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

874

2009-2010 Regular Sessions

I N S E N A T E

January 21, 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 legislative power of the regents

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

Section 1. Section 207 of the education law is amended to read as follows:

S 207. Legislative power. 1. 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more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.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.

2. ANY RESOLUTION THAT ALTERS OR AMENDS THE RULES OR REGULATIONS AS ESTABLISHED BY THE REGENTS SHALL INCLUDE THE FOLLOWING INFORMATION:

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

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A. THE ENTITY AND/OR THE INDIVIDUALS THAT ARE EXPECTED TO BEAR THE BURDEN OF ANY INCREASE IN COST THAT SUCH ALTERED OR AMENDED RULES OR REGULATIONS MAY DIRECTLY OR INDIRECTLY AFFECT.

B. THE EXACT SOURCE OR SOURCES FROM WHICH THE FUNDS TO PAY FOR SUCH INCREASE IN COST SHALL BE MADE AVAILABLE. IF THE FUNDS ARE EXPECTED TO COME FROM THE STATE GENERAL FUND THEN THE REGENTS SHALL IDENTIFY SPECIFICALLY WHAT OTHER STATE FUNDING SHALL BE REDUCED TO PAY FOR SUCH INCREASE IN COST. IF THE FUNDS ARE EXPECTED TO COME FROM THE STATE GENERAL FUND AS A RESULT OF AN INCREASE IN TAXES THEN THE REGENTS SHALL IDENTIFY THE TYPE AND THE AMOUNT OF TAX INCREASE NECESSARY TO FULLY FUND SUCH INCREASE IN COST.

C. IF THE REGENTS DETERMINE THAT SUCH INCREASE IN COST IS TO BE PAID FROM LOCAL PROPERTY TAXES, THE EXPECTED INCREASE IN COST FOR EACH SCHOOL DISTRICT AFFECTED BY SUCH ALTERED OR AMENDED RULES OR REGULATIONS.

D. IF SOME COMBINATION OF REALLOCATED STATE FUNDS, NEW OR INCREASED TAXES OR LOCAL PROPERTY TAXES ARE TO BE USED TO FUND SUCH INCREASE IN COST, THE REGENTS SHALL PROVIDE THE INFORMATION AS SET FORTH IN PARAGRAPHS A, B AND C OF THIS SUBDIVISION AS THEY PROPORTIONATELY AFFECT THE TOTAL INCREASE IN COSTS UPON THE ADOPTION OF SUCH RULES OR REGULATIONS.

S 2. This act shall take effect immediately.