

8155

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. GLICK -- read once and referred to the Committee
on Higher Education

AN ACT to amend the education law, in relation to tuition at state universities and a study of the tuition assistance program; to amend the state finance law, in relation to the state university of New York agency trust fund; to repeal subdivision 8-b of section 355 of the education law relating to state university annual apportionments; to repeal paragraph 4-a of subdivision A of section 6221 of the education law relating to city university annual apportionments; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
2 355 of the education law, as amended by chapter 309 of the laws of 1996,
3 is amended to read as follows:
4 (4) (I) The trustees shall not impose a differential tuition charge
5 based upon need or income. All students enrolled in programs leading to
6 like degrees at state-operated institutions of the state university
7 shall be charged a uniform rate of tuition except for differential
8 tuition rates based on state residency. Provided, however, that the
9 trustees may authorize the presidents of the colleges of technology and
10 the colleges of agriculture and technology to set differing rates of
11 tuition for each of the colleges for students enrolled in degree-grant-
12 ing programs leading to an associate degree and non-degree granting
13 programs so long as such tuition rate does not exceed the tuition rate
14 charged to students who are enrolled in like degree programs or degree-
15 granting undergraduate programs leading to a baccalaureate degree at
16 other state-operated institutions of the state university of New York.
17 The trustees shall not adopt changes affecting tuition charges prior to
18 the enactment of the annual budget.

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

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1 (II) TUITION REVENUE SHALL BE USED SOLELY FOR THE EXPENSES OF THE
2 STATE UNIVERSITY IN CARRYING OUT ITS OBJECTIVES AND PURPOSES AND SHALL
3 NOT BE USED TO OFF-SET OR REDUCE APPROPRIATIONS BY THE STATE IN SUPPORT
4 OF THE OPERATIONS OF THE STATE UNIVERSITY. THE STATE SHALL APPROPRIATE
5 ANNUALLY AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT FOR THE STATE
6 UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE
7 AVAILABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND
8 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND
9 TWELVE--TWO THOUSAND THIRTEEN, SUCH GENERAL FUND OPERATING SUPPORT SHALL
10 BE ADJUSTED BY AMOUNTS TO FULLY SUPPORT COST INCREASES RELATED TO
11 CONTRACTUAL AND COLLECTIVELY BARGAINED SALARY INCREASES, ENERGY-RELATED
12 COSTS AND ENROLLMENT-RELATED COST INCREASES; PROVIDED, HOWEVER, THAT IN
13 ANY STATE FISCAL YEAR WHEN PERSONAL INCOME TAX RECEIPTS DECLINE FROM
14 PERSONAL INCOME TAX RECEIPTS IN THE PREVIOUS STATE FISCAL YEAR, GENERAL
15 FUND OPERATING SUPPORT MADE AVAILABLE TO THE STATE UNIVERSITY MAY BE
16 REDUCED BY NO MORE THAN THE SAME PROPORTION AS PERSONAL INCOME TAX
17 RECEIPTS HAVE DECLINED.

18 S 2. Paragraph (h) of subdivision 2 of section 355 of the education
19 law is amended by adding two new subparagraphs 10 and 11 to read as
20 follows:

21 (10) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND
22 SUBJECT TO THE REQUIREMENTS AS SET FORTH IN SUBPARAGRAPH ELEVEN OF THIS
23 PARAGRAPH, THE STATE UNIVERSITY TRUSTEES SHALL BE AUTHORIZED TO INCREASE
24 THE RESIDENT UNDERGRADUATE RATE OF TUITION UP TO A MAXIMUM OF THE
25 FOLLOWING AMOUNTS:

26 (I) FOR THE ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE,
27 TWO HUNDRED DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF TUITION MOST
28 RECENTLY AUTHORIZED BY THE TRUSTEES IN THE PRECEDING ACADEMIC YEAR;

29 (II) FOR THE ACADEMIC YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIR-
30 TEEN, ONE HUNDRED FIFTY DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF
31 TUITION MOST RECENTLY AUTHORIZED BY THE TRUSTEES IN THE PRECEDING
32 ACADEMIC YEAR; AND

33 (III) FOR THE ACADEMIC YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
34 TEEN, ONE HUNDRED FIFTY DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF
35 TUITION MOST RECENTLY AUTHORIZED BY THE TRUSTEES IN THE PRECEDING
36 ACADEMIC YEAR.

