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

2922

2009-2010 Regular Sessions

I N S E N A T E

March 6, 2009

Introduced by Sens. LAVALLE, DIAZ, HANNON, O. JOHNSON, LARKIN, MORAHAN, SALAND, VOLKER -- 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 inclusion of fiscal notes with certain resolutions or rules and regulations adopted by educational institutions

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

Section 1. The opening paragraph of paragraph b of subdivision 2 of section 355 of the education law is designated subparagraph 1 and a new subparagraph 2 is added to read as follows:

(2) PRIOR TO THE ADOPTION OF A RESOLUTION OR ANY ALTERATION OR AMENDMENT TO THE RULES AND REGULATIONS FOR THE GOVERNANCE OF THE STATE UNIVERSITY AND THE INSTITUTIONS THEREIN THAT MAY REQUIRE AN INCREASE IN THE EXPENDITURES OF STATE MONEYS IN THE FISCAL YEAR OF SUCH ADOPTION OR ANY FUTURE FISCAL YEAR, A FISCAL NOTE SHALL BE REQUIRED WHICH SHALL STATE THE AMOUNT IN DOLLARS THAT SHALL BE REQUIRED FOR THE UNIVERSITY SYSTEM TO FULFILL THE PROVISION OF SUCH RESOLUTION OR ALTERATION OR AMENDMENT TO SUCH RULES AND REGULATIONS. SUCH FISCAL NOTE SHALL BE ATTACHED TO AND/OR BE PART OF ANY RESOLUTION BY THE BOARD OF TRUSTEES AMENDING OR ALTERING THE RULES AND REGULATIONS OF THE UNIVERSITY SYSTEM. FOR THE PURPOSES OF THE PROVISIONS OF THIS SUBPARAGRAPH THE FISCAL NOTE SHALL BE APPROVED BY THE CHANCELLOR AND SECURED FROM THE DIVISION OF THE BUDGET.

S 2. Section 6206 of the education law is amended by adding a new subdivision 17 to read as follows:

17. PRIOR TO THE ADOPTION OF A RESOLUTION OR ANY ALTERATION OR AMENDMENT TO THE RULES AND REGULATIONS OR BY-LAWS OF THE CITY UNIVERSITY OF NEW YORK BY THE TRUSTEES FOR THE GOVERNANCE OF THE CITY UNIVERSITY AND THE INSTITUTIONS THEREIN THAT MAY REQUIRE AN INCREASE IN THE EXPENDITURE OF STATE MONEYS IN THE FISCAL YEAR OF SUCH ADOPTION OR ANY FUTURE FISCAL

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

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YEAR, A FISCAL NOTE SHALL BE REQUIRED WHICH SHALL STATE THE AMOUNT IN DOLLARS THAT SHALL BE REQUIRED FOR THE UNIVERSITY SYSTEM TO FULFILL THE PROVISIONS OF SUCH RESOLUTION OR ALTERATION OR AMENDMENT TO SUCH RULES AND REGULATIONS OR BY-LAWS. SUCH FISCAL NOTE SHALL BE ATTACHED TO AND/OR BE PART OF ANY RESOLUTION BY THE BOARD OF TRUSTEES AMENDING OR ALTERING THE RULES AND REGULATIONS OF THE UNIVERSITY SYSTEM. FOR THE PURPOSES OF THE PROVISIONS OF THIS SUBDIVISION THE FISCAL NOTE SHALL BE APPROVED BY THE CHANCELLOR AND SECURED FROM THE DIVISION OF THE BUDGET.

S 3. Section 207 of the education law is amended to read as follows:

S 207. Legislative power. Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and, except, as to the judicial functions of the commissioner [of education], establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the university and the education department. But no enactment of the regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No rule by which more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder. Rules or regulations, or amendments or repeals thereof, adopted or prescribed by the commissioner [of education] as provided by law shall not be effective unless and until approved by the regents, except where authority is conferred by the regents upon the commissioner [of education] to adopt, prescribe, amend or repeal such rules or regulations. PRIOR TO THE ADOPTION OF A RESOLUTION OR ANY ALTERATION OR AMENDMENT TO THE RULES AND REGULATIONS PRESCRIBED BY THE REGENTS THAT MAY REQUIRE AN INCREASE IN THE EXPENDITURE OF STATE MONEYS, IN THE FISCAL YEAR OF SUCH ADOPTION OR ANY FUTURE FISCAL YEAR, A FISCAL NOTE SHALL BE REQUIRED WHICH SHALL STATE THE AMOUNT IN DOLLARS THAT SHALL BE REQUIRED TO FULFILL THE PROVISIONS OF SUCH RESOLUTION OR ALTERATION OR AMENDMENT TO SUCH RULES AND REGULATIONS. SUCH FISCAL NOTE SHALL BE ATTACHED TO AND/OR BE PART OF ANY RESOLUTION BY THE REGENTS AMENDING OR ALTERING THE RULES AND REGULATIONS. FOR THE PURPOSES OF THE PROVISIONS OF THIS SECTION, SUCH FISCAL NOTE SHALL BE APPROVED BY THE COMMISSIONER AND SECURED FROM THE DIVISION OF THE BUDGET.

S 4. This act shall take effect immediately.