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

8632

I N A S S E M B L Y

January 29, 2014

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

AN ACT to amend the education law, the public officers law and the state finance law, in relation to prohibiting institutions of higher education from participating in or providing funding to organizations that boycott academic institutions located in foreign countries

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 355-d to read as follows:

S 355-D. PROHIBITION ON CERTAIN BOYCOTTS OF FOREIGN ACADEMIC INSTITUTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK OR PRIVATE INSTITUTION OF HIGHER EDUCATION LOCATED WITHIN THIS STATE THAT PARTICIPATES IN OR PROVIDES FUNDING TO ANY ORGANIZATION THAT, AS A MATTER OF POLICY, BOYCOTTS AN ACADEMIC INSTITUTION LOCATED IN ANY FOREIGN COUNTRY, SHALL BE PROHIBITED FROM RECEIVING ANY STATE AID OR STATE FUNDING FROM THIS STATE; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE BOYCOTT OF AN ACADEMIC INSTITUTION LOCATED IN A FOREIGN COUNTRY:

A. WHEN THE FOREIGN COUNTRY IS DETERMINED BY THE UNITED STATES SECRETARY OF STATE TO BE A STATE SPONSOR OF TERRORISM;

B. WHEN THE BOYCOTT IS CONNECTED WITH A LABOR DISPUTE; OR

C. WHEN THE BOYCOTT IS FOR THE PURPOSE OF PROTESTING UNLAWFUL DISCRIMINATORY PRACTICES AS DETERMINED BY THE LAWS, RULES OR REGULATIONS OF THIS STATE.

S 2. Section 6221 of the education law is amended by adding a new subdivision F to read as follows:

F. PROHIBITION ON CERTAIN BOYCOTTS OF FOREIGN ACADEMIC INSTITUTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK OR PRIVATE INSTITUTION OF HIGHER EDUCATION LOCATED WITHIN THE CITY OF NEW YORK THAT PARTICIPATES IN OR PROVIDES FUNDING TO ANY ORGANIZATION THAT, AS A MATTER OF POLICY, BOYCOTTS AN ACADEMIC INSTITUTION LOCATED IN ANY FOREIGN COUNTRY, SHALL BE PROHIBITED FROM RECEIVING ANY STATE AID OR STATE FUNDING FROM THIS STATE; PROVIDED

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

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THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO THE BOYCOTT OF AN ACADEMIC INSTITUTION LOCATED IN A FOREIGN COUNTRY:

1. WHEN THE FOREIGN COUNTRY IS DETERMINED BY THE UNITED STATES SECRETARY OF STATE TO BE A STATE SPONSOR OF TERRORISM;

2. WHEN THE BOYCOTT IS CONNECTED WITH A LABOR DISPUTE; OR

3. WHEN THE BOYCOTT IS FOR THE PURPOSE OF PROTESTING UNLAWFUL DISCRIMINATORY PRACTICES AS DETERMINED BY THE LAWS, RULES OR REGULATIONS OF THIS STATE.

S 3. Section 6304 of the education law is amended by adding a new subdivision 14 to read as follows:

14. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY COMMUNITY COLLEGE LOCATED WITHIN THIS STATE THAT PARTICIPATES IN OR PROVIDES FUNDING TO ANY ORGANIZATION THAT, AS A MATTER OF POLICY, BOYCOTTS AN ACADEMIC INSTITUTION LOCATED IN ANY FOREIGN COUNTRY, SHALL BE PROHIBITED FROM RECEIVING ANY STATE AID OR STATE FUNDING FROM THIS STATE; PROVIDED THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO THE BOYCOTT OF AN ACADEMIC INSTITUTION LOCATED IN A FOREIGN COUNTRY:

A. WHEN THE FOREIGN COUNTRY IS DETERMINED BY THE UNITED STATES SECRETARY OF STATE TO BE A STATE SPONSOR OF TERRORISM;

B. WHEN THE BOYCOTT IS CONNECTED WITH A LABOR DISPUTE; OR

C. WHEN THE BOYCOTT IS FOR THE PURPOSE OF PROTESTING UNLAWFUL DISCRIMINATORY PRACTICES AS DETERMINED BY THE LAWS, RULES OR REGULATIONS OF THIS STATE.

