

S. 5855

A. 8519

2011-2012 Regular Sessions

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

June 24, 2011

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

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

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

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

1 Section 1. This act shall be known and may be cited as the "NY-SUNY
2 2020 challenge grant program act".
3 S 2. Section 350 of the education law is amended by adding two new
4 subdivisions 7 and 8 to read as follows:
5 7. "UNIVERSITY CENTERS" SHALL MEAN THE UNIVERSITY CENTERS AT ALBANY,
6 BINGHAMTON, BUFFALO AND STONY BROOK.
7 8. "NY-SUNY 2020 CHALLENGE GRANT PROGRAM" ("NY-SUNY 2020") SHALL MEAN
8 A LONG-TERM ECONOMIC AND ACADEMIC PLAN, WHICH SHALL INCLUDE A FINANCIAL
9 AID PROGRAM, SUBMITTED BY EACH STATE UNIVERSITY OF NEW YORK UNIVERSITY
10 CENTER, SUBJECT TO THE APPROVAL BY THE GOVERNOR AND THE CHANCELLOR OF
11 THE STATE UNIVERSITY OF NEW YORK.
12 S 3. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of
13 the education law, as amended by chapter 309 of the laws of 1996, is
14 amended to read as follows:

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

LBD12061-14-1

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

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

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

49 (III) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE GENERAL
50 FUND OPERATING SUPPORT, INCLUDING FRINGE BENEFITS, FOR THE STATE UNIVER-
51 SITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAIL-
52 ABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND
53 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND
54 TWELVE--TWO THOUSAND THIRTEEN AND THEREAFTER, THE STATE SHALL APPROPRIATE
55 AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT, INCLUDING FRINGE
56 BENEFITS, FOR THE STATE UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT

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

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

20 S 4. Paragraph (a) of subdivision 7 of section 6206 of the education
21 law, as amended by chapter 327 of the laws of 2002, the opening para-
22 graph as amended by section 2 of part 0 of chapter 58 of the laws of
23 2006, is amended to read as follows:

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

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

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

11 (III) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE STATE
12 SUPPORT FOR OPERATING EXPENSES, INCLUDING FRINGE BENEFITS, FOR THE CITY
13 UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE
14 AVAILABLE TO THE CITY UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND
15 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND
16 TWELVE--TWO THOUSAND THIRTEEN AND THEREAFTER, THE STATE SHALL APPROPRI-
17 ATE AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSES, INCLUDING
18 FRINGE BENEFITS, FOR THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE
19 AMOUNT APPROPRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR;
20 PROVIDED, HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND
21 COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND
22 SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE
23 STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPOR-
24 TIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT
25 APPLY.

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

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

36 (ii) attended an approved New York state program for general equiv-
37 alency diploma exam preparation, received a general equivalency diploma
38 issued within New York state and applied for attendance at an institu-
39 tion or educational unit of the city university within five years of
40 receiving a general equivalency diploma issued within New York state; or

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

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

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

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

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

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

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

36 6-A. THE STATE UNIVERSITY TRUSTEES SHALL ADOPT GUIDELINES FOR FOUNDA-
37 TIONS OF STATE-OPERATED CAMPUSES THAT REQUIRE EACH FOUNDATION TO ADOPT A
38 CONFLICT OF INTEREST POLICY APPLICABLE TO SUCH FOUNDATION AND ITS AFFIL-
39 IATED CORPORATIONS. AMONG OTHER ITEMS, THE STATE UNIVERSITY TRUSTEES'
40 GUIDELINES SHALL REQUIRE SUCH FOUNDATION POLICIES TO PROVIDE: (A) THAT
41 SERVICE AS A BOARD MEMBER OR OFFICER THEREOF SHALL NOT BE USED AS A
42 MEANS FOR PRIVATE BENEFIT OR INUREMENT FOR THE BOARD MEMBER OR OFFICER,
43 A RELATIVE THEREOF, OR ANY ENTITY IN WHICH THE BOARD MEMBER OR OFFICER,
44 OR RELATIVE THEREOF, HAS A BUSINESS INTEREST; (B) NO BOARD MEMBER OR
45 OFFICER WHO IS A VENDOR OF GOODS OR SERVICES TO THE FOUNDATION OR ITS
46 AFFILIATED CORPORATION, OR WHO HAS A BUSINESS INTEREST IN SUCH VENDOR,
47 OR WHOSE RELATIVE HAS A BUSINESS INTEREST IN SUCH VENDOR, SHALL VOTE ON,
48 OR PARTICIPATE IN THE FOUNDATION'S ADMINISTRATION OF, ANY TRANSACTION
49 WITH SUCH VENDOR; AND (C) A BOARD MEMBER OR OFFICER SHALL ADVISE THE
50 CHAIR OF THE FOUNDATION OR ITS AFFILIATED CORPORATION OF HIS OR A RELA-
51 TIVE'S BUSINESS INTEREST IN ANY SUCH EXISTING OR PROPOSED VENDOR WITH
52 THE FOUNDATION OR ITS AFFILIATE. THE STATE UNIVERSITY TRUSTEES' GUIDE-
53 LINES SHALL DEFINE THE NATURE OF A BUSINESS INTEREST AND THE CLOSENESS
54 OF A PERSONAL RELATION THAT BRING A RELATIONSHIP WITHIN THE PURPOSES OF
55 THIS SUBDIVISION.

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

4 S 45. NY-SUNY 2020. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER
5 LAW TO THE CONTRARY, THE URBAN DEVELOPMENT CORPORATION OF THE STATE OF
6 NEW YORK IS HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN ONE OR MORE
7 SERIES FOR THE PURPOSE OF FUNDING PROJECT COSTS FOR THE IMPLEMENTATION
8 OF A NY-SUNY 2020 CHALLENGE GRANT PROGRAM SUBJECT TO THE APPROVAL OF A
9 NY-SUNY 2020 PLAN OR PLANS BY THE GOVERNOR AND THE CHANCELLOR OF THE
10 STATE UNIVERSITY OF NEW YORK. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS
11 AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED
12 \$80,000,000, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE
13 RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR
14 NOTES ISSUED TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY
15 ISSUED. SUCH BONDS AND NOTES OF THE CORPORATION SHALL NOT BE A DEBT OF
16 THE STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE
17 PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO
18 THE CORPORATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES PURSUANT
19 TO A SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON THE FACE
20 THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING
21 WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON BOND
22 PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

23 2. NOTWITHSTANDING ANY OTHER LAW, RULE, OR REGULATION TO THE CONTRARY,
24 THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO DEPOSIT TO THE
25 CREDIT OF THE CAPITAL PROJECTS FUND, REIMBURSEMENT FROM THE PROCEEDS OF
26 NOTES OR BONDS ISSUED BY THE URBAN DEVELOPMENT CORPORATION OF THE STATE
27 OF NEW YORK FOR CAPITAL DISBURSEMENTS OF UP TO \$80,000,000 FROM ANY
28 APPROPRIATION OR REAPPROPRIATION AUTHORIZED BY A CHAPTER OF THE LAWS OF
29 2011 FOR NY-SUNY 2020 CHALLENGE GRANTS.

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

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

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

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

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

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

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

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

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

STATE UNIVERSITY OF NEW YORK

Special Revenue Funds - Other

State University Income Fund

State University Revenue Offset Account

For services and expenses of state universi-

ty operations and activities supported by

tuition \$52,200,000

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

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

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

CITY UNIVERSITY OF NEW YORK

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

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

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

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

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

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

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

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

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

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

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

1 STUDY, CURRENT TUITION ASSISTANCE PROGRAM THRESHOLDS AND AWARD LEVELS,
2 CURRENT ELIGIBILITY CRITERIA TO QUALIFY FOR AN AWARD UNDER THE TUITION
3 ASSISTANCE PROGRAM AND ANY OTHER INFORMATION THE TRUSTEES DETERMINE TO
4 BE RELEVANT. THE STUDY SHALL ALSO INCLUDE RECOMMENDATIONS TO IMPROVE THE
5 TUITION ASSISTANCE PROGRAM TO BETTER MEET THE FUTURE FINANCIAL AID NEEDS
6 OF STUDENTS WHO RESIDE IN NEW YORK STATE AND TO ENSURE CONTINUED ACCESS
7 AND AFFORDABILITY OF THE CITY UNIVERSITY OF NEW YORK. THE STUDY SHALL BE
8 SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE
9 SPEAKER OF THE ASSEMBLY, THE DIRECTOR OF THE DIVISION OF BUDGET, THE
10 SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE
11 HIGHER EDUCATION COMMITTEES OF THE LEGISLATURE ON OR BEFORE OCTOBER
12 FIRST, TWO THOUSAND THIRTEEN. IN ADDITION, THE CITY UNIVERSITY SHALL
13 ANNUALLY EXAMINE AND REPORT ON EACH STATE-OPERATED CAMPUS' EFFORTS TO
14 PROMOTE FISCAL STABILITY FOR THE DURATION OF THE FIVE YEAR TUITION PLAN
15 BY IMPLEMENTING COST SAVING MEASURES AND INCREASING FUNDRAISING EFFORTS.
16 S 16. This act shall take effect July 1, 2011 and shall expire 5 years
17 after such effective date when upon such date the provisions of this act
18 shall be deemed repealed.