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

6862

I N S E N A T E

March 30, 2012

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the civil service law, the election law, the executive law, the public officers law, the state finance law, the tax law, the labor law, the transportation law, the economic development law, the public authorities law, and the general municipal law, in relation to transferring the powers and duties of the city university of New York to the state university of New York and to repeal certain provisions of the education law, the tax law, the executive law, the state finance law, the general municipal law and the public authorities law relating thereto

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

Section 1. The education law is amended by adding a new section 352-b to read as follows:

S 352-B. TRANSFER OF POWERS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK. 1. THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK, AS ESTABLISHED PURSUANT TO FORMER ARTICLE ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, SHALL BE TRANSFERRED AND ASSIGNED TO, AND ASSUMED BY AND DEVOLVED UPON, THE STATE UNIVERSITY OF NEW YORK.

2. ALL EMPLOYEES OF THE CITY UNIVERSITY OF NEW YORK SHALL BE TRANSFERRED TO THE STATE UNIVERSITY OF NEW YORK. THIS TRANSFER OF EMPLOYEES SHALL BE DEEMED TO BE A TRANSFER OF FUNCTION PURSUANT TO SUBDIVISION TWO OF SECTION SEVENTY OF THE CIVIL SERVICE LAW. OFFICERS AND EMPLOYEES OF THE CITY UNIVERSITY OF NEW YORK SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATION, AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATION, STATUS AND BARGAINING UNIT REPRESENTATION.

3. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK, AS ESTABLISHED PURSUANT TO THIS CHAPTER SHALL BE ABOLISHED.

4. EXCEPT AS HEREIN OTHERWISE PROVIDED, UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY, AND ALL OF THE

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

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OBLIGATIONS AND DUTIES OF, THE CITY UNIVERSITY OF NEW YORK AS ESTABLISHED PURSUANT TO FORMER ARTICLE ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, TO THE STATE UNIVERSITY OF NEW YORK AS PRESCRIBED BY THIS SECTION, FOR THE PURPOSE OF SUCCESSION ALL FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS OF THE CITY UNIVERSITY OF NEW YORK SHALL BE DEEMED AND BE HELD TO CONSTITUTE THE CONTINUATION OF SUCH FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS AND NOT THOSE OF A DIFFERENT DEPARTMENT.

5. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK AS ESTABLISHED PURSUANT TO FORMER ARTICLE ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, TO THE STATE UNIVERSITY OF NEW YORK AS PRESCRIBED BY THIS SECTION, ALL BOOKS, PAPERS, RECORDS AND PROPERTY PERTAINING TO THE CITY UNIVERSITY OF NEW YORK SHALL BE TRANSFERRED TO AND MAINTAINED BY THE STATE UNIVERSITY OF NEW YORK, AS APPROPRIATE.

6. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK AS ESTABLISHED PURSUANT TO FORMER ARTICLE ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, TO THE STATE UNIVERSITY OF NEW YORK AS PRESCRIBED BY THIS SECTION, ANY BUSINESS OR OTHER MATTER UNDERTAKEN OR COMMENCED BY THE CITY UNIVERSITY OF NEW YORK PERTAINING TO OR CONNECTED WITH THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES SO TRANSFERRED AND ASSIGNED TO THE STATE UNIVERSITY OF NEW YORK MAY BE CONDUCTED OR COMPLETED BY THE STATE UNIVERSITY OF NEW YORK, AS APPROPRIATE.

7. TERMS OCCURRING IN LAWS, CONTRACTS OR OTHER DOCUMENTS OF OR PERTAINING TO THE CITY UNIVERSITY OF NEW YORK. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK AS ESTABLISHED PURSUANT TO FORMER ARTICLE ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, AS PRESCRIBED BY THIS SECTION, WHENEVER THE CITY UNIVERSITY OF NEW YORK AND THE BOARD OF TRUSTEES THEREOF, THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES OF WHICH ARE TRANSFERRED TO THE STATE UNIVERSITY OF NEW YORK, ARE REFERRED TO OR DESIGNATED IN ANY LAW, REGULATION, CONTRACT OR DOCUMENT PERTAINING TO THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES TRANSFERRED AND ASSIGNED PURSUANT TO THIS SECTION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO REFER TO THE STATE UNIVERSITY OF NEW YORK AND ITS BOARD OF TRUSTEES.

8. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY AS ESTABLISHED PURSUANT TO FORMER ARTICLE ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, TO THE STATE UNIVERSITY OF NEW YORK AS PRESCRIBED BY THIS SECTION, NO EXISTING RIGHT OR REMEDY OF THE STATE, INCLUDING THE CITY UNIVERSITY OF NEW YORK, SHALL BE LOST, IMPAIRED OR AFFECTED BY REASON OF THIS SECTION.

9. (A) WHEREVER THE TERM "CITY UNIVERSITY" APPEARS IN THE CONSOLIDATED OR UNCONSOLIDATED LAWS OF THIS STATE OTHER THAN THE STATE TECHNOLOGY LAW, SUCH TERM IS HEREBY CHANGED, WHERE APPROPRIATE, TO "STATE UNIVERSITY".

(B) THE LEGISLATIVE BILL DRAFTING COMMISSION IS HEREBY DIRECTED TO EFFECTUATE THIS PROVISION, AND SHALL BE GUIDED BY A MEMORANDUM OF INSTRUCTION SETTING FORTH THE SPECIFIC PROVISIONS OF LAW TO BE AMENDED. SUCH MEMORANDUM SHALL BE TRANSMITTED TO THE LEGISLATIVE BILL DRAFTING COMMISSION WITHIN SIXTY DAYS OF ENACTMENT OF THIS PROVISION. SUCH MEMORANDUM SHALL BE ISSUED JOINTLY BY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, OR BY THE DELEGATE OF EACH.

10. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK AS ESTABLISHED PURSUANT TO FORMER ARTICLE ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, TO THE STATE UNIVERSITY OF NEW YORK AS PRESCRIBED BY THIS SECTION, NO ACTION OR PROCEEDING PENDING ON THE EFFECTIVE DATE OF THIS SECTION, BROUGHT BY OR AGAINST THE CITY UNIVERSITY OF NEW YORK OR THE BOARD OF TRUSTEES THEREOF SHALL BE AFFECTED BY ANY PROVISION OF THIS SECTION, BUT THE SAME MAY BE PROSECUTED OR DEFENDED IN THE NAME OF THE STATE UNIVERSITY OF NEW YORK. IN ALL SUCH ACTIONS AND PROCEEDINGS, THE STATE UNIVERSITY OF NEW YORK, UPON APPLICATION TO THE COURT, SHALL BE SUBSTITUTED AS A PARTY.

11. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK AS ESTABLISHED PURSUANT TO THIS CHAPTER, TO THE STATE UNIVERSITY OF NEW YORK AS PRESCRIBED BY THIS SECTION, ALL RULES, REGULATIONS, ACTS, ORDERS, DETERMINATIONS, DECISIONS, OF THE CITY UNIVERSITY OF NEW YORK PERTAINING TO THE FUNCTIONS TRANSFERRED AND ASSIGNED BY THIS SECTION TO THE STATE UNIVERSITY OF NEW YORK IN FORCE AT THE TIME OF SUCH TRANSFER, ASSIGNMENT, ASSUMPTION OR DEVOLUTION SHALL CONTINUE IN FORCE AND EFFECT AS RULES, REGULATIONS, ACTS, DETERMINATIONS AND DECISIONS OF THE STATE UNIVERSITY OF NEW YORK UNTIL DULY MODIFIED OR REPEALED.

12. UPON THE TRANSFER PURSUANT TO THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE CITY UNIVERSITY OF NEW YORK AS ESTABLISHED PURSUANT TO THIS CHAPTER, TO THE STATE UNIVERSITY OF NEW YORK AS PRESCRIBED BY THIS SECTION, ALL APPROPRIATIONS AND REAPPROPRIATIONS WHICH SHALL HAVE BEEN MADE AVAILABLE AS OF THE DATE OF SUCH TRANSFER TO THE CITY UNIVERSITY OF NEW YORK OR SEGREGATED PURSUANT TO LAW, TO THE EXTENT OF REMAINING UNEXPENDED OR UNENCUMBERED BALANCES THEREOF, WHETHER ALLOCATED OR UNALLOCATED AND WHETHER OBLIGATED OR UNOBLIGATED, SHALL BE TRANSFERRED TO AND MADE AVAILABLE FOR USE AND EXPENDITURE BY THE STATE UNIVERSITY OF NEW YORK. PAYMENTS OF LIABILITIES FOR EXPENSES OF PERSONNEL SERVICES, MAINTENANCE AND OPERATION WHICH SHALL HAVE BEEN INCURRED AS OF THE DATE OF SUCH TRANSFER BY THE CITY UNIVERSITY OF NEW YORK, AND FOR LIABILITIES INCURRED AND TO BE INCURRED IN COMPLETING ITS AFFAIRS SHALL ALSO BE MADE.

S 2. Article 125 of the education law is REPEALED.

S 3. Article 125-B of the education law is REPEALED.

S 4. Paragraph (f) of subdivision 3 of section 209 of the civil service law, as amended by chapter 216 of the laws of 1977, is amended to read as follows:

(f) where the public employer is a school district, a board of cooperative educational services, a community college, OR the state university of New York, [or the city university of New York,] the provisions of subparagraphs (iii) and (iv) of paragraph (e) of this subdivision shall not apply, and (i) the board may afford the parties an opportunity to explain their positions with respect to the report of the fact-finding board at a meeting at which the legislative body, or a duly authorized committee thereof, may be present; (ii) thereafter, the legislative body may take such action as is necessary and appropriate to reach an agreement. The board may provide such assistance as may be appropriate.

S 5. The opening paragraph of section 5-211 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the department of social services and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office [of mental retardation and] FOR PEOPLE WITH developmental disabilities, commission for the blind and visually handicapped, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the department of state and the division of workers' compensation. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board shall also make request of the United States Immigration and Naturalization Service to include applications for registration by mail with any materials which are given to new citizens. All institutions of the state university of New York [and the city university of New York,] shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for registration to each student in each such institution. The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

S 6. Subdivision 3 of section 169 of the executive law, as added by chapter 263 of the laws of 1987, is amended to read as follows:

3. Notwithstanding any other provision of this section or any other provision of law, the [boards] BOARD of trustees of the state university of New York [and the city university of New York] shall [each] establish and implement salary plans for the chancellors, presidents and senior staffs of such state [and city universities, respectively] UNIVERSITY. The board of regents shall establish and implement a separate salary plan for the president of the university of the state of New York, setting forth the compensation to be received by the president for performing the duties of that office assigned by the rules of the regents or statute, which shall be in addition to the compensation received by such person pursuant to the provisions of subdivisions one

and two of this section. Such salary plans shall be developed after consultation with the governor's office of employee relations and the division of the budget. Any increase in compensation for the positions set forth in this subdivision, not otherwise funded from any appropriation, shall be funded from reallocations of funds within the appropriations specifically identified by the aforementioned [boards] BOARD. [Each] SUCH board of trustees and the board of regents shall file a proposed salary plan report with the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget at least sixty days prior to the effective date of such salary plan. [Each] SUCH salary plan report shall set forth the salary schedule, the dollar value of additional public compensation and other employment benefits that such positions would receive, the specific sources of funding to be reallocated for salary increases, the amount of increase to be provided to each position, the comparison salary data on which the plan is based, and such other information as the [boards] BOARD of trustees and the board of regents deem appropriate.

S 7. Subdivision 2 of section 170-b of the executive law, as added by chapter 63 of the laws of 2009, is amended to read as follows:

2. For purposes of this section, the term "state agency" shall mean any state department, state university of New York, [city university of New York,] authority, board, bureau, division, commission, committee, council, office or other governmental entity performing a governmental or proprietary function for the state.

S 8. Paragraph (e) of subdivision 4 of section 209-p of the executive law is REPEALED.

S 9. Subparagraph (iii) of paragraph (a) of subdivision 11 of section 310 of the executive law, as added by chapter 261 of the laws of 1988, is amended to read as follows:

(iii) the state university of New York [and the city university of New York], including all [their] ITS constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state, or

S 10. Subdivision 1 of section 548-e of the executive law, as added by chapter 657 of the laws of 1990, is amended to read as follows:

1. Establishment. A neighborhood based initiatives oversight committee shall be established to oversee the implementation of the provisions of this article and shall consist of representatives of the following agencies or their designees, with the commissioner of the department or his or her designee serving as chairperson: the state advocate for the disabled; the director of the office for the aging; the director of the division of alcoholism and alcohol abuse; the executive director of the council on children and families; [the chancellor of the city university of New York;] the executive director of the developmental disabilities action planning council; the director of the budget; the commissioner of economic development; the commissioner of education; the commissioner of health; the commissioner of housing and community renewal; the commissioner of labor; the commissioner of mental health; the commissioner of [mental retardation and] developmental disabilities; the commissioner of parks, recreation and historic preservation; the chancellor of the state university of New York; the director of the division of substance abuse services; the director of the division for youth; the director of the division for women; and the department of audit and control.

S 11. Subdivision 3 of section 950 of the executive law, as added by chapter 510 of the laws of 1999, is amended to read as follows:

3. "State agency". Any state department, state university of New York, [city university of New York,] board, bureau, division, commission, committee, council, office or other governmental entity performing a governmental or proprietary function for the state, or any combination thereof as provided in subdivision two of section nine hundred fifty-one of this article, except any public authority or public benefit corporation, the judiciary or the state legislature.

S 12. Paragraph (g) of subdivision 1 of section 73 of the public officers law, as amended by chapter 283 of the laws of 1996, is amended to read as follows:

(g) The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York [or the city university of New York], including all [their] ITS constituent units except community colleges of the state university of New York and the independent institutions operating statutory or contract colleges on behalf of the state.

S 13. Paragraph (b) of subdivision 1 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(b) The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York [or the city university of New York], including all [their] ITS constituent units except community colleges of the state university of New York and the independent institutions operating statutory or contract colleges on behalf of the state.

S 14. Subdivision 18 of section 2 of the state finance law, as added by chapter 577 of the laws of 1988, is amended to read as follows:

18. "Financed equipment acquisition". Personal property acquired or to be acquired by any state department and agency or unit of the state university [or city university of New York] through (i) lease purchase or installment purchase agreements financed or to be financed by certificates of participation sold pursuant to article five-A of this chapter or (ii) other lease purchase or installment purchase agreements.

