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

S. 5855 A. 8519

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

June 24, 2011

IN SENATE -- Introduced by Sens. SKELOS, LAVALLE, GRISANTI, FARLEY, FLANAGAN, GALLIVAN, LIBOUS, LITTLE, MAZIARZ, McDONALD, RANZENHOFER, SEWARD, YOUNG -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. GLICK, PEOPLES-STOKES, HOYT, SCHROEDER -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law and the New York state urban development corporation act, in relation to establishing components of the NY-SUNY 2020 challenge grant program; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. This act shall be known and may be cited as the "NY-SUNY 2020 challenge grant program act".

S 2. Section 350 of the education law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. "UNIVERSITY CENTERS" SHALL MEAN THE UNIVERSITY CENTERS AT ALBANY, BINGHAMTON, BUFFALO AND STONY BROOK.

8. "NY-SUNY 2020 CHALLENGE GRANT PROGRAM" ("NY-SUNY 2020") SHALL MEAN A LONG-TERM ECONOMIC AND ACADEMIC PLAN, WHICH SHALL INCLUDE A FINANCIAL AID PROGRAM, SUBMITTED BY EACH STATE UNIVERSITY OF NEW YORK UNIVERSITY CENTER, SUBJECT TO THE APPROVAL BY THE GOVERNOR AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK.

S 3. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

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

LBD12061-14-1

(4) The trustees shall not impose a differential tuition charge based upon need or income. [All] EXCEPT AS HEREINAFTER PROVIDED, ALL students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. [The] EXCEPT AS OTHERWISE AUTHORIZED IN THIS SUBPARAGRAPH, THE trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, PROVIDED HOWEVER THAT:

(I) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN ACADEMIC YEAR THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF TUITION BY NOT MORE THAN THREE HUNDRED DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR ACADEMIC YEAR, PROVIDED HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM.

(II) ON OR BEFORE NOVEMBER THIRTIETH, TWO THOUSAND ELEVEN, THE TRUSTEES SHALL APPROVE AND SUBMIT TO THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE AND TO THE DIRECTOR OF THE BUDGET A MASTER TUITION PLAN SETTING FORTH THE TUITION RATES THAT THE TRUSTEES PROPOSE FOR RESIDENT UNDERGRADUATE STUDENTS FOR THE FIVE YEAR PERIOD COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN ACADEMIC YEAR, AND SHALL SUBMIT ANY PROPOSED AMENDMENTS TO SUCH PLAN BY NOVEMBER THIRTIETH OF EACH SUBSEQUENT YEAR THEREAFTER THROUGH NOVEMBER THIRTIETH, TWO THOUSAND FIFTEEN, AND PROVIDED FURTHER, THAT WITH THE APPROVAL OF THE BOARD OF TRUSTEES, EACH UNIVERSITY CENTER MAY INCREASE NON-RESIDENT UNDERGRADUATE TUITION RATES EACH YEAR BY NOT MORE THAN TEN PERCENT OVER THE TUITION RATES OF THE PRIOR ACADEMIC YEAR, SUBJECT TO THE APPROVAL OF A NY-SUNY 2020 PROPOSAL BY THE GOVERNOR AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK.

(III) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT, INCLUDING FRINGE BENEFITS, FOR THE STATE UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND TWELVE-TWO THOUSAND THIRTEEN AND THEREAFTER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT, INCLUDING FRINGE BENEFITS, FOR THE STATE UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT

APPROPRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES AT THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

(IV) FOR THE STATE UNIVERSITY FISCAL YEARS COMMENCING TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND ENDING TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, EACH UNIVERSITY CENTER MAY SET ASIDE A PORTION OF ITS TUITION REVENUES DERIVED FROM TUITION INCREASES TO PROVIDE INCREASED FINANCIAL AID FOR NEW YORK STATE RESIDENT UNDERGRADUATE STUDENTS WHOSE NET TAXABLE INCOME IS EIGHTY THOUSAND DOLLARS OR MORE SUBJECT TO THE APPROVAL OF A NY-SUNY 2020 PROPOSAL BY THE GOVERNOR AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED AS TO AUTHORIZE THAT STUDENTS WHOSE NET TAXABLE INCOME IS EIGHTY THOUSAND DOLLARS OR MORE ARE ELIGIBLE FOR TUITION ASSISTANCE PROGRAM AWARDS PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS CHAPTER.

