

4709

2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

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

AN ACT to amend the education law and the state finance law, in relation to tuition and state operating support of the state university of New York; and repealing certain provisions of the education law relating thereto

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

1 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
2 355 of the education law, as amended by chapter 309 of the laws of 1996,
3 is amended to read as follows:
4 (4) (I) The trustees shall not impose a differential tuition charge
5 based upon need or income. All students enrolled in programs leading to
6 like degrees at state-operated institutions of the state university
7 shall be charged a uniform rate of tuition except for differential
8 tuition rates based on state residency. Provided, however, that the
9 trustees may authorize the presidents of the colleges of technology and
10 the colleges of agriculture and technology to set differing rates of
11 tuition for each of the colleges for students enrolled in degree-grant-
12 ing programs leading to an associate degree and non-degree granting
13 programs so long as such tuition rate does not exceed the tuition rate
14 charged to students who are enrolled in like degree programs or degree-
15 granting undergraduate programs leading to a baccalaureate degree at
16 other state-operated institutions of the state university of New York.
17 [The trustees shall not adopt changes affecting tuition charges prior to
18 the enactment of the annual budget.]
19 (II) TUITION REVENUE SHALL BE USED SOLELY FOR THE EXPENSES OF THE
20 STATE UNIVERSITY IN CARRYING OUT ITS OBJECTIVES AND PURPOSES AND SHALL
21 NOT BE USED TO OFF-SET OR REDUCE APPROPRIATIONS BY THE STATE IN SUPPORT
22 OF THE OPERATIONS OF THE STATE UNIVERSITY. THE STATE SHALL APPROPRIATE
23 ANNUALLY AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT FOR THE STATE

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

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1 UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE
2 AVAILABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND
3 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND
4 TWELVE--TWO THOUSAND THIRTEEN, SUCH GENERAL FUND OPERATING SUPPORT SHALL
5 BE ADJUSTED BY AMOUNTS TO FULLY SUPPORT COST INCREASES RELATED TO
6 CONTRACTUAL AND COLLECTIVELY BARGAINED SALARY INCREASES, ENERGY-RELATED
7 COSTS AND ENROLLMENT-RELATED COST INCREASES; PROVIDED, HOWEVER, THAT IN
8 ANY STATE FISCAL YEAR WHEN PERSONAL INCOME TAX RECEIPTS DECLINE FROM
9 PERSONAL INCOME TAX RECEIPTS IN THE PREVIOUS STATE FISCAL YEAR, GENERAL
10 FUND OPERATING SUPPORT MADE AVAILABLE TO THE STATE UNIVERSITY MAY BE
11 REDUCED BY NO MORE THAN THE SAME PROPORTION AS PERSONAL INCOME TAX
12 RECEIPTS HAVE DECLINED. ON OR BEFORE NOVEMBER THIRTIETH OF EACH YEAR,
13 THE TRUSTEES SHALL APPROVE AND SUBMIT TO THE CHAIRS OF THE ASSEMBLY WAYS
14 AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE AND TO THE DIRECTOR
15 OF THE BUDGET A MASTER TUITION PLAN SETTING FORTH THE TUITION RATES THAT
16 THE TRUSTEES PROPOSE FOR RESIDENT AND NON-RESIDENT UNDERGRADUATE, GRADU-
17 ATE AND PROFESSIONAL DEGREE STUDENTS FOR THE SUCCEEDING FIVE STATE
18 UNIVERSITY FISCAL YEARS. FOR THE STATE UNIVERSITY FISCAL YEARS COMMENC-
19 ING TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND ENDING TWO THOUSAND
20 FIFTEEN--TWO THOUSAND SIXTEEN, THE RESIDENT UNDERGRADUATE TUITION RATES
21 SHALL INCREASE EACH YEAR BY NOT MORE THAN FIVE AND ONE-HALF PERCENT OVER
22 THE TUITION RATES OF THE PRIOR FISCAL YEAR. TUITION RATES OF THE STATE
23 UNIVERSITY SHALL NOT BE SUBJECT TO RULEMAKING PURSUANT TO THE PROVISIONS
24 OF THE STATE ADMINISTRATIVE PROCEDURE ACT.

25 S 2. Subdivision 8-b of section 355 of the education law is REPEALED.

26 S 3. The state finance law is amended by adding a new section 99-u to
27 read as follows:

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

32 2. THE STATE UNIVERSITY OF NEW YORK AGENCY TRUST FUND SHALL CONSIST OF
33 ALL MONIES APPROPRIATED AND MADE AVAILABLE TO THE STATE UNIVERSITY IN
34 GENERAL FUND OPERATING SUPPORT AND TUITION REVENUE APPROPRIATED AND MADE
35 AVAILABLE FROM SPECIAL REVENUE FUNDS.

36 3. THE STATE COMPTROLLER IS AUTHORIZED AND DIRECTED TO TRANSFER ANNU-
37 ALLY, FROM THE GENERAL FUND AND SPECIAL REVENUE FUNDS TO THE STATE
38 UNIVERSITY OF NEW YORK AGENCY TRUST FUND, GENERAL FUND OPERATING SUPPORT
39 AND TUITION REVENUE APPROPRIATED AND MADE AVAILABLE TO THE STATE UNIVER-
40 SITY IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPH FOUR OF PARAGRAPH
41 H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCA-
42 TION LAW. THE STATE COMPTROLLER SHALL TRANSFER SUCH MONIES IN FOUR
43 PAYMENTS IN THE FOLLOWING AMOUNTS: ONE-HALF ON OR BEFORE JULY FIRST,
44 ONE-SIXTH ON OR BEFORE OCTOBER FIRST, ONE-SIXTH ON OR BEFORE JANUARY
45 FIRST, AND ONE-SIXTH ON OR BEFORE APRIL FIRST.

46 4. MONIES IN THE STATE UNIVERSITY OF NEW YORK AGENCY TRUST FUND SHALL
47 BE EXPENDED SOLELY FOR THE EXPENSES OF THE STATE UNIVERSITY IN CARRYING
48 OUT ITS OBJECTIVES AND PURPOSES. THE PROVISIONS OF SECTION FORTY-NINE OF
49 THIS CHAPTER AND ANY OTHER LAW NOTWITHSTANDING, MONIES IN THE STATE
50 UNIVERSITY OF NEW YORK AGENCY TRUST FUND SHALL NOT BE IMPOUNDED NOR
51 TRANSFERRED OR OTHERWISE MADE AVAILABLE FOR OTHER PURPOSES.

52 S 4. This act shall take effect July 1, 2011.