S 15. Subdivision 3 of section 2-a of the state finance law, as added by chapter 510 of the laws of 1999, is amended to read as follows:

3. "State agency". Any state department, state university of New York, [city university of New York,] board, bureau, division, commission, committee, council, office or other governmental entity performing a governmental or proprietary function for the state, or any combination thereof as provided in subdivision two of section nine hundred fifty-one of the executive law, except any public authority or public benefit corporation, the judiciary or the state legislature.

S 16. Section 17 of the state finance law, as added by chapter 577 of the laws of 1988, is amended to read as follows:

S 17. Reports on financed equipment acquisitions. Within thirty days following the close of each calendar quarter, beginning with the calendar quarter ending on December thirty-first, nineteen hundred eighty-eight, the director of the budget shall, to the extent practicable, provide a report to the chairs of the senate finance committee and the assembly ways and means committee showing expenditures for lease purchase and installment purchase payments made by or on behalf of any state department and agency or any unit of the state university [or city

university of New York] for financed equipment acquisitions during the preceding calendar quarter. Such reports shall be organized by agency, program, fund, and appropriation. State departments and agencies and units of the state university [and the city university of New York], the state comptroller, and the commissioner of the office of general services shall assist the director in obtaining the information necessary to produce such reports.

S 17. The opening paragraph of subdivision 8 of section 22 of the state finance, as amended by chapter 762 of the laws of 1992 and renumbered by section 2 of part F of chapter 389 of the laws of 1997, is amended to read as follows:

Within ten days following the submission of the budget by the governor, the director of the budget shall transmit to the chairs of the senate finance committee and the assembly ways and means committee a report, by agency, program, and fund, including but not limited to, the following information pertaining to financed equipment acquisitions for state departments, agencies and units of the state university [and the city university of New York] including those financed equipment acquisitions financed by the issuance of certificates of participation or similar instruments for state departments, agencies and units of the state [and city universities] UNIVERSITY of New York:

S 18. Paragraph e of subdivision 2 and paragraph a of subdivision 3 of section 40 of the state finance law are REPEALED.

S 19. Subparagraph (i) of paragraph c of subdivision 6, subparagraph (i) of paragraph j and subparagraph (i) of paragraph k of subdivision 10 of section 54 of the state finance law, are REPEALED.

S 20. Subdivisions 1 and 3 of section 66-a of the state finance law, as amended by chapter 539 of the laws of 1989, are amended to read as follows:

1. No person, partnership, corporation or other legal entity nor any state officer, employee, agency, department, [the city university of New York,] the legislature or the judiciary shall issue certificates of participation or similar instruments representing the right to receive a proportionate share in lease, installment or other periodic payments to be made by any state department, agency or the city university of New York except in accordance with the provisions of this article and with the express written approval of the state comptroller. The provisions of this section are hereby made a part of every purchase contract entered into by such a state entity providing for periodic payments by any state department, OR agency [or the city university of New York]. Every such contract shall contain a clause expressly reciting the provisions of this subdivision, provided, however, that the absence of such clause in such a contract shall not obviate the duty of all parties thereto to comply with the provisions of this subdivision. Neither this provision, nor any other provision of this article shall be construed to prevent such state entities from entering into installment purchase or lease purchase agreements funded without the use of certificates of participation or similar instruments.

3. No state officer, employee, department, OR agency [or the city university of New York] shall enter into any agreement in connection with the issuance of certificates of participation which requires any payment by the state to the trustee, on behalf of holders of such certificates, during the month of April of any year.

S 21. Subdivisions 1 and 4 of section 66-b of the state finance law, subdivision 1 as amended by chapter 219 of the laws of 1999 and subdivi-

sion 4 as amended by section 41 of part BB of chapter 58 of the laws of 2011, are amended to read as follows:

1. The director of the budget shall determine whether the use of certificates of participation to finance and/or to refinance installment purchase or lease purchase contracts entered into by state departments, OR agencies [or the city university of New York] is financially desirable and in the best interest of the state. Upon notice of such a determination the state comptroller is authorized, pursuant to a request for proposals, competitive bidding or negotiated placement, to cause to be issued certificates of participation or similar instruments that represent undivided proportionate interests in periodic payments due from the state to fund installment purchase or lease purchase contracts entered into, or expected to be entered into, by the state departments, agencies, [the city university of New York,] or any combination thereof, pursuant to the provisions of this article. The state comptroller shall issue regulations to govern the procedure he shall follow in any sale conducted pursuant to this section of such certificates. Such regulations shall, in the case of all sales, require that notice be published in a definitive trade publication of the municipal bond industry published on each business day in the state of New York, which is generally available to participants in the municipal bond industry, which notice shall state the terms of the sale. The proceeds from the issuance of such certificates may also be used for the establishment of reserve funds to secure such certificates, the cost or premium of letters of credit, insurance or other credit enhancements, the cost of bond counsel, financial advisor, trustees and paying agent, and such other related expenses as may be necessary for the issuance of such certificates. The foregoing shall not be construed to authorize the use of such proceeds for the payment of personal service expenses of state departments, OR agencies [or the city university of New York], other than payments made to the department of law for legal services rendered.

4. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, the maximum amount of certificates of participation or similar instruments representing periodic payments due from the state of New York, issued on behalf of state departments and agencies[, the city university of New York] and any other state entity otherwise specified after March thirty-first, two thousand three shall be seven hundred eighty-four million two hundred eighty-five thousand dollars. Such amount shall be exclusive of certificates of participation or similar instruments issued to fund a reserve fund or funds, costs of issuance and to refund outstanding certificates of participation.

S 22. Section 66-d of the state finance law, as added by chapter 583 of the laws of 1986, subdivisions 1 and 2 as amended by chapter 539 of the laws of 1989, and subdivision 3 as amended by chapter 577 of the laws of 1988, is amended to read as follows:

S 66-d. Annual ceiling on certificates of participation. 1. The governor shall include in the bills which he submits in connection with the executive budget his recommendation as to the total maximum amount of certificates of participation to be issued for purchases of personal property by state departments, AND agencies[, and the city university of New York] pursuant to this article during the upcoming fiscal year, exclusive of refunding and, in addition, a list of real property projects of state departments, AND agencies [and the city university of New York] contemplated to be financed through the use of certificates of participation.

2. The maximum amount of certificates of participation or similar instruments representing periodic payments due from the state of New York issued for state departments, AND agencies [and the city university of New York] within a fiscal year shall not exceed the maximum principal amount authorized in the budget enacted into law for such fiscal year, or in any other law as amended from time to time.

3. Certificates of participation issued to refund or advance refund prior issues of certificates of participation or similar instruments including certificates of participation issued pursuant to section sixty-six-b of this article and certificates of participation issued before July twenty-fourth, nineteen hundred eighty-six, representing the right to receive a proportionate share in lease, installment or other periodic payments to be made by any state department, agency or unit of the state university [or the city university] of New York shall not count against the above ceilings, provided that the state comptroller determines that there will be a savings to the state on total periodic payments on a present value basis as a result of the refunding transaction.

S 23. Section 66-f of the state finance law, as amended by chapter 539 of the laws of 1989, is amended to read as follows:

S 66-f. Certain interagency transfers authorized. The director of the budget may, if necessary, authorize the transfer of monies from one state department, OR agency [or the city university of New York] to pay for installment purchases or lease purchases made on its behalf, to another state department, OR agency [or the city university of New York] under a multi-agency installment purchase contract financed through the issuance of certificates of participation or similar instruments, but in no case shall the aggregate of state payments exceed the total amount actually appropriated for the underlying installment purchase obligations. The director of the budget shall file his approval of a certificate of allocation for such a transfer with the state comptroller and the chairs of the senate finance committee and the assembly ways and means committee.

S 24. Section 66-j of the state finance law, as amended by chapter 219 of the laws of 1999, is amended to read as follows:

S 66-j. Annual report. On or before February fifteenth of each fiscal year, beginning with the nineteen hundred eighty-eight--eighty-nine fiscal year and ending with the nineteen hundred ninety-seven--ninety-eight fiscal year, and on or before February fifteenth and June fifteenth of each fiscal year, beginning with the nineteen hundred ninety-eight--ninety-nine fiscal year, the state comptroller shall submit an annual report to the director of the budget and the chairs of the senate finance committee and the assembly ways and means committee regarding the issuance of certificates of participation issued under this article. Such report shall include a summary statement of the aggregate amount of certificates of participation issued under this article. Such report shall also include, but not be limited to, specific detail pertaining to each issuance, including the state department, agency, or unit of the state university [or city university] of New York which entered into lease or installment purchases funded through the use of certificates of participation, including each issuance for the legislature or the judiciary, the amounts, purposes, and financing terms and payment schedule of each issuance, as well as any other matter which the comptroller deems advisable.

S 25. Subdivision 1 of section 66-k of the state finance law, as amended by chapter 539 of the laws of 1989, is amended to read as follows:

1. This section shall not apply to appropriations made to units of the state university [or the city university] of New York.

S 26. Section 92-ee of the state finance law, as added by section 1 of part LL of chapter 57 of the laws of 2008, is amended to read as follows:

S 92-ee. New York state higher education endowment. There is hereby established in the custody of the comptroller a fund to be known as the New York state higher education endowment. Notwithstanding any other provision of law, all of the assets and income of the endowment shall be held and invested by the comptroller as trustee of such endowment, except such income as may be allocated or distributed by the comptroller pursuant to appropriation. The endowment shall consist of amounts transferred into such endowment, and any other amounts as may be deposited in the endowment from other public or private sources. Amounts transferred to or deposited into the endowment shall be dedicated to [the city university of New York and] the state university of New York, and shall be used for no other purpose and distributions from the endowment shall be used to supplement, rather than supplant, appropriations from the state in support of [the city university of New York and] the state university of New York. The full amount of the principal of the endowment shall be preserved and annual payments shall be made from the investment earnings of the endowment in support of [the city university of New York and] the state university of New York, to provide funding for purposes including, but not limited to, employment of additional full-time faculty members, student financial aid to improve access, grants for research and development, and for additional higher education purposes as may be authorized.

S 27. Section 99-d of the state finance law, as added by chapter 309 of the laws of 1996, is REPEALED.

S 28. Subdivision 9 of section 160 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

9. "State agency" or "state agencies" means all state departments, boards, commissions, offices or institutions but excludes, however, for the purposes of subdivision five of section three hundred fifty-five of the education law, the state university of New York [and excludes, for the purposes of subdivision a of section sixty-two hundred eighteen of the education law, the city university of New York]. Furthermore, such term shall not include the legislature or the judiciary.

S 29. The opening paragraph and the opening paragraph of paragraph a of subdivision 7 of section 165 of the state finance law, as amended by chapter 562 of the laws of 2003, is amended to read as follows:

Special provisions regarding the purchasing of apparel or sports equipment by the state university of New York [and the city university of New York].

Notwithstanding any other provision of law, the various units of the state university of New York[, the city university of New York] and community colleges shall have authority to:

S 30. Paragraph b of subdivision 1 of section 166 of the state finance law, as amended by section 31 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

b. Notwithstanding the provisions of paragraph a of this subdivision, which shall not apply to financed equipment acquisitions for units of the state university [and city university] of New York, no financed

equipment acquisition may be approved by the state comptroller for such units until the director of the budget has determined whether such financed equipment acquisition shall be financed by certificates of participation pursuant to section sixty-six-b of this chapter. The director of the budget shall make such determination no later than thirty days following the submission of documentation, satisfactory to the director from the state university [or city university] of New York. If within such period of time the director does not indicate that such financed equipment acquisition shall be financed by certificates of participation, the state university [or city university] of New York may proceed with a financed equipment acquisition in accordance with any other applicable provision of law. The board of trustees of the [city university of New York and the board of trustees of the] state university of New York shall [each] promulgate regulations in consultation with the comptroller and subject to the approval of the director of the budget regarding the circumstances under which units of [the respective universities] SUCH UNIVERSITY may use certificates of participation or other financed equipment acquisitions. Such regulations shall include but not be limited to: the establishment of minimum finance acquisition cost; restrictions on the use of certificates of participation; and annual ceilings on financed equipment acquisitions. [Each] SUCH board shall file copies of its regulations with the director of the budget, the comptroller, and the chairs of the senate finance committee and the assembly ways and means committee.

S 31. Subdivision 9 of section 179-e of the state finance law, as added by chapter 153 of the laws of 1984, is amended to read as follows:

9. "State agency" means any department, board, bureau, commission, division, office, council, institution, or committee in the executive, legislative, or judicial branches of state government; [the city university of New York when acting on behalf of any of its senior colleges;] the facilities development corporation; or the state university construction fund.

S 32. Clause (i) of subparagraph 1 of paragraph (b) of subdivision 2-a of section 200 of the state finance law, as added by chapter 947 of the laws of 1990, is amended to read as follows:

(i) officers and employees of the executive branch (including the state university [and the senior colleges of the city university of New York)];

S 33. Section 201-c of the state finance law is REPEALED.

S 34. Subdivision 1 of section 171-a of the tax law, as amended by section 1 of part R of chapter 60 of the laws of 2004, is amended to read as follows:

1. All taxes, interest, penalties and fees collected or received by the commissioner or the commissioner's duly authorized agent under articles nine (except section one hundred eighty-two-a thereof and except as otherwise provided in section two hundred five thereof), nine-A, twelve-A (except as otherwise provided in section two hundred eighty-four-d thereof), thirteen, thirteen-A (except as otherwise provided in section three hundred twelve thereof), eighteen, nineteen, twenty (except as otherwise provided in section four hundred eighty-two thereof), twenty-one, twenty-two, twenty-six, twenty-six-B, twenty-eight (except as otherwise provided in section eleven hundred two or eleven hundred three thereof), twenty-eight-A, thirty-one (except as otherwise provided in section fourteen hundred twenty-one thereof), thirty-two, thirty-three and thirty-three-A of this chapter shall be deposited daily in one account with such responsible banks, banking houses or trust

companies as may be designated by the comptroller, to the credit of the comptroller. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under such articles of this chapter, the comptroller shall retain in the comptroller's hands such amount as the commissioner may determine to be necessary for refunds or reimbursements under such articles of this chapter [and article ten thereof] out of which amount the comptroller shall pay any refunds or reimbursements to which taxpayers shall be entitled under the provisions of such articles of this chapter [and article ten thereof]. The commissioner and the comptroller shall maintain a system of accounts showing the amount of revenue collected or received from each of the taxes imposed by such articles. The comptroller, after reserving the amount to pay such refunds or reimbursements, shall, on or before the tenth day of each month, pay into the state treasury to the credit of the general fund all revenue deposited under this section during the preceding calendar month and remaining to the comptroller's credit on the last day of such preceding month, (i) except that the comptroller shall pay to the state department of social services that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this chapter, (ii) and except that the comptroller shall pay to the New York state higher education services corporation and the state university of New York [or the city university of New York respectively] that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of guaranteed student loans and state university loans [or city university loans] pursuant to subdivision five of section one hundred seventy-one-d and subdivision six of section one hundred seventy-one-e of this chapter, (iii) and except further that, notwithstanding any law, the comptroller shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B, thirty-two or thirty-three of this chapter, and any interest thereon, which is certified to the comptroller by the commissioner as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this article, provided, however, he shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this article, (iv) and except further that the comptroller shall pay to the city of New York that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B, thirty-two, or thirty-three of this chapter and any interest thereon that is certified to the comptroller by the commissioner as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article, (v) and except further that the comptroller shall pay to a non-obligated spouse that amount of overpayment of tax imposed by article twenty-two of this chapter and the interest on such amount which

has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this article and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter; and (vi) the comptroller shall deduct a like amount which the comptroller shall pay into the treasury to the credit of the general fund from amounts subsequently payable to the department of social services, the state university of New York[, the city university of New York], or the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment, and (vii) with respect to amounts originally withheld from such overpayment pursuant to section one hundred seventy-one-l of this article and paid to the city of New York, the comptroller shall collect a like amount from the city of New York.