S 4. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by section 2 of part O of chapter 58 of the laws of 2006, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency[.], PROVIDED, HOWEVER, THAT:

(I) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN ACADEMIC YEAR, THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF TUITION BY NOT MORE THAN THREE HUNDRED DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR ACADEMIC YEAR, PROVIDED HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THIS CHAPTER, SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM.

(II) ON OR BEFORE NOVEMBER THIRTIETH, TWO THOUSAND ELEVEN, THE TRUSTEES SHALL APPROVE AND SUBMIT TO THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE AND TO THE DIRECTOR OF THE BUDGET A MASTER TUITION PLAN SETTING FORTH THE TUITION RATES THAT THE TRUSTEES PROPOSE FOR RESIDENT UNDERGRADUATE STUDENTS FOR THE FIVE YEAR PERIOD COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN ACADEMIC YEAR, AND SHALL SUBMIT ANY PROPOSED AMENDMENTS TO SUCH PLAN BY NOVEMBER THIRTIETH OF EACH SUBSEQUENT YEAR THEREAFTER THROUGH NOVEMBER THIRTIETH, TWO THOUSAND FIFTEEN.

(III) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSES, INCLUDING FRINGE BENEFITS, FOR THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE TO THE CITY UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN AND THEREAFTER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSES, INCLUDING FRINGE BENEFITS, FOR THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

(A-1) The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. [The] EXCEPT AS OTHERWISE AUTHORIZED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses

and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

S 5. The education law is amended by adding a new section 689-a to read as follows:

S 689-A. TUITION CREDITS. 1. THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION SHALL CALCULATE A TUITION CREDIT FOR EACH RESIDENT UNDERGRADUATE STUDENT WHO HAS FILED AN APPLICATION WITH SUCH CORPORATION FOR A TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS ARTICLE, AND IS DETERMINED TO BE ELIGIBLE TO RECEIVE SUCH AWARD, AND IS ALSO ENROLLED IN A PROGRAM OF UNDERGRADUATE STUDY AT A STATE OPERATED OR SENIOR COLLEGE OF THE STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK WHERE THE ANNUAL RESIDENT UNDERGRADUATE TUITION RATE WILL EXCEED FIVE THOUSAND DOLLARS. SUCH TUITION CREDIT SHALL BE CALCULATED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY THAT TUITION IS CHARGED AND TUITION FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL SUCH CREDIT IS CALCULATED, THE STUDENT AND SCHOOL WHERE THE STUDENT IS ENROLLED IS NOTIFIED OF THE TUITION CREDIT AMOUNT, AND SUCH TUITION CREDIT IS APPLIED TOWARD THE TUITION CHARGED.

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

S 6. Section 355 of the education law is amended by adding a new subdivision 6-a to read as follows:

6-A. THE STATE UNIVERSITY TRUSTEES SHALL ADOPT GUIDELINES FOR FOUNDATIONS OF STATE-OPERATED CAMPUSES THAT REQUIRE EACH FOUNDATION TO ADOPT A CONFLICT OF INTEREST POLICY APPLICABLE TO SUCH FOUNDATION AND ITS AFFILIATED CORPORATIONS. AMONG OTHER ITEMS, THE STATE UNIVERSITY TRUSTEES' GUIDELINES SHALL REQUIRE SUCH FOUNDATION POLICIES TO PROVIDE: (A) THAT SERVICE AS A BOARD MEMBER OR OFFICER THEREOF SHALL NOT BE USED AS A MEANS FOR PRIVATE BENEFIT OR INUREMENT FOR THE BOARD MEMBER OR OFFICER, A RELATIVE THEREOF, OR ANY ENTITY IN WHICH THE BOARD MEMBER OR OFFICER, OR RELATIVE THEREOF, HAS A BUSINESS INTEREST; (B) NO BOARD MEMBER OR OFFICER WHO IS A VENDOR OF GOODS OR SERVICES TO THE FOUNDATION OR ITS AFFILIATED CORPORATION, OR WHO HAS A BUSINESS INTEREST IN SUCH VENDOR, OR WHOSE RELATIVE HAS A BUSINESS INTEREST IN SUCH VENDOR, SHALL VOTE ON, OR PARTICIPATE IN THE FOUNDATION'S ADMINISTRATION OF, ANY TRANSACTION WITH SUCH VENDOR; AND (C) A BOARD MEMBER OR OFFICER SHALL ADVISE THE CHAIR OF THE FOUNDATION OR ITS AFFILIATED CORPORATION OF HIS OR A RELATIVE'S BUSINESS INTEREST IN ANY SUCH EXISTING OR PROPOSED VENDOR WITH THE FOUNDATION OR ITS AFFILIATE. THE STATE UNIVERSITY TRUSTEES' GUIDELINES SHALL DEFINE THE NATURE OF A BUSINESS INTEREST AND THE CLOSENESS OF A PERSONAL RELATION THAT BRING A RELATIONSHIP WITHIN THE PURPOSES OF THIS SUBDIVISION.

