREEMENTS, AND APPOINTMENTS MADE AND ENTERED INTO BY THE COMMUNITY
8 COLLEGE, ALL ACTIONS TAKEN BY ITS SPONSOR, AND SUCH COUNTIES IN INCUR-
9 RING ANY OBLIGATION TO FINANCE ANY EXPENDITURES OF SUCH COMMUNITY
10 COLLEGE, THE ACTIONS OF SUCH SPONSOR IN TRANSFERRING TITLE OF ALL
11 COLLEGE PROPERTIES TO THE COMMUNITY COLLEGE REGION, AND ANY AND ALL
12 ACTIONS TAKEN BY SUCH COUNTIES, SPONSOR, AND COMMUNITY COLLEGE WITH
13 RESPECT TO THE AFORESAID MATTERS FOR ANY PURPOSES RELATING TO THE
14 PROVISION OF EDUCATIONAL FACILITIES AND SERVICES FOR THE STUDENTS OF THE
15 COMMUNITY COLLEGE.

16 S 3. If any clause, sentence, subdivision, paragraph, section or part
17 of this act be adjudged by any court of competent jurisdiction to be
18 invalid, such judgment shall not affect, impair or invalidate the
19 remainder thereof, but shall be confined in its operation to the clause,
20 sentence, subdivision, paragraph, section or part thereof directly
21 involved in the controversy in which such judgment shall have been
22 rendered.

23 S 4. This act shall take effect immediately.