S 35. Paragraph (ii) of subsection 5 of section 171-c of the tax law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(ii) Only the balance remaining, after such overpayment and the interest thereon has been credited as described in paragraph (i) of this subdivision, shall be certified as an overpayment plus any interest to be credited against past-due support, with the remainder to be refunded to the taxpayer if such remainder is not required to satisfy the amount of a default in repayment of a state university loan [or city university loan] pursuant to section one hundred seventy-one-e of this article and/or the amount of a past-due legally enforceable debt pursuant to section one hundred seventy-one-f of this article and/or a city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article and/or the amount of a default in repayment of a guaranteed student loan pursuant to section one hundred seventy-one-d of this article. In cases where the taxpayer owes past-due support to more than one person or entity, and the total amount of past-due support certified to the commissioner by the state office of temporary and disability assistance exceeds the balance remaining, each such person or entity shall receive a pro rata share of the balance remaining, such share to be based on the amount of past-due support owed to such person or entity as certified to the commissioner by such office pursuant to this section. The state office of temporary and disability assistance shall be responsible for determining and distributing each person's or entity's pro rata share of past-due support pursuant to regulations of such office.

S 36. Subparagraph (E) of paragraph (i) of subdivision 4 of section 171-d of the tax law is REPEALED.

S 37. Section 171-e of the tax law, as amended by chapter 638 of the laws of 1985, subdivision 2 as separately amended by chapters 638 and 222 of the laws of 1985, subdivision 3 and paragraph (b) of subdivision 4 as amended by chapter 55 of the laws of 1992, subdivisions 4 and 7 as amended by chapter 686 of the laws of 1989, subparagraph (C) of paragraph (a) of subdivision 5 as amended by chapter 639 of the laws of 1986, and paragraph (b) of subdivision 5 as amended by section 4 of part R of chapter 60 of the laws of 2004, is amended to read as follows:

S 171-e. Certain overpayments credited against national defense/national direct, health professions or nursing student loans.

(1) As used in this section only, the term "state university loan" [or "city university loan"] refers to loans provided to students at state-operated units of the state university of New York [or the city university of New York respectively] under the national defense/national direct, health professions or nursing student loan programs.

(2) The commissioner of taxation and finance, on behalf of the tax commission, shall enter into a written agreement with the state university of New York [or the city university of New York respectively] which shall set forth the procedures for crediting any overpayment by an individual, estate or trust of income tax imposed by article twenty-two of this chapter, city personal income tax on residents imposed pursuant to the authority of article thirty of this chapter, city income tax surcharge on residents imposed pursuant to the authority of article thirty-A of this chapter, city earnings tax on nonresidents imposed pursuant to the authority of former article two-E of the general city law and city earnings tax on nonresidents imposed pursuant to the authority of article thirty-B of this chapter and the interest on such overpayments against the amount of any default in repayment of a state university loan [or city university loan] owed by such individual, estate or trust of which the commissioner of taxation and finance has been notified by the state university of New York [or the city university of New York respectively] pursuant to the provisions of such agreement.

(3) Such agreement shall apply only to the amount of a default in repayment of a state university loan [or city university loan] as to which the state and/or state university of New York [or the city university of New York respectively] has obtained a judgment or has made a determination that satisfies the requirements of subdivision three of section one hundred seventy-one-f of this article.

(4) Such agreement shall include:

(a) the procedure under which the state university of New York [or the city university of New York respectively] shall notify the commissioner of taxation and finance of a default in a repayment of a state university loan [or city university loan], such procedure to specify when the commissioner of taxation and finance shall be notified and the content of such notification;

(b) the minimum amount outstanding on a default in repayment of a state university loan [or city university loan] against which the commissioner of taxation and finance shall, pursuant to this section, credit an overpayment;

(c) the procedure for reimbursement of the commissioner of taxation and finance by the state university of New York [or the city university of New York respectively] for the full cost of carrying out the procedures authorized by this section;

(d) a provision providing that information furnished to the state university of New York [or the city university of New York respectively] by the commissioner of taxation and finance and the comptroller pursuant to said agreement shall be considered confidential and shall not be disclosed except to such federal or state department or agency entitled to such information;

(e) such other matters as the parties to such agreement shall deem necessary to carry out the provisions of this section; and

(f) the procedure for reimbursement of the comptroller by the state university of New York [or city university of New York] for any overpayment and interest thereon which has been credited against the amount of default on repayment of a state university loan [or a city university

loan] owed by a taxpayer filing a joint return, but which has been refunded by the comptroller, pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter, to a spouse not liable for the amount of default in repayment of a state university loan [or city university loan] owed by such taxpayer.

(5) (a) In calculating the amount of an overpayment and interest thereon which shall be credited against the amount of a default in repayment of a state university loan [or city university loan] owed by a taxpayer, the tax commission shall first credit the overpayment and interest thereon against any:

(A) liability of such taxpayer in respect of any tax imposed by this chapter;

(B) liability of such taxpayer for any tax imposed pursuant to the authority of this chapter or any other law if such tax is administered by the tax commission;

(C) estimated tax for the succeeding taxable year if such taxpayer claims such overpayment or a portion thereof as a credit against estimated tax for such succeeding taxable year pursuant to subsection (e) of section six hundred eighty-six of this chapter or subdivision (e) of section 11-1786 of the administrative code of the city of New York for any tax imposed pursuant to the authority of this chapter or any other law if such tax is administered by the tax commission; and

(D) past-due support owed by the taxpayer pursuant to section one hundred seventy-one-c of this chapter;

(b) Only the balance remaining, after such overpayment and the interest thereon has been credited as described in paragraph (a) of this subdivision, shall be certified as an overpayment plus any interest to be credited against the amount of a default in repayment of a state university loan [or city university loan], with the remainder to be refunded to the taxpayer if such remainder is not required to satisfy the amount of a past-due legally enforceable debt pursuant to section one hundred seventy-one-f of this article, and/or a city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article and/or the amount of a default in repayment of a guaranteed student loan pursuant to section one hundred seventy-one-d of this article.

(6) The tax commission shall certify to the comptroller the total amount of the overpayment and the interest on such overpayment, the amount of such overpayment and the interest on such amount to be credited against the amount of the default in repayment of a state university loan [or city university loan] and the balance of such overpayment and interest to be refunded to the taxpayer.

(7) The commissioner of taxation and finance shall notify the taxpayer making the overpayment, in writing, of the amount of such overpayment and the interest thereon certified to the comptroller as the amount to be credited against the amount of a default in repayment of a state university loan [or city university loan]. Such notice shall include notification to any other person who may have filed a joint return with the taxpayer of the steps such other person may take in order to secure his or her proper share of the refund.

(8) From the time the state tax commission is notified by the state university of New York [or the city university of New York respectively] of an individual's, estate's or trust's default in repayment of a state university loan [or city university loan] under the agreement provided for in this section, the state tax commission and the department of taxation and finance shall be relieved from all liability to such indi-

vidual, estate or trust, their assigns, successors, heirs or representatives for the amount of an overpayment and interest on such amount certified to the comptroller to be credited against the amount of a default in repayment of such state university loan [or city university loan] and such individual, estate or trust shall have no right to commence a court action or proceeding or to any other legal recourse against the state tax commission or the department of taxation and finance to recover such overpayment or such interest certified to the comptroller to be credited against the amount of default in repayment of a state university loan [or city university loan]. Provided, however, nothing herein shall be construed to prohibit such individual, estate or trust from proceeding against the state university of New York [or the city university of New York respectively] to recover that part of such overpayment or interest thereon so certified to the comptroller to be credited against the amount of a default in repayment of a state university loan [or city university loan] which is greater than the amount of such default owed by such individual, estate or trust on the date of such certification.

(9) The tax commission shall promulgate such rules and regulations as it deems necessary to carry out the provisions of this section.

S 38. Subparagraph (vi) of paragraph (a) of subdivision 5 of section 171-f of the tax law, as added by chapter 55 of the laws of 1992 and as renumbered by chapter 170 of the laws of 1994, is amended to read as follows:

(vi) the amount of a default in repayment of a state university [or city university] loan pursuant to section one hundred seventy-one-e of this article.

S 39. Subparagraph (vi) of paragraph (a) of subdivision 4 of section 171-l of the tax law, as added by section 6 of part R of chapter 60 of the laws of 2004, is amended to read as follows:

(vi) the amount of a default in repayment of a state university [or city university] loan pursuant to section one hundred seventy-one-e of this article.

S 40. Paragraph 6 of subsection (b) of section 651 of the tax law, as amended by section 9 of part R of chapter 60 of the laws of 2004, is amended to read as follows:

(6) If a joint return has been made under this subsection for a taxable year and only one spouse is liable for past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or an amount of a default in repayment of a guaranteed student, state university [or city university] loan of which the commissioner of taxation and finance has been notified pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f, or one hundred seventy-one-l of this chapter, as the case may be, then an overpayment and interest thereon shall be credited against such past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan, unless the spouse not liable for such past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan demands on a declaration made in accordance with regulations or instructions prescribed by the commissioner of taxation and finance, that the portion of the overpayment and interest attributable to such spouse not be credited against the past-due support, or a past-due

legally enforceable debt, or a city of New York tax warrant judgment debt, or amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan owed by the other spouse. Such demand may be filed (A) with the return of the spouse not liable for past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or default in repayment of a guaranteed student[,] OR state university[, or city university] loan or (B) with the commissioner of taxation and finance within ten days after notification is provided such spouse by the commissioner of taxation and finance pursuant to subdivision seven of section one hundred seventy-one-c, subdivision six of section one hundred seventy-one-d, subdivision seven of section one hundred seventy-one-e, subdivision seven of section one hundred seventy-one-f or subdivision six of section one hundred seventy-one-l of this chapter. Upon such demand the commissioner of taxation and finance shall determine the amount of the overpayment attributable to each spouse in accordance with regulations prescribed by the commissioner of taxation and finance and credit only that portion of the overpayment and interest thereon attributable to the spouse liable for past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan against such past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan.

S 41. Subsection (a) of section 686 of the tax law, as amended by section 10 of part C of chapter 25 of the laws of 2009, is amended to read as follows:

(a) General.-- The commissioner of taxation and finance, within the applicable period of limitations, may credit an overpayment of income tax and interest on such overpayment against any liability in respect of any tax imposed by this chapter, including taxes imposed under article twenty-three of this chapter, on the person who made the overpayment, against any liability in respect of any tax imposed pursuant to the authority of this chapter or any other law on such person if such tax is administered by the commissioner of taxation and finance and, as provided in sections one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f and one hundred seventy-one-l of this chapter, against past-due support, a past-due legally enforceable debt, a city of New York tax warrant judgment debt, and against the amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan. The balance shall be refunded by the comptroller out of the proceeds of the tax retained by him for such general purpose. Any refund under this section shall be made only upon the filing of a return and upon a certificate of the commissioner approved by the comptroller. The comptroller, as a condition precedent to the approval of such a certificate, may examine into the facts as disclosed by the return of the person who made the overpayment and other information and data available in the files of the commissioner.

S 42. Paragraph 3 of subsection (e) of section 697 of the tax law, as amended by chapter 206 of the laws of 2011, is amended to read as follows:

(3) Nothing herein shall be construed to prohibit the department, its officers or employees from furnishing information to the office of temporary and disability assistance relating to the payment of the cred-

it for certain household and dependent care services necessary for gainful employment under subsection (c) of section six hundred six of this article and the earned income credit under subsection (d) of section six hundred six of this article and the enhanced earned income credit under subsection (d-1) of section six hundred six of this article, or pursuant to a local law enacted by a city having a population of one million or more pursuant to subsection (f) of section thirteen hundred ten of this chapter, only to the extent necessary to calculate qualified state expenditures under paragraph seven of subdivision (a) of section four hundred nine of the federal social security act or to document the proper expenditure of federal temporary assistance for needy families funds under section four hundred three of such act. The office of temporary and disability assistance may redisclose such information to the United States department of health and human services only to the extent necessary to calculate such qualified state expenditures or to document the proper expenditure of such federal temporary assistance for needy families funds. Nothing herein shall be construed to prohibit the delivery by the commissioner to a commissioner of jurors, appointed pursuant to section five hundred four of the judiciary law, or, in counties within cities having a population of one million or more, to the county clerk of such county, of a mailing list of individuals to whom income tax forms are mailed by the commissioner for the sole purpose of compiling a list of prospective jurors as provided in article sixteen of the judiciary law. Provided, however, such delivery shall only be made pursuant to an order of the chief administrator of the courts, appointed pursuant to section two hundred ten of the judiciary law. No such order may be issued unless such chief administrator is satisfied that such mailing list is needed to compile a proper list of prospective jurors for the county for which such order is sought and that, in view of the responsibilities imposed by the various laws of the state on the department, it is reasonable to require the commissioner to furnish such list. Such order shall provide that such list shall be used for the sole purpose of compiling a list of prospective jurors and that such commissioner of jurors, or such county clerk, shall take all necessary steps to insure that the list is kept confidential and that there is no unauthorized use or disclosure of such list. Furthermore, nothing herein shall be construed to prohibit the delivery to a taxpayer or his or her duly authorized representative of a certified copy of any return or report filed in connection with his or her tax or to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the attorney general or other legal representatives of the state of the report or return of any taxpayer or of any employer filed under section one hundred seventy-one-h of this chapter, where such taxpayer or employer shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding under this chapter or under this chapter and article eighteen of the labor law has been recommended by the commissioner, the commissioner of labor with respect to unemployment insurance matters, or the attorney general or has been instituted, or the inspection of the reports or returns required under this article by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any tax paid by a taxpayer under this article, or the furnishing to the state department of labor of unemployment insurance information obtained or derived from quarterly combined withholding, wage reporting and unemployment insurance returns required to be filed by employers