S 7. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 45 to read as follows:

S 45. NY-SUNY 2020. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, THE URBAN DEVELOPMENT CORPORATION OF THE STATE OF NEW YORK IS HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF FUNDING PROJECT COSTS FOR THE IMPLEMENTATION OF A NY-SUNY 2020 CHALLENGE GRANT PROGRAM SUBJECT TO THE APPROVAL OF A NY-SUNY 2020 PLAN OR PLANS BY THE GOVERNOR AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED $80,000,000, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR NOTES ISSUED TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH BONDS AND NOTES OF THE CORPORATION SHALL NOT BE A DEBT OF THE STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO THE CORPORATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

2. NOTWITHSTANDING ANY OTHER LAW, RULE, OR REGULATION TO THE CONTRARY, THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO DEPOSIT TO THE CREDIT OF THE CAPITAL PROJECTS FUND, REIMBURSEMENT FROM THE PROCEEDS OF NOTES OR BONDS ISSUED BY THE URBAN DEVELOPMENT CORPORATION OF THE STATE OF NEW YORK FOR CAPITAL DISBURSEMENTS OF UP TO $80,000,000 FROM ANY APPROPRIATION OR REAPPROPRIATION AUTHORIZED BY A CHAPTER OF THE LAWS OF 2011 FOR NY-SUNY 2020 CHALLENGE GRANTS.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN ORDER TO ASSIST THE URBAN DEVELOPMENT CORPORATION IN UNDERTAKING THE FINANCING FOR PROJECT COSTS FOR THE NY-SUNY 2020 CHALLENGE GRANT PROGRAM, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE TO THE CORPORATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST, AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH CONTRACT OR ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED TO THE CORPORATION AS SECURITY FOR ITS BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

S 8. SUNY capital commitment. Notwithstanding any provision of law, rule or regulation to the contrary, of the amounts appropriated and designated as university wide within chapter 54 of the laws of 2011 for the state university of New York or the state university construction fund, a total amount of $60,000,000 shall be divided equally amongst the university centers and such allocations shall be made available to each university center, as defined by subdivision 7 of section 350 of the education law, for purposes and projects identified in a plan and

approved by the governor and the chancellor of the state university of New York, and filed with the office of the state comptroller for the NY-SUNY 2020 challenge grant program. Such funds shall be available during the 2011-12 academic year and thereafter.

S 9. University center capital program flexibility. Notwithstanding any provision of law, rule or regulation to the contrary, of the amounts appropriated within chapter 54 of the laws of 2011 for the state university of New York or the state university construction fund:

(1) designated amounts from advances for alterations and improvements to facilities for capital critical maintenance appropriations or reappropriations currently available to the university centers at Albany, Binghamton, Buffalo, and Stony Brook; or

(2) advances to SUNY hospitals, shall be made available, for purposes and projects identified in a plan and approved by the governor and the chancellor of the state university of New York, and filed with the office of the state comptroller for the NY-SUNY 2020 challenge grant program. The funding from such appropriations, reappropriations and advances that are designated to be utilized in such plans shall be specifically identified and shall be submitted to the temporary president of the senate and speaker of the assembly at least 15 days prior to the approval of the plan by the governor and the chancellor. Such funds shall be available during the 2011-12 academic year and thereafter.

S 10. (a) The amount specified in this act for state operations, or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriation, is hereby appropriated and authorized to be paid as hereinafter provided, to the purposes specified.

(b) No moneys appropriated by this act shall be available for payment until a certificate of approval has been issued by the director of the budget, who shall file such certificate with the department of audit and control, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

(c) The appropriations contained in this act shall be available immediately.

STATE UNIVERSITY OF NEW YORK

Special Revenue Funds - Other
State University Income Fund
State University Revenue Offset Account

For services and expenses of state universi-
ty operations and activities supported by
tuition $52,200,000

S 11. (a) The amount specified in this act for state operations, or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriation, is hereby appropriated and authorized to be paid as hereinafter provided, to the purposes specified.

