

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:

1 Section 1. The opening paragraph of paragraph b of subdivision 2 of
2 section 355 of the education law is designated subparagraph 1 and a new
3 subparagraph 2 is added to read as follows:
4 (2) PRIOR TO THE ADOPTION OF A RESOLUTION OR ANY ALTERATION OR AMEND-
5 MENT TO THE RULES AND REGULATIONS FOR THE GOVERNANCE OF THE STATE
6 UNIVERSITY AND THE INSTITUTIONS THEREIN THAT MAY REQUIRE AN INCREASE IN
7 THE EXPENDITURES OF STATE MONEYS IN THE FISCAL YEAR OF SUCH ADOPTION OR
8 ANY FUTURE FISCAL YEAR, A FISCAL NOTE SHALL BE REQUIRED WHICH SHALL
9 STATE THE AMOUNT IN DOLLARS THAT SHALL BE REQUIRED FOR THE UNIVERSITY
10 SYSTEM TO FULFILL THE PROVISION OF SUCH RESOLUTION OR ALTERATION OR
11 AMENDMENT TO SUCH RULES AND REGULATIONS. SUCH FISCAL NOTE SHALL BE
12 ATTACHED TO AND/OR BE PART OF ANY RESOLUTION BY THE BOARD OF TRUSTEES
13 AMENDING OR ALTERING THE RULES AND REGULATIONS OF THE UNIVERSITY SYSTEM.
14 FOR THE PURPOSES OF THE PROVISIONS OF THIS SUBPARAGRAPH THE FISCAL NOTE
15 SHALL BE APPROVED BY THE CHANCELLOR AND SECURED FROM THE DIVISION OF THE
16 BUDGET.
17 S 2. Section 6206 of the education law is amended by adding a new
18 subdivision 17 to read as follows:
19 17. PRIOR TO THE ADOPTION OF A RESOLUTION OR ANY ALTERATION OR AMEND-
20 MENT TO THE RULES AND REGULATIONS OR BY-LAWS OF THE CITY UNIVERSITY OF
21 NEW YORK BY THE TRUSTEES FOR THE GOVERNANCE OF THE CITY UNIVERSITY AND
22 THE INSTITUTIONS THEREIN THAT MAY REQUIRE AN INCREASE IN THE EXPENDITURE
23 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.

LBD10116-01-9

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

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

10 S 207. Legislative power. Subject and in conformity to the constitu-
11 tion and laws of the state, the regents shall exercise legislative func-
12 tions concerning the educational system of the state, determine its
13 educational policies, and, except, as to the judicial functions of the
14 commissioner [of education], establish rules for carrying into effect
15 the laws and policies of the state, relating to education, and the func-
16 tions, powers, duties and trusts conferred or charged upon the universi-
17 ty and the education department. But no enactment of the regents shall
18 modify in any degree the freedom of the governing body of any seminary
19 for the training of priests or clergymen to determine and regulate the
20 entire course of religious, doctrinal or theological instruction to be
21 given in such institution. No rule by which more than a majority vote
22 shall be required for any specified action by the regents shall be
23 amended, suspended or repealed by a smaller vote than that required for
24 action thereunder. Rules or regulations, or amendments or repeals ther-
25 eof, adopted or prescribed by the commissioner [of education] as
26 provided by law shall not be effective unless and until approved by the
27 regents, except where authority is conferred by the regents upon the
28 commissioner [of education] to adopt, prescribe, amend or repeal such
29 rules or regulations. PRIOR TO THE ADOPTION OF A RESOLUTION OR ANY
30 ALTERATION OR AMENDMENT TO THE RULES AND REGULATIONS PRESCRIBED BY THE
31 REGENTS THAT MAY REQUIRE AN INCREASE IN THE EXPENDITURE OF STATE MONEYS,
32 IN THE FISCAL YEAR OF SUCH ADOPTION OR ANY FUTURE FISCAL YEAR, A FISCAL
33 NOTE SHALL BE REQUIRED WHICH SHALL STATE THE AMOUNT IN DOLLARS THAT
34 SHALL BE REQUIRED TO FULFILL THE PROVISIONS OF SUCH RESOLUTION OR ALTER-
35 ATION OR AMENDMENT TO SUCH RULES AND REGULATIONS. SUCH FISCAL NOTE SHALL
36 BE ATTACHED TO AND/OR BE PART OF ANY RESOLUTION BY THE REGENTS AMENDING
37 OR ALTERING THE RULES AND REGULATIONS. FOR THE PURPOSES OF THE
38 PROVISIONS OF THIS SECTION, SUCH FISCAL NOTE SHALL BE APPROVED BY THE
39 COMMISSIONER AND SECURED FROM THE DIVISION OF THE BUDGET.

40 S 4. This act shall take effect immediately.