pursuant to paragraph four of subsection (a) of section six hundred seventy-four of this article, for purposes of administration of such department's unemployment insurance program, employment services program, federal and state employment and training programs, employment statistics and labor market information programs, worker protection programs, federal programs for which the department has administrative responsibility or for other purposes deemed appropriate by the commissioner of labor consistent with the provisions of the labor law, and redisclosure of such information in accordance with the provisions of sections five hundred thirty-six and five hundred thirty-seven of the labor law or any other applicable law, or the furnishing to the state office of temporary and disability assistance of information obtained or derived from New York state personal income tax returns as described in paragraph (b) of subdivision two of section one hundred seventy-one-g of this chapter for the purpose of reviewing support orders enforced pursuant to title six-A of article three of the social services law to aid in the determination of whether such orders should be adjusted, or the furnishing of information obtained from the reports required to be submitted by employers regarding newly hired or re-hired employees pursuant to section one hundred seventy-one-h of this chapter to the state office of temporary and disability assistance, the state department of health, the state department of labor and the workers' compensation board for purposes of administration of the child support enforcement program, verification of individuals' eligibility for one or more of the programs specified in subsection (b) of section eleven hundred thirty-seven of the federal social security act and for other public assistance programs authorized by state law, and administration of the state's employment security and workers' compensation programs, and to the national directory of new hires established pursuant to section four hundred fifty-three-A of the federal social security act for the purposes specified in such section, or the furnishing to the state office of temporary and disability assistance of the amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against past-due support pursuant to section one hundred seventy-one-c of this chapter and of the name and social security number of the taxpayer who made such overpayment, or the disclosing to the commissioner of finance of the city of New York, pursuant to section one hundred seventy-one-l of this chapter, of the amount of an overpayment and interest thereon certified to the comptroller to be credited against a city of New York tax warrant judgment debt and of the name and social security number of the taxpayer who made such overpayment, or the furnishing to the New York state higher education services corporation of the amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against the amount of a default in repayment of any education loan debt, including judgments, owed to the federal or New York state government that is being collected by the New York state higher education services corporation, and of the name and social security number of the taxpayer who made such overpayment, or the furnishing to the state department of health of the information required by paragraph (f) of subdivision two and subdivision two-a of section two thousand five hundred eleven of the public health law and by subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, or the furnishing to the state university of New York [or the city university of New York respectively] or the attorney general on behalf of such state [or city] university the

amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against the amount of a default in repayment of a state university loan pursuant to section one hundred seventy-one-e of this chapter and of the name and social security number of the taxpayer who made such overpayment, or the disclosing to a state agency, pursuant to section one hundred seventy-one-f of this chapter, of the amount of an overpayment and interest thereon certified to the comptroller to be credited against a past-due legally enforceable debt owed to such agency and of the name and social security number of the taxpayer who made such overpayment, or the furnishing of employee and employer information obtained through the wage reporting system, pursuant to section one hundred seventy-one-a of this chapter, as added by chapter five hundred forty-five of the laws of nineteen hundred seventy-eight, to the state office of temporary and disability assistance, the department of health or to the state office of the medicaid inspector general for the purpose of verifying eligibility for and entitlement to amounts of benefits under the social services law or similar law of another jurisdiction, locating absent parents or other persons legally responsible for the support of applicants for or recipients of public assistance and care under the social services law and persons legally responsible for the support of a recipient of services under section one hundred eleven-g of the social services law and, in appropriate cases, establishing support obligations pursuant to the social services law and the family court act or similar provision of law of another jurisdiction for the purpose of evaluating the effect on earnings of participation in employment, training or other programs designed to promote self-sufficiency authorized pursuant to the social services law by current recipients of public assistance and care and by former applicants and recipients of public assistance and care, (except that with regard to former recipients, information which relates to a particular former recipient shall be provided with client identifying data deleted), to the state office of temporary and disability assistance for the purpose of determining the eligibility of any child in the custody, care and custody or custody and guardianship of a local social services district or of the office of children and family services for federal payments for foster care and adoption assistance pursuant to the provisions of title IV-E of the federal social security act by providing information with respect to the parents, the stepparents, the child and the siblings of the child who were living in the same household as such child during the month that the court proceedings leading to the child's removal from the household were initiated, or the written instrument transferring care and custody of the child pursuant to the provisions of section three hundred fifty-eight-a or three hundred eighty-four-a of the social services law was signed, provided however that the office of temporary and disability assistance shall only use the information obtained pursuant to this subdivision for the purpose of determining the eligibility of such child for federal payments for foster care and adoption assistance pursuant to the provisions of title IV-E of the federal social security act, and to the state department of labor, or other individuals designated by the commissioner of labor, for the purpose of the administration of such department's unemployment insurance program, employment services program, federal and state employment and training programs, employment statistics and labor market information programs, worker protection programs, federal programs for which the department has administrative responsibility or for other purposes deemed appropriate by the commissioner of labor consistent with the provisions of the labor

law, and redisclosure of such information in accordance with the provisions of sections five hundred thirty-six and five hundred thirty-seven of the labor law, or the furnishing of information, which is obtained from the wage reporting system operated pursuant to section one hundred seventy-one-a of this chapter, as added by chapter five hundred forty-five of the laws of nineteen hundred seventy-eight, to the state office of temporary and disability assistance so that it may furnish such information to public agencies of other jurisdictions with which the state office of temporary and disability assistance has an agreement pursuant to paragraph (h) or (i) of subdivision three of section twenty of the social services law, and to the state office of temporary and disability assistance for the purpose of fulfilling obligations and responsibilities otherwise incumbent upon the state department of labor, under section one hundred twenty-four of the federal family support act of nineteen hundred eighty-eight, by giving the federal parent locator service, maintained by the federal department of health and human services, prompt access to such information as required by such act, or to the state department of health to verify eligibility under the child health insurance plan pursuant to subdivisions two and two-a of section two thousand five hundred eleven of the public health law, to verify eligibility under the medical assistance and family health plus programs pursuant to subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, and to verify eligibility for the program for elderly pharmaceutical insurance coverage under title three of article two of the elder law, or to the office of vocational and educational services for individuals with disabilities of the education department, the commission for the blind and visually handicapped and any other state vocational rehabilitation agency, for purposes of obtaining reimbursement from the federal social security administration for expenditures made by such office, commission or agency on behalf of disabled individuals who have achieved economic self-sufficiency or to the higher education services corporation for the purpose of assisting the corporation in default prevention and default collection of education loan debt, including judgments, owed to the federal or New York state government; provided, however, that such information shall be limited to the names, social security numbers, home and/or business addresses, and employer names of defaulted or delinquent student loan borrowers, or to the office of the state comptroller for purposes of verifying the income of a retired member of a retirement system or pension plan administered by the state or any of its political subdivisions who returns to public employment.

Provided, however, that with respect to employee information the office of temporary and disability assistance shall only be furnished with the names, social security account numbers and gross wages of those employees who are (A) applicants for or recipients of benefits under the social services law, or similar provision of law of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law) or, (B) absent parents or other persons legally responsible for the support of applicants for or recipients of public assistance and care under the social services law or similar provision of law of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law), or (C) persons legally responsible for the support of a recipient of services under section one hundred eleven-g of the social services law or similar provision of law of another jurisdiction (pursuant to an agreement under

subdivision three of section twenty of the social services law), or (D) employees about whom wage reporting system information is being furnished to public agencies of other jurisdictions, with which the state office of temporary and disability assistance has an agreement pursuant to paragraph (h) or (i) of subdivision three of section twenty of the social services law, or (E) employees about whom wage reporting system information is being furnished to the federal parent locator service, maintained by the federal department of health and human services, for the purpose of enabling the state office of temporary and disability assistance to fulfill obligations and responsibilities otherwise incumbent upon the state department of labor, under section one hundred twenty-four of the federal family support act of nineteen hundred eighty-eight, and, only if, the office of temporary and disability assistance certifies to the commissioner that such persons are such applicants, recipients, absent parents or persons legally responsible for support or persons about whom information has been requested by a public agency of another jurisdiction or by the federal parent locator service and further certifies that in the case of information requested under agreements with other jurisdictions entered into pursuant to subdivision three of section twenty of the social services law, that such request is in compliance with any applicable federal law. Provided, further, that where the office of temporary and disability assistance requests employee information for the purpose of evaluating the effects on earnings of participation in employment, training or other programs designed to promote self-sufficiency authorized pursuant to the social services law, the office of temporary and disability assistance shall only be furnished with the quarterly gross wages (excluding any reference to the name, social security number or any other information which could be used to identify any employee or the name or identification number of any employer) paid to employees who are former applicants for or recipients of public assistance and care and who are so certified to the commissioner by the commissioner of the office of temporary and disability assistance. Provided, further, that with respect to employee information, the department of health shall only be furnished with the information required pursuant to the provisions of paragraph (f) of subdivision two and subdivision two-a of section two thousand five hundred eleven of the public health law and subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, with respect to those individuals whose eligibility under the child health insurance plan, medical assistance program, and family health plus program is to be determined pursuant to such provisions and with respect to those members of any such individual's household whose income affects such individual's eligibility and who are so certified to the commissioner or by the department of health. Provided, further, that wage reporting information shall be furnished to the office of vocational and educational services for individuals with disabilities of the education department, the commission for the blind and visually handicapped and any other state vocational rehabilitation agency only if such office, commission or agency, as applicable, certifies to the commissioner that such information is necessary to obtain reimbursement from the federal social security administration for expenditures made on behalf of disabled individuals who have achieved self-sufficiency. Reports and returns shall be preserved for three years and thereafter until the commissioner orders them to be destroyed.

S 43. Paragraph 5 of subsection (b) of section 1306 of the tax law, as amended by chapter 333 of the laws of 1987, is amended to read as follows:

(5) If a joint return has been made under this subsection for a taxable year and only one spouse is liable for past-due support or an amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan of which the state tax commission has been notified pursuant to section one hundred seventy-one-c, one hundred seventy-one-d or one hundred seventy-one-e of this chapter, as the case may be, then an overpayment and interest thereon shall be credited against such past-due support or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan, unless the spouse not liable for such past-due support or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan demands, on a declaration made in accordance with regulations or instructions prescribed by the state tax commission, that the portion of the overpayment and interest attributable to such spouse not be credited against the past-due support or amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan owed by the other spouse. Upon such demand, the state tax commission shall determine the amount of the overpayment attributable to each spouse in accordance with regulations prescribed by the state tax commission and credit only that portion of the overpayment and interest thereon attributable to the spouse liable for past-due support or amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan against such past-due support or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan.

S 44. Paragraphs 3 and 6 of subsection (c) of section 1313 of the tax law, as amended by section 8 of part C of chapter 58 of the laws of 2005, are amended to read as follows:

(3) pay to the state university of New York [or the city university of New York respectively] that amount of overpayments of the taxes imposed pursuant to the authority of this article or former article two-E of the general city law and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of state [or city] university loans pursuant to subdivision six of section one hundred seventy-one-e of this chapter;

(6) pay to a non-obligated spouse that amount of overpayment of tax imposed pursuant to the authority of this article or former article two-E of the general city law and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this chapter and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter, and the comptroller shall deduct a like amount which, the comptroller shall pay into the treasury to the credit of the general fund, from amounts subsequently payable to the office of temporary and disability assistance, the state university of New York, [the city university of New York,] the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment.

S 45. Paragraph 5 of subsection (b) of section 1326 of the tax law, as amended by section 16 of part R of chapter 60 of the laws of 2004, is amended to read as follows:

(5) If a joint return has been made pursuant to this subsection for a taxable year and only one spouse is liable for past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or an amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan of which the commissioner of taxation and finance has been notified pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this chapter, as the case may be, then an overpayment and interest thereon shall be credited against such past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan, unless the spouse not liable for such past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan demands, on a declaration made in accordance with regulations or instructions prescribed by the commissioner of taxation and finance, that the portion of the overpayment and interest attributable to such spouse not be credited against the past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan owed by the other spouse. Upon such demand the commissioner of taxation and finance shall determine the amount of the overpayment attributable to each spouse in accordance with regulations prescribed by the commissioner of taxation and finance and credit only that portion of the overpayment and interest thereon attributable to the spouse liable for past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan against such past-due support, or a past-due legally enforceable debt, or a city of New York tax warrant judgment debt, or such amount of a default in repayment of a guaranteed student[,] OR state university [or city university] loan.

S 46. Section 1333 of the tax law, as amended by section 17 of part R of chapter 60 of the laws of 2004, is amended to read as follows:

S 1333. Deposit and disposition of revenues. All revenue collected by the commissioner of taxation and finance from the tax imposed by any city pursuant to the authority of this article or article thirty-B of this chapter shall be deposited daily with such responsible banks, banking houses or trust companies, as may be designated by the state comptroller, to the credit of the comptroller, in trust for such city. Such deposits shall be kept in trust and separate and apart from all other moneys in the possession of the comptroller. The comptroller shall require adequate security from all such depositories of such revenue collected by the commissioner of taxation and finance. The comptroller shall retain in his hands such amount as the commissioner of taxation and finance may determine to be necessary for refunds in respect to the tax imposed by such city pursuant to the authority of this article or article thirty-B of this chapter and for reasonable costs of the commissioner of taxation and finance in administering, collecting and distributing such taxes, out of which the comptroller shall pay any refunds of

such taxes to which the taxpayer shall be entitled under any law enacted by such city pursuant to the authority of this article or article thirty-B of this chapter. The comptroller, after reserving such refund fund and such cost shall, on or before the fifteenth day of each month, pay to the chief fiscal officer of such city the balance of such taxes collected, to be paid into the treasury of such city to the credit of the general fund except that he shall pay to the state department of social services that amount of overpayments of the tax imposed by such city pursuant to the authority of this article or article thirty-B of this chapter and the interest on such amount which is certified to him by the commissioner of taxation and finance as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this chapter and except that he shall pay to the New York state higher education services corporation that amount of overpayments of the tax imposed by such city pursuant to the authority of this article or article thirty-B of this chapter and the interest on such amount which is certified to him by the commissioner of taxation and finance as the amount to be credited against the amount of defaults in repayment of guaranteed student loans pursuant to subdivision five of section one hundred seventy-one-d of this chapter and except that he shall pay to the state university of New York [or the city university of New York respectively] that amount of overpayments of the tax imposed by such city pursuant to the authority of this article or article thirty-B of this chapter and the interest on such amount which is certified to him by the commissioner of taxation and finance as the amount to be credited against the amount of defaults in repayment of state [or city university] loans pursuant to subdivision six of section one hundred seventy-one-e of this chapter and except that, notwithstanding any other provision of law, he shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount of overpayments of the taxes imposed pursuant to the authority of this article or article thirty-B of this chapter and the interest on such amount which is certified to him by the commissioner of taxation and finance as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this chapter, provided, however, he shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this chapter and except that he shall pay to the city of New York that amount of overpayments of tax imposed pursuant to the authority of this article or article thirty-B of this chapter and the interest on such amount which is certified to him by the commissioner of taxation and finance as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this chapter, and except further that he/she shall pay to a non-obligated spouse that amount of overpayment of tax imposed by such city pursuant to the authority of this article or article thirty-B of this chapter and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this chapter and which is certified to him by the commissioner of taxation and finance as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter, and he shall deduct a like amount which he shall pay into the treasury to the credit

of the general fund from amounts subsequently payable to the department of social services, the state university of New York, [the city university of New York,] or the higher education services corporation or to the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment. The amount deducted for administering, collecting and distributing such taxes during such monthly period shall be paid by the comptroller into the general fund of the state treasury to the credit of the state purposes account therein. The first payment to such chief fiscal officer shall be made on or before March fifteenth, nineteen hundred eighty-five, which payment shall represent the balance of revenue after provision for refund and such reasonable costs, with respect to taxes collected in nineteen hundred eighty-four. Subsequent payments shall be made on or before April fifteenth, nineteen hundred eighty-five, and on or before the fifteenth day of each succeeding month thereafter, and shall represent the balance of revenue with respect to taxes collected the preceding calendar months. The amounts so payable shall be certified to the comptroller by the commissioner of taxation and finance or his delegate, either of whom shall not be held liable for any inaccuracy in such certificate. Where the amount so paid over to such chief fiscal officer is more or less than the amount then due such city, the amount of overpayment or underpayment shall be certified to the comptroller by the commissioner of taxation and finance or his delegate, either of whom shall not be held liable for any inaccuracy in such certificate. The amount of overpayment or underpayment shall be so certified to the comptroller as soon after the discovery of the overpayment or underpayment as reasonably possible and subsequent payments by the comptroller to such chief fiscal officer shall be adjusted by subtracting the amount of any such overpayment from, or by adding the amount of any such underpayment to such number of subsequent payments and distributions as the comptroller and the commissioner of taxation and finance shall consider reasonable in view of the amount of the overpayment or underpayment and all other facts and circumstances.

S 47. Subdivision 6 of section 42 of the labor law, as added by section 6 of part E of chapter 389 of the laws of 1997, is amended to read as follows:

6. Notwithstanding any other provisions of law to the contrary, the educational opportunity centers (hereinafter referred to as EOCs) operated by the state university [and educational centers operated by the units of the city university of New York] are hereby authorized to contract with employment and training providers funded pursuant to this section for provision of services authorized under this section and to receive reimbursement for services provided. For the purpose of this program, all participants eligible for services pursuant to this section shall be deemed to be eligible for services provided by the EOCs.

S 48. The section heading and subdivision 1 of section 213-a of the labor law, as amended by chapter 562 of the laws of 2003, is amended to read as follows:

Special provisions regarding the purchasing of apparel or sports equipment by the state university of New York [and the city university of New York].

1. Notwithstanding any other provision of law, the various units of the state university of New York[, the city university of New York] and community colleges shall have the authority to:

S 49. The opening paragraph of subdivision 10 of section 590 of the labor law, as amended by chapter 734 of the laws of 2004, is amended to read as follows:

Benefits based on professional employment with educational institutions, including the state university of New York[, the city university of New York] and any public community colleges. If a claimant was employed in an instructional, research, or principal administrative capacity by an institution of education, including the state university of New York[, the city university of New York] and any public community colleges, or performed services in such an institution in such capacity while employed by an educational service agency, the following shall apply to any week commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms when the contract provides therefor instead, provided the claimant has a contract to perform, or there is a reasonable assurance that the claimant will perform, services in such capacity for any such institution or institutions for both of such academic years or such terms, and to any week commencing during an established and customary vacation period or holiday recess, not between such academic terms or years, provided the claimant performed services for such institution immediately before such vacation period or holiday recess and there is a reasonable assurance that the claimant will perform any services described in this subdivision or subdivision eleven of this section in the period immediately following such vacation period or holiday recess:

S 50. Subdivision 7 of section 819 of the labor law, as amended by chapter 319 of the laws of 2004, is amended to read as follows:

7. Notwithstanding subdivision six of this section, any entity with an approved apprenticeship program as defined in this section shall not be liable to pay the fees provided for in this section if such entity is the state university of New York[, the city university of New York], a community college or board of cooperative educational services as those terms are defined in the education law.

S 51. Section 836 of the labor law, as added by chapter 231 of the laws of 1989, is amended to read as follows:

S 836. Administration. Except as is otherwise provided herein, the administration of the worker adjustment program shall be carried out by the department in consultation with the department of economic development, state education department, state university of New York, [city university of New York,] and the state job training coordinating council, hereinafter referred to as the "council", in a manner consistent with the federal Economic Dislocation and Worker Adjustment Assistance Act (P.L. 100-418), hereinafter referred to as "the act".

S 52. Paragraph c of subdivision 5 of section 18-b of the transportation law, as added by chapter 56 of the laws of 1975, is amended to read as follows:

c. In the event that a county or municipality shall fail to make to a public transportation system any of the payments required to be made by it under this section, the chief executive officer of the public transportation system or such other person as the commissioner shall designate shall certify to the state comptroller such amount due and owing such public transportation system and the state comptroller shall withhold an equivalent amount from state aid allocated to such county or municipality from highway aid, the motor fuel tax and the motor vehicle registration fee distributed pursuant to section one hundred twelve of the highway law, or per capita local assistance pursuant to section

fifty-four of the state finance law subject to the following limitations: prior to withholding amounts allocated to carry such county or municipality, the comptroller shall pay in full any amount due the state of New York municipal bond bank agency, on account of any such county or municipality's obligation to such agency; [the city university construction fund, pursuant to the provisions of the city university construction fund act;] the New York city housing development corporation, pursuant to the provisions of the New York city housing development corporation act (article twelve of the private housing finance law); and the transit construction fund, pursuant to the provisions of article five[,] OF title nine-a of the public authorities law. The comptroller shall give the director of the budget notification of any such payment. Such amount or amounts so withheld by the state comptroller shall be paid to such public transportation system, which system shall use such amount or amounts for the payment of the county or municipality share of its operating expenses. When such amount or amounts are received by such public transportation system, it shall credit such amounts against any amounts due and owing such system by the county or municipality on whose account such amount was withheld and paid.

S 53. Subdivision 1 of section 141 of the economic development law, as added by chapter 564 of the laws of 1988, is amended to read as follows:

1. "Agency" shall mean any agency, department, board, bureau, commission a majority of whose members are appointed by the governor, division, office, council, committee, or officer of the state, or the state university of New York [or the city university of New York], or any public benefit corporation or public authority, a majority of whose members are appointed by the governor. Such term shall not include the legislature.

S 54. Paragraph (b) of subdivision 2 of section 142 of the economic development law, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

(b) for procurement contracts in excess of ten thousand dollars and less than twenty thousand dollars to be awarded by the state university of New York [or the city university of New York], (i) a quarterly listing of projected procurement purchases by commodity for each institution of the state university of New York [or the city university of New York]; (ii) an explanation of how to apply for placement on any bidder lists maintained by the state university of New York [or the city university of New York]; and (iii) a description of procedures for providing advance notification by mail to individuals or business entities on such bidder lists of any request for proposals, in accordance with rules and regulations promulgated by the state university [or the city university]; and

S 55. Paragraph (d) of subdivision 1 of section 144 of the economic development law, as amended by chapter 862 of the laws of 1990, is amended to read as follows:

(d) Procurement contracts in an amount less than ten thousand dollars awarded by the state university of New York [or the city university of New York]; and

S 56. Subdivision 6 of section 200 of the economic development law, as amended by chapter 435 of the laws of 1990, is amended to read as follows:

6. "Interagency review committee" shall mean a committee chaired by the commissioner and consisting of representatives from the state education department, the department of labor, the department of social services, the state university[, the city university] and the state job

training partnership council. Such other state agencies, authorities, boards or commissions shall be consulted as the commissioner shall deem appropriate.

S 57. Paragraphs (a) and (b) of subdivision 2 of section 201 of the economic development law, paragraph (a) as added by chapter 839 of the laws of 1987 and paragraph (b) as amended by chapter 435 of the laws of 1990, are amended to read as follows:

(a) coordinate with the department of education, the department of labor, the state university of New York[, the city university] and service delivery areas as established pursuant to the federal job training partnership act (P.L. 97-300) in order to carry out the purposes of this article and to complement and leverage related training resources consistent with the purposes described herein;

(b) upon the recommendation of the interagency review committee, execute and monitor grants and contracts to carry out the purposes of this article or authorize grants and contracts to be executed and monitored by the department of labor for projects which provide on-the-job training reimbursements to businesses as described in this article and for such labor exchange and other related services as are agreed upon by the agencies, by the state education department for projects which provide classroom based training which will be delivered by school districts, boards of cooperative educational services and private degree-granting institutions of higher education and by the state university [or the city university] for projects which provide classroom based training which will be delivered by community colleges, agricultural and technical colleges, and public degree-granting institutions of higher education or authorize such other arrangements as, upon the recommendation of the interagency review committee, the commissioner determines will advance the purposes of this program;

S 58. Subdivision 1 of section 220 of the economic development law, as amended by chapter 291 of the laws of 1990, and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

1. To coordinate the international economic activities of the state including any international economic activities of the department of agriculture and markets, the department of financial services, the department of financial services, the education department, the state university of New York[, the city university of New York], the New York state science and technology foundation, the New York state urban development corporation, the New York state job development authority, the port authority of New York and New Jersey, and other New York state agencies.

S 59. Subdivision 4 of section 241 of the economic development law, as added by chapter 839 of the laws of 1987, is amended to read as follows:

4. The advisory council shall consist of the commissioner, who shall serve as chair, the commissioner of labor, and the commissioner of education, or their designees, one representative designated by the temporary president of the senate and one representative designated by the speaker of the assembly and eight members appointed by the commissioner, who shall have an expertise in economic analysis, planning or data collection, maintenance and distribution, [one] TWO representing the state university of New York, [one representing the city university of New York,] one representing independent universities, one representing the state association of regional planning and development organizations, one representative of local government interests, one representative of business and industry interests, one representative of labor

interests, and one representative of private economic research and forecasting entities. The members shall receive no compensation for their services but shall be allowed actual and necessary expenses incurred in the performance of their duties.

S 60. Subparagraph 8 of paragraph (b) of subdivision 17 of section 1005 of the public authorities law, as added by chapter 477 of the laws of 2009 and as renumbered by section 16 of part CC of chapter 60 of the laws of 2011, is amended to read as follows:

(8) "Public university" means [the city university of New York including] any senior college or community college as defined in section sixty-two hundred two of the education law, and the state university of New York including four-year colleges established pursuant to section sixty-three hundred seven of the education law and community colleges as defined in section sixty-three hundred one of the education law.

S 61. Subdivision (b) of section 1225-i of the public authorities law, as added by chapter 576 of the laws of 1972, is amended to read as follows:

(b) In the event of the failure of the city to pay to the fund, on or before such fifteenth day of September, all or part of such amount, the fund or its designate shall forthwith make and deliver to the comptroller of the state a certificate stating such amount and the sum, if any, paid by the city to the fund with respect to such amount and further stating the difference between such amount and such sum, and, after the state comptroller shall have promptly given written notice to the budget director, such difference shall be paid to the fund or its designate whichever makes and delivers such certificate by the state comptroller out of any succeeding payments of state aid apportioned to the city as per capita aid for the support of local government pursuant to section fifty-four of the state finance law or such other aid or assistance payable by the state to the city and not otherwise allocated as shall supersede or supplement such state per capita aid, including federal moneys apportioned to the city by the state; except, however, that prior to any deductions from any such aid or assistance, the moneys, if any, then payable to [the city university construction fund pursuant to the provisions of the city university construction fund act or to] the New York city housing development corporation pursuant to the New York city housing development corporation act or to the transit authority pursuant to chapter seven of the laws of nineteen hundred seventy-two shall be paid in full to such fund, corporation or authority.

S 62. The third undesignated paragraph of section 1277 of the public authorities law, as amended by chapter 161 of the laws of 2000, is amended to read as follows:

In the event that a city or county shall fail to make payment to the authority for station maintenance as required pursuant to this section, or any part thereof, the chief executive officer of the authority or such other person as the chairman shall designate shall certify to the state comptroller the amount due and owing the authority at the end of the state fiscal year and the state comptroller shall withhold an equivalent amount from the next succeeding state aid allocated to such county or city from the motor fuel tax and the motor vehicle registration fee distributed pursuant to former section one hundred twelve of the highway law, or amounts distributed pursuant to section ten-c of the highway law, or per capita local assistance pursuant to section fifty-four of the state finance law subject to the following limitations: prior to withholding amounts due the authority from such county or city, the

comptroller shall pay in full any amount due the state of New York municipal bond bank agency, on account of any such county's or city's obligation to such agency; [the city university construction fund pursuant to the provisions of the city university construction fund act;] the New York city housing development corporation, pursuant to the provisions of the New York city housing development corporation act (article twelve of the private housing finance law); and the transit construction fund pursuant to the provisions of title nine-A of article five of this chapter. The comptroller shall give the director of the budget notification of any such payment. Such amount or amounts so withheld by the comptroller shall be paid to the authority and the authority shall use such amount for the repayment of the state advances hereby authorized. When such amount or amounts are received by the authority, it shall credit such amounts against any amounts due and owing by the city or county on whose account such amount was withheld and paid.

S 63. Subdivision 8 of section 1676 of the public authorities law is REPEALED.

S 64. Section 1676-a of the public authorities law, as added by chapter 769 of the laws of 1978, is amended to read as follows:

S 1676-a. Payment on authority public work projects. Notwithstanding the provisions of any other law to the contrary, all contracts for public work awarded by the dormitory authority pursuant to this title shall be in accordance with section one hundred thirty-nine-f of the state finance law. For the purposes of this section, public work by the dormitory authority shall include but not be limited to the construction of dormitories and other related structures as defined in paragraph a of subdivision two of section sixteen hundred seventy-six of this title, boards of cooperative educational services as defined in paragraph d of subdivision two of section sixteen hundred seventy-six of this title, AND locally sponsored community colleges as defined in subdivision seven of section sixteen hundred seventy-six of this title[, and the city university as defined in subdivision eight of section sixteen hundred seventy-six of this title].

S 65. Subdivision 10 of section 1679 of the public authorizes law, as amended by chapter 682 of the laws of 1984, is amended to read as follows:

10. There is hereby created an advisory committee on the supplemental higher education loan financing program to the dormitory authority which shall consist of the chairman of the authority, who shall serve as the chairman of such committee, the commissioner of education, the chancellor of the state university of New York, [the chancellor of the city university of New York,] the president of the higher education services corporation, the chairman of the board of trustees of the commission on independent colleges and universities, the president of the New York state financial aid administrators association and an undergraduate student appointed by the governor who is in attendance at a public or independent institution of higher education located in this state. Such committee shall participate in the development of and review the program guidelines to be established by the authority as required by this section and may make recommendations on, comment upon and advise the members of the board of the authority with respect to such guidelines. Each of the members of such committee may designate in writing to the chairman of the committee a representative to serve on such committee in the place of such member. The members of the committee shall receive no compensation for their services, but shall be entitled to reimbursement

by the dormitory authority for their actual and necessary expenses incurred in the performance of their duties.

S 66. The undesignated paragraph of subdivision 1 of section 1680 of the public authorizes law, as amended by chapter 352 of the laws of 2008, is amended to read as follows:

Educational Housing Services Inc., a not-for-profit corporation, for the acquisition, financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of housing for students and/or faculty at institutions of higher education throughout the state and up to five wholly-owned and controlled corporations or limited liability companies that are not subject to federal income taxation (except with respect to any unrelated business income) as follows: [one such corporation or limited liability company for the acquisition, financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of a dormitory for housing for students in connection with the city university of New York;] one such corporation or limited liability company for the acquisition, financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of a dormitory located at 401 West 130th Street, New York, New York for housing for students and/or faculty in connection with the city college of New York; one such corporation or limited liability company for the acquisition, financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of a dormitory at 55 John Street, New York, New York for housing for students and/or faculty; one such corporation or limited liability company for the acquisition, financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of a dormitory at 231 East 55th Street, New York, New York for housing for students and/or faculty; and one such corporation or limited liability company for the acquisition, financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion, and equipping of a dormitory at 1760 3rd Avenue, New York, New York for housing for students and/or faculty.

S 67. The undesignated paragraph of subdivision 1 of section 1680 of the public authorities law, as amended by chapter 174 of the laws of 2002, is amended to read as follows:

MSMC realty corporation, a support organization of the Mount Sinai hospital, Mount Sinai school of medicine of the [city] STATE university of New York and the Mount Sinai medical center, inc. (collectively, "Mount Sinai"), for the purpose of providing facilities and equipment for Mount Sinai. As used in this paragraph and for purposes of chapter five hundred fifty-four of the laws of nineteen hundred ninety-nine, MSMC Realty Corporation shall be deemed to include any other entity created by MSMC Realty Corporation or Mount Sinai for the purpose of entering into an agreement with the dormitory authority pursuant to this paragraph.

S 68. Clause (b) of subparagraph 2, subparagraphs 3 and 4 of paragraph d and paragraph f of subdivision 2, the opening paragraph and subparagraphs 1 and 4 of paragraph (d) and paragraph (g) of subdivision 9, paragraph (c) of subdivision 14 and subdivision 20 of section 1680 of the public authorities law, clause (b) of subparagraph 2 of paragraph d of subdivision 2, the opening paragraph and subparagraph 1 of paragraph (d) of subdivision 9, as amended by chapter 332 of the laws of 1975, subparagraph 3 of paragraph d of subdivision 2, as amended by chapter 64 of the laws of 1980, subparagraph 4 of paragraph d of subdivision 2, as

added by chapter 917 of the laws of 1977, paragraph f of subdivision 2, as added by chapter 782 of the laws of 1966, subparagraph 1 of paragraph f of subdivision 2, as amended by section 52 of part K of chapter 81 of the laws of 2002, subparagraph 4 of paragraph d of subdivision 9, as amended by chapter 38 of the laws of 1976, paragraph (g) of subdivision 9, as amended by chapter 264 of the laws of 1986, paragraph (c) of subdivision 14, as amended by section 39 of part PP of chapter 56 of the laws of 2009 and subdivision 20, as added by chapter 678 of the laws of 1988, are amended to read as follows:

(b) In the case of any dormitory and attendant facility provided pursuant to paragraph f of this subdivision, the authority shall transfer such right, title and interest as it may have in or to the real property of such dormitory and attendant facility to the city of New York and in and to all personal property of such dormitory and attendant facility to the board of higher education in such city; provided, however, that if the authority has title to such dormitory and attendant facility and the [city] STATE university shall cease to offer educational facilities before any such liabilities and bonds have been so paid or discharged, the title to all of the real and personal property thereof shall vest in the people of the state of New York;

(3) Notwithstanding any other provisions of law, [if requested by the city university construction fund and] the board of higher education in the city of New York, and with the prior written approval of the director of the budget of the state of New York or his designee, the authority may sell all or any part of any dormitory and attendant facility provided by the authority for the [city] STATE university pursuant to paragraph f of subdivision two, including any real and personal property comprising said dormitory and attendant facility. Such sale may be made by private or public sale. Such sale may be made only if the dormitory and attendant facility or portion thereof being sold is abandoned or withdrawn from the applicable project in accordance with (i) the applicable agreement entered into by the authority [with the city university construction fund] and the board of higher education in the city of New York and (ii) the applicable resolution of the authority, and if the net proceeds of such sale are applied by the authority in accordance with such agreement and resolution. The difference, if any, between the net proceeds of such sale, and, if greater, the amount required to be paid by the board of higher education in the city of New York to the authority pursuant to the terms of the applicable agreement by reason of the abandonment or withdrawal of such dormitory and attendant facility or portion thereof shall be paid to the authority by the state of New York, the city of New York, in which case the written approval of the director of the office of management and budget of the city of New York, or his designee, shall also be required, [the city university construction fund or] such board of higher education or any number of the foregoing at the closing of such sale and shall likewise be applied by the authority in accordance with the applicable agreement and resolution. Provided, however, that the foregoing provisions of this subparagraph only to the extent that they otherwise require a request for and approval by the [city university construction fund or] the board of higher education in the city of New York shall not apply to any sale of the parcels which constitute one hundred twenty-three and one hundred twenty-seven West one hundred eighty-third street in the city of New York being in section eleven, block three thousand two hundred twenty-five, lot forty-eight in Bronx county (also known as Sedgwick dormitory and North hall). The abandonment or withdrawal of such dormitory and attendant facility or

portion thereof being sold and the payment to the authority in full of the difference between the net proceeds of sale and the amount required to be paid by such board of higher education to permit the abandonment or withdrawal shall be conditions to the closing of any sale pursuant to this subparagraph. In the event of a sale pursuant to this subparagraph, the authority shall be relieved of any obligation to transfer the dormitory and attendant facility or portion thereof being sold to the city of New York, the state of New York or the board of higher education in the city of New York pursuant to clause (b) of subparagraph two of this paragraph. Any and all rights of the city of New York, the state of New York and such board of higher education in and to such dormitory and attendant facility or portion thereof shall be deemed to be fully satisfied and extinguished by a sale pursuant to this subparagraph. At the request of the authority, the city of New York, the state of New York and such board of higher education shall join in the deed or execute a quitclaim or other legal instrument of conveyance of their respective interests, if any, therein.

(4) Notwithstanding any other provision of law, the authority, if requested by the [city university construction fund and the] board of higher education in the city of New York, may lease all or any part of any dormitory and attendant facility provided by the authority for the [city] STATE university pursuant to paragraph f of this subdivision to a third party upon such terms and conditions as the authority, [the city university construction fund and] the board of higher education in the city of New York shall deem appropriate and as are consistent with the provisions of the applicable agreement entered into by the authority [with the city university construction fund and] the board of higher education in the city of New York and the applicable resolution of the authority. Provided, however, that the foregoing provisions of this subparagraph only to the extent that they otherwise require a request for and approval by the [city university construction fund or the] board of higher education in the city of New York shall not apply to any lease of the parcels which constitute one hundred twenty-three and one hundred twenty-seven West one hundred eighty-third street in the city of New York being in section eleven, block three thousand two hundred twenty-five, lot forty-eight in Bronx county (also known as Sedgwick dormitory and North hall). Any rentals or other moneys received by the authority pursuant to such lease shall be applied by the authority in accordance with the terms of the applicable agreement and resolution. Any leasing of such dormitory and attendant facility or portion thereof by the authority pursuant to the terms of this subparagraph shall not be deemed to constitute a breach by the authority of the terms and conditions of, or a default by the authority under any agreement which the authority may have entered into with [the city university construction fund and] the board of higher education in the city of New York, or any resolution of the authority, applicable to the dormitory and attendant facility or portion thereof being leased.

f. (1) Notwithstanding any other provision of law, general or special, the dormitory authority is hereby authorized and empowered to acquire, design, construct, reconstruct, rehabilitate, and improve or otherwise provide and furnish and equip dormitories and attendant facilities for the use of the [city] STATE university, in accordance with the terms of any lease, sublease, or other agreement entered into by the authority, [pursuant to article one hundred twenty-five-B of the education law, with the city university construction fund, or with such fund] and the board of higher education in the city of New York. The dormitory author-

ity may issue its bonds to finance the cost of senior college facilities either together with or separate from bonds issued to finance the cost of community college facilities, and may issue its bonds to finance the local sponsor's portion of the cost of community college facilities either together with or separate from its bonds issued to finance the state's portion of the cost of such community college facilities.

Notwithstanding any other provision of law, general or special, the dormitory authority may acquire, design, construct or otherwise provide and furnish and equip dormitories and attendant facilities for the use of Hunter College, which may include therein a police and fire station, upon a site set forth in and in accordance with the terms of any lease, sublease or other agreement entered into by the authority [pursuant to article one hundred twenty-five-B of the education law with the city university construction fund], the city of New York and the board of higher education in such city. The police and fire station portions of such facility shall be deemed capital projects of the city of New York within the meaning of chapter nine of the New York city charter. Any conveyance of real property or rights and interests therein by the city to the dormitory authority with respect to such facility shall not include title to that portion of the real property to be occupied by the police and fire station portions thereof but shall include the air rights over such police and fire stations and subsurface rights thereunder.

(2) The provisions of this subdivision shall apply to projects undertaken by the dormitory authority pursuant to this paragraph provided, however, that wherever any provision of this subdivision authorizes or requires action on the part of an educational institution such provision, so far as it applies to any such project, shall be deemed to refer to action on the part of the [city university construction fund or the] board of higher education of the city of New York[, as the case may be].

The following provisions shall be applicable to agreements and leases entered into between the authority and a local sponsor in relation to the providing and financing by the authority of facilities for locally sponsored community colleges, and to agreements and leases entered into between the authority and the [city] STATE university [construction] fund in relation to the providing and financing by the authority of facilities for [city] STATE university community colleges.

(1) In addition to the provisions authorized by subdivision four of section sixteen hundred eighty-two of this title [four], any resolution or resolutions authorizing any bonds for the purpose of financing the cost of providing facilities for locally sponsored or [city] STATE university community colleges may contain provisions which may be a part of the contract with the holders of such bonds providing for the creation and establishment and maintenance of reserve funds and payments to such reserve funds as hereinafter in this paragraph set forth.

(4) To ensure the continued operation and solvency of the authority for the carrying out of the public purposes relating to providing facilities for locally sponsored or [city] STATE university community colleges provision is made in the foregoing provisions of this paragraph [d] for the accumulation in each debt service reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all bonds of the authority then outstanding and secured by such reserve fund. In order further to ensure the maintenance of such debt service reserve funds, there shall be annually apportioned and paid to the authority for deposit in

each debt service reserve fund such sum, if any, as shall be certified by the chairman of the authority to the governor and state director of the budget as necessary to restore such reserve fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds of the authority then outstanding and secured by such reserve fund. The chairman of the authority shall annually, on or before December first, make and deliver to the governor and state director of the budget his certificate stating the sum, if any, required to restore each such debt service reserve fund to the amount aforesaid, and the sum or sums so certified, if any, shall be apportioned and paid to the authority during the then current state fiscal year. The principal amount of bonds secured by a debt service reserve fund or funds to which state funds are apportionable pursuant to this subparagraph shall be limited to the total amount of bonds and notes outstanding on the effective date of this act, plus the total amount of bonds and notes contracted after the effective date of this act to finance projects in progress on the effective date of this act as determined by the New York state public authorities control board created pursuant to section fifty of this chapter whose affirmative determination shall be conclusive as to all matters of law and fact solely for the purposes of the limitations contained in this subparagraph, but in no event shall the total amount of bonds so secured by such a debt service reserve fund or funds exceed two hundred seventy million dollars for locally sponsored community colleges and four hundred seventy million dollars for [city] STATE university community colleges, excluding bonds issued to refund such outstanding bonds until the date of redemption of such outstanding bonds. As outstanding bonds so secured are paid, the amount so secured shall be reduced accordingly but the redemption of such outstanding bonds from the proceeds of refunding bonds shall not reduce the amount so secured.

(g) No agreement by the dormitory authority [with the city university construction fund or with such fund and] the [city] STATE university with respect to a [city] STATE university community college, entered into prior to July first, nineteen hundred eighty-five and no agreement entered into on or after July first, nineteen hundred eighty-five which is supplemental to any agreement entered into prior to such July first, shall be effective unless and until it is approved by the state director of the budget or his designee and by the director of the budget of the city of New York or his designee.

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for [city] STATE university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to [city] STATE university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for [city] STATE university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to [city] STATE university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for [city] STATE university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of

other bonds in relation to [city] STATE university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to [city] STATE university facilities, will exceed six billion eight hundred forty-three million two hundred thousand dollars. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, AND the [city] STATE university, [and the fund] are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

20. Subject to the provisions of any lease, sublease or other agreement with the state university of New York and state university construction fund [or with the city university of New York and the city university construction fund] to the contrary, in any case where the authority and the respective fund are authorized to and have agreed that the authority will award contracts for the design and construction of a project, the authority shall prepare or cause to be prepared a facility design and performance plan with the state university of New York and state university construction fund [or with the city university of New York and the city university construction fund]. Such plan shall set forth the terms and conditions associated with the construction management process, including, but not limited to, provisions relating to the selection of architects, construction consultants, construction managers and contractors, the relative responsibilities of the authority and the respective fund with respect to the initial project budget, the preparation of working drawings and budgets, the project construction process, beneficial occupancy including formal notifications, punch lists and acceptance by all parties, notification of construction completion, project close-out, and the commencement of responsibility for maintenance of the facility. Such plan shall also include provisions relating to the responsibility of the authority to require appropriate performance and surety bonds, the diligent pursuit by the authority of remedies against architects, contractors and sureties deemed to be in default in the performance of their obligations, and, generally, the management of the construction process in a professional manner in accordance with prevailing construction industry standards. The authority shall submit the facility design and performance plan to the respective fund for inclusion in the capital program plan submitted by the respective university to the director of the budget.

S 69. Subdivision 4 of section 1680-b of the public authorities law, as amended by chapter 62 of the laws of 1988, is amended to read as follows:

4. In the event that a participating municipality fails to pay to the authority when due all or part of the rentals and other payments payable pursuant to any lease, sublease or agreement with the authority, the chairman or another officer of the authority shall certify at the times provided in this subdivision the amount of rentals and other payments then due from such participating municipality and unpaid. The state comptroller, upon receipt of such certificate, shall deduct the amount of such rentals and other payments as remains unpaid to the authority first from the aid payable to such participating municipality from the court facilities incentive aid fund established by section ninety-four of the state finance law and, then, from the next succeeding payments of

state aid apportioned to such participating municipality, as revenue sharing, per capita aid, and any other aid pursuant to section fifty-four of the state finance law and, then, from the next succeeding payments of state aid for any local governmental administrative costs that are reimbursable to the participating municipality pursuant to state law and, then, from the next succeeding payments of state aid from moneys appropriated pursuant to section six hundred eight of the public health law and pursuant to section ten-c of the highway law; provided, however, that the right of the authority to the payment of any amount deducted by the state comptroller pursuant to this section from per capita aid apportioned to the city of New York shall be subject and subordinate to [the rights of the city university construction fund pursuant to section sixty-two hundred seventy-nine of the education law,] the New York city housing development corporation pursuant to section six hundred fifty-six of the private housing finance law, the trustees of the police pension fund pursuant to paragraph e of subdivision seven of section fifty-four of the state finance law, and the municipal assistance corporation for the city of New York pursuant to section three thousand thirty-six-a of this chapter and subdivision one of section ninety-two-e of the state finance law. In order to insure that the amount of rentals and other payments due and unpaid by a participating municipality are paid, the authority on or within thirty days prior to January twenty-fifth, April twenty-fifth, July twenty-fifth and October twenty-fifth of each year shall certify to the state comptroller the amount of rentals and other payments then due and unpaid by each participating municipality pursuant to any lease, sublease or other agreement. The amount required to be deducted by the state comptroller pursuant to this subdivision shall be deducted from such aid, whether or not the state aid from which such deduction is to be made is then payable to the participating municipality, and thereupon paid to the authority. The amount of state aid payable to such participating municipality shall be reduced by the amount deducted by the state comptroller notwithstanding the amount appropriated and apportioned by the state to such participating municipality, and the state shall not be obligated to make and the participating municipality shall not be entitled to receive any additional apportionment or payment of such state aid. Nothing shall be construed to create an obligation upon the state to appropriate moneys, to preclude the state from reducing the amount of moneys appropriated or level of assistance provided, or to preclude the state from altering or modifying the manner in which it provides for or provides assistance.

S 70. Paragraph (c) of subdivision 1, paragraphs (i), (j), (k) and (l) of subdivision 2, and subparagraph (iii) of paragraph (e) of subdivision 4 of section 1680-j of the public authorities law, as added by section 1 of part MM of chapter 59 of the laws of 2004, are amended to read as follows:

(c) Every officer, employee, or member of a governing board or other board of any college or group or association of colleges, and every New York state regent, every officer or employee of the board of regents or the department of education and every trustee, officer or employee of the state university of New York [or the city university of New York] shall be ineligible for appointment as a member, representative, officer, employee or agent of the board.

(i) "Public college" shall mean each component of the state university, as defined in subdivision three of section three hundred fifty-two of the education law and in subdivision two of section sixty-three

hundred one of the education law [and each senior college and community college of the city university of New York, as defined in subdivisions four and five of section sixty-two hundred two of the education law].

(j) "Total academic square footage amount" shall mean an amount equal to the product of (i) 26.25 million dollars for the state university of New York [or 17.5 million dollars for the city university of New York], multiplied by (ii) the eligible college's proportion of the total square footage of academic facilities operated by all components of the state university of New York, as defined in subdivision three of section three hundred fifty-two and in subdivision two of section sixty-three hundred one of the education law [or all senior colleges and community colleges of the city university of New York, as defined in subdivisions four and five of section sixty-two hundred two of the education law, respectively].

(k) "Total full-time equivalent amount" shall mean an amount equal to the product of (i) 78.75 million dollars for independent colleges or 52.5 million dollars for colleges of the state university of New York [or thirty-five million dollars for colleges of the city university of New York,] multiplied by (ii) the eligible college's proportion of the total full-time equivalent students for all eligible independent colleges, all components of the state university of New York, as defined in subdivision three of section three hundred fifty-two and in subdivision two of section sixty-three hundred one of the education law, [or all senior colleges and community colleges of the city university of New York, as defined in subdivisions four and five of section sixty-two hundred two of the education law, respectively,] and calculated from an eligible college's final fall full-time equivalent enrollment for the two thousand three--two thousand four academic year as published by the state education department.

(l) "Total TAP expenditure amount" shall mean an amount equal to the product of (i) the product of forty-five percent of one hundred seventy-five million dollars for independent colleges or the product of twenty-five percent of one hundred five million dollars for colleges of the state university of New York [or the product of twenty-five percent of seventy million dollars for colleges of the city university of New York], multiplied by (ii) an eligible college's proportion of the total funding received under section six hundred sixty-seven of the education law by all eligible independent colleges, all components of the state university of New York, as defined in subdivision three of section three hundred fifty-two and in subdivision two of section sixty-three hundred one of the education law, [or all senior colleges and community colleges of the city university of New York, as defined in subdivisions four and five of section sixty-two hundred two of the education law, respectively,] as estimated by the higher education services corporation for the two thousand three-two thousand four academic year.

(iii) Whether the project is eligible for funding under the state university [or city university] capital plan;

S 71. Subdivision 2 of section 1680-p of the public authorities law, as added by section 2 of part RR of chapter 57 of the laws of 2010, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, in order to assist the authority in undertaking the financing of construction of a state longitudinal data system but not limited to the development and purchase of computer hardware, software, and related equipment, such amount shall include expenses made by the State University of New York[, the City University of New York] and the department

of education, the director of the budget is hereby authorized to enter into one or more service contracts with the authority, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the authority agree, so as to annually provide to the authority, 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 by the authority as security for its bonds and notes, as authorized by this section.

S 72. Subdivision 4-b of section 1682 of the public authorities law, as added by chapter 264 of the laws of 1986, is amended to read as follows:

4-b. Any resolution authorizing the issuance of bonds for the purpose of providing facilities for the [city] STATE university CAMPUS LOCATED IN THE CITY OF NEW YORK pursuant to a lease, sublease or other agreement entered into by [the city university construction fund and] the dormitory authority on or after July first, nineteen hundred eighty-five, refunding any such bonds, or establishing or funding reserves for such bonds shall state the principal amount of bonds being issued in connection with senior college facilities and the principal amount of bonds being issued in connection with community college facilities. The proceeds of such bonds to be applied to the payment of the costs of providing senior college facilities shall be held separate and apart from the proceeds of such bonds to be applied to the payment of the costs of providing community college facilities. The proceeds to be applied to the payment of the costs of providing senior college facilities shall not be applied to the payment of the costs of providing community college facilities and the proceeds to be applied to the payment of the costs of providing community college facilities shall not be applied to the payment of the costs of providing senior college facilities.

S 73. The section heading and the first undesignated paragraph of section 1699-n of the public authorities law, as amended by chapter 180 of the laws of 1984, is amended to read as follows:

Designation of small business set-asides at the Medgar Evers college, [city] STATE university of New York. The chairman has authority to designate as small business set-asides specified commodities, equipment or services or contracts for construction, reconstruction, rehabilitation or improvement of college facilities for which purchase or work contract have been requested by the board of trustees for the Medgar Evers college, [city] STATE university of New York under the provisions of this title. The designation shall be made prior to the advertisement for bids as provided by law, and when the advertisement is published it shall indicate the purchases which have been designated small business set-asides. To effectuate the purposes of this title, the chairman may exercise this authority whenever there is a reasonable expectation that bids will be obtained from at least three small businesses capable of furnishing the desired property or service at a fair and reasonable price.

S 74. Item (i) of subparagraph 2 of paragraph c of subdivision 1 of section 23 of the general municipal law is REPEALED.

S 75. Subdivision 4 of section 810 of the general municipal law, as added by chapter 813 of the laws of 1987, is amended to read as follows:

4. The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York [or the city university of New York], including all [their] ITS constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state.

S 76. Paragraph c of subdivision 2 and subdivisions 3 and 9 of section 140 of the education law, as added by chapter 679 of the laws of 1988, are amended to read as follows:

c. "Institutions eligible for historical records program grants". Chartered or incorporated nonprofit archives, libraries, historical societies and museums and other nonprofit institutions in New York state which operate historical records programs and which meet standards to be established by the commissioner pursuant to regulations adopted for such purposes. Institutions operated by state or federal government agencies, and local government archives shall not be eligible for historical records project grants, except that an institution of the state university of New York [or the city university of New York] may apply for historical records project grants with regard to records other than internal records generated by the institution after July first, nineteen hundred forty-eight if it is a component of the state university of New York [or after July first, nineteen hundred seventy-nine if it is a component of the city university of New York] or after the subsequent date on which the institution became a component of such university.

3. Scope of activities to be supported. The commissioner is authorized to provide grants and advice to institutions eligible for historical records programs and cooperative projects, and aid to regional advisory and assistance agencies, the central administration of the state university of New York [and the central administration of the city university of New York]. Grants shall be used to support the development and administration of historical records programs; the surveying, appraisal, identification, collection, duplication, arrangement, description, and making available of historical records; public and educational programming relating to historical records; projects to improve archival techniques; and projects to promote the research use of historical records. Aid to regional advisory and assistance agencies shall be used to promote and assist the development of historical records programs. Aid to the central administrations of the state university of New York [and the city university of New York] shall be used to develop guidelines, policies and procedures, training, technical assistance, materials, oversight, retention and disposition schedules for university records, and to promote, guide and direct the component institutions of such universities in the sound administration of archival records.

9. Aid for state university of New York [and city university of New York]. To be eligible to receive aid annually, the central administration of the state university of New York [and the central administration of the city university of New York] shall [each] submit an annual workplan acceptable to the commissioner, and, after the first year of receiving aid, a report on activities of the prior year and a five-year plan.

S 77. Item (iii) of subparagraph 2 of paragraph a of subdivision 4 of section 140 of the education law is REPEALED.

S 78. The section heading and subdivisions 3, 6 and 7 of section 237 of the education law, the section heading and subdivision 3 as amended by chapter 186 of the laws of 1977, subdivision 6 as amended and subdivision 7 as added by chapter 567 of the laws of 1971, are amended to read as follows:

Regents plan for higher education including approved plans of state university [and city university] of New York and plans of independent institutions of higher education.

3. The regents shall, once every four years, review the proposed plan and recommendations required to be submitted by the state university trustees pursuant to section three hundred fifty-four of this chapter, the proposed plan and recommendations of the board of higher education in the city of New York required to be submitted pursuant to section sixty-two hundred two of this chapter, and the plans of independent institutions of higher education and, upon approval by the regents of the plans submitted by the state university trustees and the board of higher education, they shall be incorporated into a regents plan or general revision thereof for the development of higher education in the state. Such regents plan shall include the plan and recommendations proposed by the state university trustees and the plan and recommendations proposed by the board of higher education in the city of New York and may include plans with respect to other matters not comprehended within the plan of the state [and city universities] UNIVERSITY, including but not limited to improving institutional management and resources, instruction and guidance programs, financial assistance to students and extension of educational opportunities. In determining the need for additional educational facilities in a particular area, the plans and facilities of existing public and independent institutions shall be fully evaluated. Such statewide plan shall include for information purposes a summary of all recommendations appearing in the prior statewide plan and subsequent amendments thereof containing a brief statement of action taken and progress toward achievement of each such recommendation.

6. Any modification recommended by the state university trustees or by the board of higher education in the city of New York to their respective plans, theretofore formulated and approved pursuant to section three hundred fifty-four or section sixty-two hundred two of this chapter shall be reviewed by the regents who may hold one or more hearings thereon after giving due notice thereof. As approved by the regents, such modification shall be made a part of the [respective plans] PLAN of the state university [and of the city university] and shall, together with any modifications the regents may make to that portion of their plan for the development of higher education in the state not comprehended in the [plans] PLAN of the state [and city universities] UNIVERSITY, be transmitted to the governor and the legislature, all of which shall then become effective upon approval by the governor as modifications of the regents plan. By the first day of November in nineteen hundred seventy-four and each fourth year thereafter the regents shall summarize and report to the governor and the legislature any modifications made pursuant to this subdivision and shall include in such report a statement on the progress made in implementing the regents plan and their general recommendations with respect to higher education.

7. An advisory council on higher education consisting of the chancellor of the state university of New York, [the chancellor of the city

university of New York,] and a representative of the commission on independent colleges and universities shall be convened by the commissioner of education and shall advise the regents and the commissioner on all phases of planning.

S 79. Subdivisions 2, 4 and 5 of section 239-a of the education law, as added by chapter 8 of the laws of 2009, are amended to read as follows:

2. The administration of the individual state [and city universities] UNIVERSITY and colleges and every public or private college, community college or university within the state, are hereby authorized to facilitate a campus-wide charitable donation program for local area not-for-profit organizations utilizing students' residual consumer goods. The administration:

a. shall designate a collection area for students to drop-off their unused or surplus goods two weeks before the end of the school year;

b. shall either develop a direct donation program of the residual consumer goods or organize a charitable event to collect residual consumer goods and donate such goods to local not-for-profit organizations; and

c. may involve student organizations for the implementation of the program.

4. In the event that there is no viable local not-for-profit organization able to accept the residential consumer goods collected, the administration of the individual state [or city] university or college or public or private college, community college or university within the state may organize a campus-wide sale of such goods. The profits of such sale may be dedicated by the student organizations or by the individual state [or city university] or college or public or private college, community college or university facilitating the program to a local not-for-profit organization.

5. The administration of any individual state [or city] university or college or public or private college, community college or university may grant credit to student members of organizations involved with the program, pursuant to subdivision two of this section, in the amount and form that such administration deems appropriate.

S 80. Paragraph c of subdivision 1 of section 239-a of the education law is REPEALED.

S 81. Paragraph g of subdivision 1 and paragraph c of subdivision 5 of section 273 of the education law, as amended by section 3 of part O of chapter 57 of the laws of 2005, are amended to read as follows:

g. In addition to the sums otherwise provided in paragraphs a, b, c, d, e, f, h and i of this subdivision, the New York Public Library shall receive an amount equal to its actual expenditures for books, periodicals and binding for its research libraries which expenditures are not otherwise reimbursed or seven hundred sixty-seven thousand dollars, whichever is less, and the additional sum of five million six hundred forty-nine thousand six hundred dollars for the general support of such research libraries. In addition to any other sums provided to such library, the sum of two million dollars shall be payable annually to the New York Public Library for the general support of library services provided by the New York Public Library to the students of the [City University] STATE UNIVERSITY of New York and the sum of one million dollars shall be payable annually to the New York Public Library for the general support of its science, industry and business library.

c. Funds for the support of this program shall be appropriated to the department, except that funds for the state-operated institutions of the

state university of New York [and the senior colleges of the city university of New York], shall be appropriated to the state university of New York out of any moneys in the state treasury in the general fund to the credit of the state purposes fund not otherwise appropriated, [and funds shall be appropriated to the city university of New York out of any moneys in the state treasury in the general fund to the credit of the local assistance fund not otherwise appropriated,] and shall be subject to the same distribution formula as provided in paragraph b of this subdivision.

S 82. Subdivision 12-a of section 305 of the education law, as added by section 4 of part A of chapter 57 of the laws of 2007, is amended to read as follows:

12-a. The commissioner shall evaluate the effectiveness of all teacher preparation programs in the state, and the timelines and costs of developing or modifying data systems to collect the necessary data. Such study shall consider measuring the effectiveness of such programs based on the academic performance of their students and graduates and through other measures. The commissioner shall consult with the chancellors of the state university of New York [and the city university of New York,] and other representatives of institutions of higher education. Upon completion of such study, the commissioner shall make recommendations to the board of regents on implementation of such methodologies.

S 83. Item (iii) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by chapter 260 of the laws of 2011, is amended to read as follows:

(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.

S 84. Paragraph a of subdivision 1 of section 358 of the education law, as amended by chapter 340 of the laws of 1969, is amended to read as follows:

a. Medical schools, dental schools, research centers and similar institutions or facilities operating specified training or research programs or projects pursuant to contracts with the state university. [The state university is hereby authorized to enter into such contracts with the city university of New York.] The acceptance of any such financial assistance or the making of any such contract by or on behalf of a medical school, dental school, research center or similar institution or facility shall not subject it or its programs to supervision, control or regulation by the state university trustees except to the extent that such supervision, control or regulation are expressly stated in the contract.

S 85. Subdivisions 4 and 5 of section 399 of the education law, as amended by chapter 557 of the laws of 1995, are amended to read as follows:

4. The board of trustees of state university with respect to the state university and the community colleges[, and the board of trustees of the city university with respect to employees of the city university of New York,] shall designate the insurer or insurers from which such annuity contracts or in the case of custodial accounts, the company or companies from whom regulated investment company shares shall be purchased. In making such designation, due consideration shall be given to (a) the nature and extent of the rights and benefits to be provided by contracts for such special annuity or custodial account for employees and their beneficiaries, (b) the relation of such rights and benefits to the amount of contributions to be made for such contracts, (c) the suitability of such rights and benefits to the needs and interests of employees, and to the interests of employers in the employment and retention of employees, and (d) the authority and ability of the designated insurer or insurers or designated company or companies to provide rights and benefits under such contracts or custodial accounts.

5. The board of trustees of state university, with respect to the state university and the community colleges, [and the board of trustees of the city of New York with respect to the city university,] are hereby authorized to provide for the administration of a program for the purchase of such special annuities or establishment of custodial accounts, and to perform or authorize the performance of such functions as may be necessary for such purpose in accordance with this section.

S 86. Subdivision 4 of section 601 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

4. "Approved program", for the purpose of determining a student's eligibility for awards provided in articles thirteen and fourteen of this chapter and subject to specific modification by sections of such articles, shall mean the following programs of study approved by the commissioner pursuant to this article in accordance with rules of the board of regents and registered by the [state education] department in accordance with regulations of the commissioner or, where applicable, registered by the state department of health and forwarded to the state education department: (1) collegiate level programs leading to a degree, or programs leading to a diploma or certificate that are fully creditable towards a degree program in that institution; (2) study and training programs offered by a hospital school, a community college, a unit of the state university of New York, [a unit of the city university of New York,] or an institution chartered by the regents or by the legislature for the purpose of granting degrees, leading to licensure as a professional registered or practical nurse or to certification in an area of medical or health technology; and (3) two-year programs offered in a registered private business school.

S 87. Subparagraph 1 of paragraph a of subdivision 6 of section 610 of the education law, as added by chapter 425 of the laws of 1988, is amended to read as follows:

(1) If the recipient attends an institution [of the city university of New York or an institution] of the state university of New York other than the statutory colleges at Cornell, the college of environmental science and forestry at Syracuse and the college of ceramics at Alfred, the annual scholarship award shall be an amount equal to the non-tuition cost of attendance at such institution or college reduced by (i) the amount of a Pell grant and (ii) the amount of such other state and

federal scholarships and grants, other than tuition assistance or supplemental tuition assistance received under this chapter, which do not require repayment, awarded to the recipient for the cost of attendance at the institution being attended, as reported to the president; provided, however, that such scholarship shall be reduced one dollar for every three dollars of income in excess of eighteen thousand dollars of income; or

S 88. Section 611 of the education law, as added by chapter 425 of the laws of 1988, is amended to read as follows:

S 611. Liberty scholarship advisory committee. There is hereby created a liberty scholarship advisory committee, which shall consist of eleven persons appointed by the governor, two of whom shall be upon the recommendation of the president pro tem of the senate and two of whom shall be upon the recommendation of the speaker of the assembly. Such members shall serve at the pleasure of the governor, except that those recommended by other authorities shall serve at the pleasure of such recommending authorities, and shall include, but not be limited to, representatives of secondary schools, business and industry, labor and nonprofit or voluntary organizations. In addition to such eleven members, the president of the higher education services corporation, the commissioner of education, the chancellor of the state university of New York[, the chancellor of the city university of New York] and the president of the commission of independent colleges and universities shall serve on the committee as ex-officio members. The governor shall designate one member to serve as chairperson of the committee. No later than April first, nineteen hundred eighty-nine, such committee shall prepare a plan that (i) identifies counseling and support services for students available from institutions of higher education, secondary schools, government agencies, business and industry, labor, nonprofit organizations and volunteers and (ii) proposes ways in which such counseling and support services can be coordinated to promote continuity of counseling and support. In addition, the advisory committee shall make recommendations as to the implementation of such plan and shall periodically report on the degree to which such plan has been successfully implemented. The president, commissioner and the chancellors of the public universities shall make available personnel to act as staff for the committee. The members of the committee shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their duties.

S 89. Subdivisions 3 and 8 of section 652 of the education law, subdivision 3 as amended by chapter 339 of the laws of 2010 and subdivision 8 as added by chapter 193 of the laws of 1989, are amended to read as follows:

3. The corporation shall be governed and all of its corporate powers exercised by a board of trustees which shall consist of fifteen members, nine of whom shall be appointed by the governor with the advice and consent of the senate. The members not requiring the advice and consent of the senate shall be the commissioner of education, the chancellor of the state university, [the chancellor of the city university of the city of New York,] and [three] TWO students. One such student shall be the president of the student assembly of the state university of New York[, one such student shall be the chair of the united student senate of city university of New York,] and one such student shall be a student registered in a full time course of study at a state university community college. In the event a student who shall be a member by reason of his

or her office in a student organization shall fail to qualify, the student who holds the next highest office in the organization shall be the member of the board.

8. The commissioner of education[,] AND the chancellor of the state university [and the chancellor of the city university] each may, by official authority filed in his or her respective department or university, and with the secretary of the board, designate an officer of his or her respective department or university to represent and exercise all the powers of such commissioner or chancellor as the case may be at all meetings of the board from which such commissioner or chancellor may be absent.

S 90. Subdivision 6 of section 653 of the education law, as amended by chapter 916 of the laws of 1977, is amended to read as follows:

6. To appoint an advisory council to consist of three student financial aid officers from public institutions of higher education, three student financial aid officers from private institutions of higher education, three representatives of banking institutions within the state, and four students, [one] TWO of whom shall be [a student] STUDENTS registered in a full time course of study at an institution of the state university, [one of whom shall be a student registered in a full time course of study at an institution of the city university of the city of New York,] one of whom shall be a student registered in a full time course of study at an independent institution of higher education within the state, and one of whom shall be a student registered in a full time course of study at a community college located outside of the city of New York, to assist the corporation on a regular basis in carrying out its purposes. The four student members shall be appointed after consultation with and recommendations from appropriate student organizations. Appointments shall be for a period of three years, except that of the student members which shall be for one year, and except that of the members first appointed from public institutions of higher education and of the members first appointed from private institutions of higher learning and of the members first appointed from banking institutions, respectively, one shall be appointed for a term of one year beginning July first, nineteen hundred seventy-five and ending June thirtieth, nineteen hundred seventy-six, one shall be appointed for a term of two years beginning July first, nineteen hundred seventy-five and ending June thirtieth, nineteen hundred seventy-seven and one shall be appointed for a term of three years beginning July first, nineteen hundred seventy-five and ending June thirtieth, nineteen hundred seventy-eight. Any members whose employment or student status ceases to conform to the above requirements shall be required to resign. Vacancies shall be filled for the unexpired term in the same manner as original appointments.

S 91. Subdivision 3 of section 666 of the education law, as amended by chapter 286 of the laws of 1986, is amended to read as follows:

3. Participating institutions. Institutions which offer undergraduate degrees and participate in the tuition assistance program are eligible to participate in the tuition award for part-time students program, pursuant to this section provided, however, that the tuition for the program in which a student is enrolled totals at least one hundred dollars a year. Eligible institutions shall apply to the corporation to participate in such program on applications postmarked on or before the fifteenth day of June, such applications having been postmarked by the corporation to all eligible institutions on or before the fifteenth day of May. The department shall provide the enrollment data upon which the

institutional allocation of funds will be based to the corporation on or before the first day of May. The corporation shall notify participating institutions of the institutional allocation of funds on or before the fifteenth day of July. Notwithstanding the manner and extent in which allocations of funds for awards are made under this subdivision to institutions which form a part of the state university of New York [or the city university of New York], the chancellor of [either] such university may reallocate and distribute any unexpended portion of the allocation of an institution of such university to any other institution of such university to which an allocation is made hereunder. Notwithstanding the manner and extent in which allocations of funds for awards are made under this subdivision to independent institutions of higher education, the president may reallocate and distribute any unexpended portion of the allocation of such an institution to any other such institution to which an allocation is made hereunder. Written notice of such reallocation and distribution shall be given to the corporation by such chancellor or commissioner in accordance with the rules of the board.

S 92. Subdivision 1 and paragraph a of subdivision 2 of section 667-c of the education law, as added by section 1 of part N of chapter 58 of the laws of 2006, are amended to read as follows:

1. Notwithstanding any law, rule or regulation to the contrary, the president of the higher education services corporation is authorized to make tuition assistance program awards to part-time students enrolled at the state university, a community college, [the city university of New York,] and a non-profit college or university incorporated by the regents or by the legislature who meet all requirements for tuition assistance program awards except for the students' part-time attendance.

a. enrolled as a first-time freshman during the two thousand six--two thousand seven academic year or thereafter at a college or university within the state university, including a statutory or contract college, a community college established pursuant to article one hundred twenty-six of this chapter, [the city university of New York,] or a non-profit college or university incorporated by the regents or by the legislature;

S 93. Subparagraph 1 of paragraph (a) of subdivision 2 of section 668-d of the education law, as added by chapter 176 of the laws of 2002, is amended to read as follows:

(1) If the recipient attends an institution of the [city university of New York or an institution of the] state university of New York other than the statutory colleges at Cornell, the college of environmental science and forestry at Syracuse and the college of ceramics at Alfred, the annual award shall be an amount equal to: the tuition charged at such institution provided that, notwithstanding any provision of law to the contrary, the tuition charged to award recipients shall not exceed that charged to state resident students attending such institution; the mandatory fees charged at such institution; and the non-tuition cost of attendance at such institution or college, provided that the scholarship shall not exceed an amount that is equal to the total cost of attendance determined for federal Title IV student financial aid purposes, less all other scholarships and grants provided by New York state, other states, the federal government, or other governments, and the amount of educational benefits paid under any program that would duplicate the purposes of this program, provided that any scholarships or grants provided to a recipient by the institution which are intended to fund any portion of the difference between the annual state award and the actual costs of

attendance at any such institution shall not be considered to duplicate the purposes of this program; or

S 94. Subdivision 1 of section 689-a of the education law, as added by chapter 260 of the laws of 2011, is amended to read as follows:

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.

S 95. Section 2590-k of the education law, as added by chapter 330 of the laws of 1969, is amended to read as follows:

S 2590-k. Contracts with [city] STATE university of New York for administration of high schools. 1. The city board and the [city] STATE university of New York are hereby authorized and empowered to enter into a contract or contracts whereby such university will administer not more than five high schools under the jurisdiction of the city board selected from among those schools which exhibit the greatest degree of disadvantage as measured by such factors as the proportion of students earning general diplomas, the percentage of students reading below grade level, the attrition rate, the proportion of students residing in officially designated poverty areas, and similar measures.

2. Such contract may provide for the delegation by the city board of any of its functions, powers, and duties or of a community board, or those of the chancellor or a community superintendent, in connection with the operation of such high schools, to the [city] STATE university of New York, except the power to appoint or terminate the employment of any employee. The terms and conditions of employment shall continue to remain under the jurisdiction of the city board.

3. The provisions of section sixty-two hundred nine of this chapter with respect to the apportionment of public school moneys shall be applicable to the high schools included in any such contract or contracts.

S 96. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided however, the amendments to section 310 of the executive law made by section nine of this act shall not affect the expiration of such section and shall be deemed to expire therewith; provided further that the amendments to subparagraph four of paragraph h of subdivision 2 of section 355 of the education law, made by section eighty-three of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith; provided further that the amendments to section 689-a of the education law made by section ninety-four of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.