(b) No moneys appropriated by this act shall be available for payment until a certificate of approval has been issued by the director of the budget, who shall file such certificate with the department of audit and control, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

(c) The appropriations contained in this act shall be available immediately.

CITY UNIVERSITY OF NEW YORK

Fiduciary Funds
CUNY Senior College Operating Fund
CUNY Senior College Operating Account

For services and expenses of city university operations and activities supported by tuition $76,300,000

S 12. Any contracts awarded or entered into by any State University of New York at Buffalo campus related foundation, alumni association or affiliate thereof, any not-for-profit corporation or association organized by the president of the State University of New York at Buffalo to further its purposes, or any limited liability company whose sole member is any of the foregoing entities, or by the State University of New York, the State University Construction Fund, or the Dormitory Authority of the State of New York, on behalf of the State University of New York at Buffalo, for construction, reconstruction, renovation, rehabilitation, improvement or expansion at the State University of New York at Buffalo, for any single construction project exceeding $20 million in the aggregate, for which more than twenty-five percent of such aggregate amount is to be paid from appropriations furnished by either the State of New York or the State University of New York, such construction, reconstruction, renovation, rehabilitation, improvement or expansion at the State University of New York at Buffalo shall be undertaken pursuant to a project labor agreement, as defined in subdivision 1 of section 222 of the labor law, provided a study done by or for the contracting entity determines that a project labor agreement will benefit such construction, reconstruction, renovation, rehabilitation, improvement or expansion through reduced risk of delay, potential cost savings or potential reduction in the risk of labor unrest in light of any pertinent local history thereof. For purposes of applying the dollar thresholds set forth in the preceding sentence, the term "single construction project" shall mean any functionally-interdependent construction, reconstruction, renovation, rehabilitation, improvement or expansion activity associated with a single building, structure or improvement, including all directly related infrastructure and site work in contemplation thereof.

S 13. Notwithstanding the provisions of any general, special, or local law or judicial decision to the contrary:

(a) Any university center campus related foundation, alumni association or affiliate thereof, any not-for-profit corporation or association organized by the president of a university center to further its purposes, or any limited liability company whose sole member is any of the foregoing entities, or by the State University of New York, the State University Construction Fund, or the Dormitory Authority of the State of New York, on behalf of a university center at Albany, Binghamton, or Stony Brook may require a contractor awarded a contract, subcontract, lease, grant, bond, covenant or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of any request for proposals on behalf of such university centers for the project. When any such university center campus related foundation, alumni association or affiliate thereof, any not-for-profit corporation or association organized by the president of a university center to further its purposes, or any limited liability company whose sole member is any of the foregoing

entities, or the State University of New York, the State University Construction Fund, or the Dormitory Authority of the State of New York, on behalf of a university center at Albany, Binghamton, or Stony Brook determine that the record supporting the decision to enter into such an agreement establishes that the interests underlying the competitive bidding laws are best met by requiring a project labor agreement including: obtaining the best work at the lowest possible price; preventing favoritism, fraud and corruption; the impact of delay; the possibility of cost savings; and any local history of labor unrest.

(b) If any such university center campus related foundation, alumni association or affiliate thereof, any not-for-profit corporation or association organized by the president of a university center to further its purposes, or any limited liability company whose sole member is any of the foregoing entities, or by the State University of New York, the State University Construction Fund, or the Dormitory Authority of the State of New York, on behalf of a university center at Albany, Binghamton, or Stony Brook does not require a project labor agreement, then any contractor, subcontractor, lease, grant, bond, covenant or other agreements for a project shall be awarded pursuant to section 135 of the state finance law.

S 14. Section 359 of the education law is amended by adding a new subdivision 5 to read as follows:

5. THE STATE UNIVERSITY TRUSTEES SHALL CONDUCT A STUDY REGARDING THE EFFECTIVENESS AND FUNCTIONALITY OF THE NEW YORK STATE TUITION ASSISTANCE PROGRAM, WHICH SHALL CONSIDER A VARIETY OF FACTORS INCLUDING, BUT NOT LIMITED TO, THE COSTS ASSOCIATED WITH PURSUING A DEGREE IN UNDERGRADUATE STUDY, CURRENT TUITION ASSISTANCE PROGRAM THRESHOLDS AND AWARD LEVELS, CURRENT ELIGIBILITY CRITERIA TO QUALIFY FOR AN AWARD UNDER THE TUITION ASSISTANCE PROGRAM, AND ANY OTHER INFORMATION THE TRUSTEES DETERMINE TO BE RELEVANT. THE STUDY SHALL ALSO INCLUDE RECOMMENDATIONS TO IMPROVE THE TUITION ASSISTANCE PROGRAM TO BETTER MEET THE FUTURE FINANCIAL AID NEEDS OF STUDENTS WHO RESIDE IN NEW YORK STATE AND TO ENSURE CONTINUED ACCESS AND AFFORDABILITY OF THE STATE UNIVERSITY OF NEW YORK. THE STUDY SHALL BE SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE HIGHER EDUCATION COMMITTEES OF THE LEGISLATURE ON OR BEFORE OCTOBER FIRST, TWO THOUSAND THIRTEEN. IN ADDITION, THE STATE UNIVERSITY SHALL ANNUALLY EXAMINE AND REPORT ON EACH STATE-OPERATED CAMPUS' EFFORTS TO PROMOTE FISCAL STABILITY FOR THE DURATION OF THE FIVE YEAR TUITION PLAN BY IMPLEMENTING COST SAVING MEASURES AND INCREASING FUNDRAISING EFFORTS. FURTHER, THE TRUSTEES SHALL PERIODICALLY REVIEW THEIR PATENT POLICIES TO ENSURE COMPETITIVENESS, AND SHALL ANNUALLY REPORT ON HOW THE REVENUE GENERATED BY THIS PARAGRAPH HAS HELPED RETAIN AND GROW FULL-TIME FACULTY AND INCREASE PROGRAM AVAILABILITY. THE UNIVERSITY CENTERS SHALL ALSO REPORT ANNUALLY TO THE STATE UNIVERSITY TRUSTEES ON HOW RESEARCH REVENUE YIELDS QUANTIFIABLE RESULTS FOR EACH OF THE FOUR CAMPUSES AND STATE UNIVERSITY OF NEW YORK AT BUFFALO AND STATE UNIVERSITY OF NEW YORK AT STONY BROOK SHALL ADDITIONALLY REPORT ON WHAT EACH CAMPUS IS DOING TO MAINTAIN THEIR AAU STATUS.

S 15. Section 6206 of the education law is amended by adding a new subdivision 17 to read as follows:

17. THE CITY UNIVERSITY TRUSTEES SHALL CONDUCT A STUDY REGARDING THE EFFECTIVENESS AND FUNCTIONALITY OF THE NEW YORK STATE TUITION ASSISTANCE PROGRAM, WHICH SHALL CONSIDER A VARIETY OF FACTORS INCLUDING, BUT NOT LIMITED TO, THE COSTS ASSOCIATED WITH PURSUING A DEGREE IN UNDERGRADUATE

STUDY, CURRENT TUITION ASSISTANCE PROGRAM THRESHOLDS AND AWARD LEVELS, CURRENT ELIGIBILITY CRITERIA TO QUALIFY FOR AN AWARD UNDER THE TUITION ASSISTANCE PROGRAM AND ANY OTHER INFORMATION THE TRUSTEES DETERMINE TO BE RELEVANT. THE STUDY SHALL ALSO INCLUDE RECOMMENDATIONS TO IMPROVE THE TUITION ASSISTANCE PROGRAM TO BETTER MEET THE FUTURE FINANCIAL AID NEEDS OF STUDENTS WHO RESIDE IN NEW YORK STATE AND TO ENSURE CONTINUED ACCESS AND AFFORDABILITY OF THE CITY UNIVERSITY OF NEW YORK. THE STUDY SHALL BE SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE DIRECTOR OF THE DIVISION OF BUDGET, THE SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE HIGHER EDUCATION COMMITTEES OF THE LEGISLATURE ON OR BEFORE OCTOBER FIRST, TWO THOUSAND THIRTEEN. IN ADDITION, THE CITY UNIVERSITY SHALL ANNUALLY EXAMINE AND REPORT ON EACH STATE-OPERATED CAMPUS' EFFORTS TO PROMOTE FISCAL STABILITY FOR THE DURATION OF THE FIVE YEAR TUITION PLAN BY IMPLEMENTING COST SAVING MEASURES AND INCREASING FUNDRAISING EFFORTS.

S 16. This act shall take effect July 1, 2011 and shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed.