

6610

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 23, 2011

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

AN ACT to amend the education law, in relation to the inclusion of  
fiscal notes with certain resolutions or rules and regulations adopted  
by educational institutions

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

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

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

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

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

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

39 S 4. This act shall take effect immediately.