37 PROVIDED THAT THE TRUSTEES SHALL NOT ADOPT CHANGES AFFECTING TUITION
38 CHARGES PRIOR TO THE ENACTMENT OF THE ANNUAL BUDGET.

39 (11) THE STATE UNIVERSITY TRUSTEES SHALL BE AUTHORIZED TO CHARGE
40 TUITION RATES FOR RESIDENT UNDERGRADUATE STUDENTS IN ACCORDANCE WITH
41 SUBPARAGRAPH TEN OF THIS PARAGRAPH PROVIDED HOWEVER THAT IF THE ANNUAL
42 RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND
43 DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED
44 AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPO-
45 RATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THE EDUCATION
46 LAW, SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER,
47 QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF
48 STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION
49 CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE
50 TUITION CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM.

51 S 3. Subdivision 8-b of section 355 of the education law is REPEALED.

52 S 4. The education law is amended by adding a new section 689-a to
53 read as follows:

54 S 689-A. TUITION CREDITS. 1. THE NEW YORK STATE HIGHER EDUCATION
55 SERVICES CORPORATION SHALL CALCULATE A TUITION CREDIT FOR EACH RESIDENT
56 UNDERGRADUATE STUDENT WHO HAS FILED AN APPLICATION WITH SUCH CORPORATION

1 FOR A TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO SECTION SIX HUNDRED
2 SIXTY-SEVEN OF THIS ARTICLE, AND IS DETERMINED TO BE ELIGIBLE TO RECEIVE
3 SUCH AWARD, AND IS ALSO ENROLLED IN A PROGRAM OF UNDERGRADUATE STUDY AT
4 A STATE OPERATED OR SENIOR COLLEGE OF THE STATE UNIVERSITY OF NEW YORK
5 OR THE CITY UNIVERSITY OF NEW YORK WHERE THE ANNUAL RESIDENT UNDERGRADU-
6 ATE TUITION RATE WILL EXCEED FIVE THOUSAND DOLLARS. SUCH TUITION CREDIT
7 SHALL BE CALCULATED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY THAT
8 TUITION IS CHARGED AND TUITION FOR THE CORRESPONDING SEMESTER, QUARTER
9 OR TERM SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH
10 TUITION CREDIT UNTIL SUCH CREDIT IS CALCULATED, THE STUDENT AND SCHOOL
11 WHERE THE STUDENT IS ENROLLED IS NOTIFIED OF THE TUITION CREDIT AMOUNT,
12 AND SUCH TUITION CREDIT IS APPLIED TOWARD THE TUITION CHARGED.

13 2. EACH TUITION CREDIT PURSUANT TO THIS SECTION SHALL BE AN AMOUNT
14 EQUAL TO THE PRODUCT OF THE TOTAL ANNUAL RESIDENT UNDERGRADUATE TUITION
15 RATE MINUS FIVE THOUSAND DOLLARS THEN MULTIPLIED BY AN AMOUNT EQUAL TO
16 THE PRODUCT OF THE TOTAL ANNUAL AWARD FOR THE STUDENT PURSUANT TO
17 SECTION SIX HUNDRED SIXTY-SEVEN OF THE EDUCATION LAW DIVIDED BY AN
18 AMOUNT EQUAL TO THE MAXIMUM AMOUNT THE STUDENT QUALIFIES TO RECEIVE
19 PURSUANT TO CLAUSE (A) OF SUBPARAGRAPH (I) OF PARAGRAPH A OF SUBDIVISION
20 THREE OF SECTION SIX HUNDRED SIXTY-SEVEN OF THE EDUCATION LAW.

21 S 5. Subdivision 7 of section 6206 of the education law is amended by
22 adding two new paragraphs (d) and (e) to read as follows:

23 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND
24 SUBJECT TO THE REQUIREMENTS AS SET FORTH IN PARAGRAPH (E) OF THIS SUBDI-
25 VISION, THE CITY UNIVERSITY BOARD OF TRUSTEES SHALL BE AUTHORIZED TO
26 INCREASE THE RESIDENT UNDERGRADUATE RATE OF TUITION UP TO A MAXIMUM OF
27 THE FOLLOWING AMOUNTS:

28 (I) FOR THE ACADEMIC YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE,
29 TWO HUNDRED DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF TUITION MOST
30 RECENTLY AUTHORIZED BY THE BOARD OF TRUSTEES IN THE PRECEDING ACADEMIC
31 YEAR;

32 (II) FOR THE ACADEMIC YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN,
33 ONE HUNDRED FIFTY DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF
34 TUITION MOST RECENTLY AUTHORIZED BY THE BOARD OF TRUSTEES IN THE PRECED-
35 ING ACADEMIC YEAR; AND

36 (III) FOR THE ACADEMIC YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
37 TEEN, ONE HUNDRED FIFTY DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF
38 TUITION MOST RECENTLY AUTHORIZED BY THE BOARD OF TRUSTEES IN THE PRECED-
39 ING ACADEMIC YEAR.

40 PROVIDED THAT THE BOARD OF TRUSTEES SHALL NOT ADOPT CHANGES IN TUITION
41 CHARGES PRIOR TO THE ENACTMENT OF THE ANNUAL BUDGET.

42 (E) THE CITY UNIVERSITY BOARD OF TRUSTEES SHALL BE AUTHORIZED TO
43 CHARGE TUITION RATES FOR RESIDENT UNDERGRADUATE STUDENTS IN ACCORDANCE
44 WITH PARAGRAPH (D) OF THIS SUBDIVISION PROVIDED HOWEVER THAT IF THE
45 ANNUAL RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND
46 DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED
47 AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPO-
48 RATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THE EDUCATION
49 LAW, SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER,
50 QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF
51 STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION
52 CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE
53 TUITION CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM.

54 S 6. Subdivision 7 of section 6206 of the education law is amended by
55 adding a new paragraph (f) to read as follows:

1 (F) TUITION REVENUE SHALL BE USED SOLELY FOR THE EXPENSES OF THE CITY
2 UNIVERSITY IN CARRYING OUT ITS OBJECTIVES AND PURPOSES AND SHALL NOT BE
3 USED TO OFF-SET OR REDUCE APPROPRIATIONS BY THE STATE IN SUPPORT OF THE
4 OPERATIONS OF THE CITY UNIVERSITY. THE STATE SHALL APPROPRIATE ANNUALLY
5 AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT FOR THE CITY UNIVERSI-
6 TY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE
7 TO THE CITY UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO
8 THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND TWELVE--TWO
9 THOUSAND THIRTEEN, SUCH GENERAL FUND OPERATING SUPPORT SHALL BE ADJUSTED
10 BY AMOUNTS TO FULLY SUPPORT COST INCREASES RELATED TO CONTRACTUAL AND
11 COLLECTIVELY BARGAINED SALARY INCREASES, ENERGY-RELATED COSTS AND
12 ENROLLMENT-RELATED COST INCREASES; PROVIDED, HOWEVER, THAT IN ANY STATE
13 FISCAL YEAR WHEN PERSONAL INCOME TAX RECEIPTS DECLINE FROM PERSONAL
14 INCOME TAX RECEIPTS IN THE PREVIOUS STATE FISCAL YEAR, GENERAL FUND
15 OPERATING SUPPORT MADE AVAILABLE TO THE CITY UNIVERSITY MAY BE REDUCED
16 BY NO MORE THAN THE SAME PROPORTION AS PERSONAL INCOME TAX RECEIPTS HAVE
17 DECLINED.

18 S 7. Paragraph 4-a of subdivision A of section 6221 of the education
19 law is REPEALED.

20 S 8. The state finance law is amended by adding a new section 99-u to
21 read as follows:

22 S 99-U. STATE UNIVERSITY OF NEW YORK AGENCY TRUST FUND. 1. THERE IS
23 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
24 COMMISSIONER OF TAXATION AND FINANCE A FIDUCIARY FUND TO BE KNOWN AS THE
25 "STATE UNIVERSITY OF NEW YORK AGENCY TRUST FUND".

26 2. THE STATE UNIVERSITY OF NEW YORK AGENCY TRUST FUND SHALL CONSIST OF
27 ALL MONIES APPROPRIATED AND MADE AVAILABLE TO THE STATE UNIVERSITY IN
28 GENERAL FUND OPERATING SUPPORT AND TUITION REVENUE APPROPRIATED AND MADE
29 AVAILABLE FROM SPECIAL REVENUE FUNDS.

30 3. THE STATE COMPTROLLER IS AUTHORIZED AND DIRECTED TO TRANSFER ANNU-
31 ALLY, FROM THE GENERAL FUND AND SPECIAL REVENUE FUNDS TO THE STATE
32 UNIVERSITY OF NEW YORK AGENCY TRUST FUND, GENERAL FUND OPERATING SUPPORT
33 AND TUITION REVENUE APPROPRIATED AND MADE AVAILABLE TO THE STATE UNIVER-
34 SITY IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPH FOUR OF PARAGRAPH
35 H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCA-
36 TION LAW.

37 4. MONIES IN THE STATE UNIVERSITY OF NEW YORK AGENCY TRUST FUND SHALL
38 BE EXPENDED SOLELY FOR THE EXPENSES OF THE STATE UNIVERSITY IN CARRYING
39 OUT ITS OBJECTIVES AND PURPOSES. THE PROVISIONS OF SECTION FORTY-NINE OF
40 THIS CHAPTER AND ANY OTHER LAW NOTWITHSTANDING, MONIES IN THE STATE
41 UNIVERSITY OF NEW YORK AGENCY TRUST FUND SHALL NOT BE IMPOUNDED NOR
42 TRANSFERRED OR OTHERWISE MADE AVAILABLE FOR OTHER PURPOSES.

43 S 9. Section 359 of the education law is amended by adding a new
44 subdivision 5 to read as follows:

45 5. THE STATE UNIVERSITY TRUSTEES SHALL CONDUCT A STUDY REGARDING THE
46 EFFECTIVENESS AND FUNCTIONALITY OF THE NEW YORK STATE TUITION ASSISTANCE
47 PROGRAM, WHICH SHALL CONSIDER A VARIETY OF FACTORS INCLUDING, BUT NOT
48 LIMITED TO, THE COSTS ASSOCIATED WITH PURSUING A DEGREE IN UNDERGRADUATE
49 STUDY, CURRENT TUITION ASSISTANCE PROGRAM THRESHOLDS AND AWARD LEVELS,
50 CURRENT ELIGIBILITY CRITERIA TO QUALIFY FOR AN AWARD UNDER THE TUITION
51 ASSISTANCE PROGRAM, AND ANY OTHER INFORMATION THE TRUSTEES DETERMINE TO
52 BE RELEVANT. THE STUDY SHALL ALSO INCLUDE RECOMMENDATIONS TO IMPROVE THE
53 TUITION ASSISTANCE PROGRAM TO BETTER MEET THE FUTURE FINANCIAL AID NEEDS
54 OF STUDENTS WHO RESIDE IN NEW YORK STATE AND TO ENSURE CONTINUED ACCESS
55 AND AFFORDABILITY OF THE STATE UNIVERSITY OF NEW YORK. THE STUDY SHALL
56 BE SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE

1 SPEAKER OF THE ASSEMBLY, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE
2 SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE
3 HIGHER EDUCATION COMMITTEES OF THE LEGISLATURE ON OR BEFORE OCTOBER
4 FIRST, TWO THOUSAND THIRTEEN.

5 S 10. Section 6206 of the education law is amended by adding a new
6 subdivision 17 to read as follows:

7 17. THE CITY UNIVERSITY TRUSTEES SHALL CONDUCT A STUDY REGARDING THE
8 EFFECTIVENESS AND FUNCTIONALITY OF THE NEW YORK STATE TUITION ASSISTANCE
9 PROGRAM, WHICH SHALL CONSIDER A VARIETY OF FACTORS INCLUDING, BUT NOT
10 LIMITED TO, THE COSTS ASSOCIATED WITH PURSUING A DEGREE IN UNDERGRADUATE
11 STUDY, CURRENT TUITION ASSISTANCE PROGRAM THRESHOLDS AND AWARD LEVELS,
12 CURRENT ELIGIBILITY CRITERIA TO QUALIFY FOR AN AWARD UNDER THE TUITION
13 ASSISTANCE PROGRAM AND ANY OTHER INFORMATION THE TRUSTEES DETERMINE TO
14 BE RELEVANT. THE STUDY SHALL ALSO INCLUDE RECOMMENDATIONS TO IMPROVE THE
15 TUITION ASSISTANCE PROGRAM TO BETTER MEET THE FUTURE FINANCIAL AID NEEDS
16 OF STUDENTS WHO RESIDE IN NEW YORK STATE AND TO ENSURE CONTINUED ACCESS
17 AND AFFORDABILITY OF THE STATE UNIVERSITY OF NEW YORK. THE STUDY SHALL
18 BE SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE
19 SPEAKER OF THE ASSEMBLY, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE
20 SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE
21 HIGHER EDUCATION COMMITTEES OF THE LEGISLATURE ON OR BEFORE OCTOBER
22 FIRST, TWO THOUSAND THIRTEEN.

23 S 11. This act shall take effect immediately and shall expire and be
24 deemed repealed June 30, 2014.