S 4. Section 6401 of the education law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY INDEPENDENT INSTITUTION OF HIGHER LEARNING LOCATED WITHIN THIS STATE THAT PARTICIPATES IN OR PROVIDES FUNDING TO ANY ORGANIZATION THAT, AS A MATTER OF POLICY, BOYCOTTS AN ACADEMIC INSTITUTION LOCATED IN ANY FOREIGN COUNTRY, SHALL BE PROHIBITED FROM RECEIVING ANY STATE AID OR STATE FUNDING FROM THIS STATE; PROVIDED THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO THE BOYCOTT OF AN ACADEMIC INSTITUTION LOCATED IN A FOREIGN COUNTRY:

A. WHEN THE FOREIGN COUNTRY IS DETERMINED BY THE UNITED STATES SECRETARY OF STATE TO BE A STATE SPONSOR OF TERRORISM;

B. WHEN THE BOYCOTT IS CONNECTED WITH A LABOR DISPUTE; OR

C. WHEN THE BOYCOTT IS FOR THE PURPOSE OF PROTESTING UNLAWFUL DISCRIMINATORY PRACTICES AS DETERMINED BY THE LAWS, RULES OR REGULATIONS OF THIS STATE.

S 5. The public officers law is amended by adding a new section 74-b to read as follows:

S 74-B. PROHIBITIONS OF CERTAIN BOYCOTTS OF FOREIGN ACADEMIC INSTITUTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO STATE OFFICER OR LOCAL OFFICER SHALL BECOME OR CONTINUE TO BE A MEMBER OF ANY ORGANIZATION THAT, AS A MATTER OF POLICY, BOYCOTTS AN ACADEMIC INSTITUTION LOCATED IN ANY FOREIGN COUNTRY; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE BOYCOTT OF AN ACADEMIC INSTITUTION LOCATED IN A FOREIGN COUNTRY:

1. WHEN THE FOREIGN COUNTRY IS DETERMINED BY THE UNITED STATES SECRETARY OF STATE TO BE A STATE SPONSOR OF TERRORISM;

2. WHEN THE BOYCOTT IS CONNECTED WITH A LABOR DISPUTE; OR

3. WHEN THE BOYCOTT IS FOR THE PURPOSE OF PROTESTING UNLAWFUL DISCRIMINATORY PRACTICES AS DETERMINED BY THE LAWS, RULES OR REGULATIONS OF THIS STATE.

S 6. Section 4 of the state finance law is amended by adding a new subdivision 11 to read as follows:

11. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO MONEY SHALL BE PAID OUT OF ANY FUND UNDER THE MANAGEMENT OF THE STATE TO ANY INSTITUTION FOUND TO BE IN VIOLATION OF SECTION THREE HUNDRED FIFTY-FIVE-D, SUBDIVISION F OF SECTION SIX THOUSAND TWO HUNDRED TWENTY-ONE, SUBDIVISION FOURTEEN OF SECTION SIX THOUSAND THREE HUNDRED FOUR OR SUBDIVISION SIX OF SECTION SIX THOUSAND FOUR HUNDRED ONE OF THE EDUCATION LAW.

S 7. The state finance law is amended by adding a new section 139-l to read as follows:

S 139-L. PROHIBITIONS ON CONTRACTS WITH CERTAIN INSTITUTIONS OF HIGHER EDUCATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE SHALL BE PROHIBITED FROM ENTERING INTO ANY CONTRACT WITH ANY INSTITUTION FOUND TO BE IN VIOLATION OF SECTION THREE HUNDRED FIFTY-FIVE-D, SUBDIVISION F OF SECTION SIX THOUSAND TWO HUNDRED TWENTY-ONE, SUBDIVISION FOURTEEN OF SECTION SIX THOUSAND THREE HUNDRED FOUR OR SUBDIVISION SIX OF SECTION SIX THOUSAND FOUR HUNDRED ONE OF THE EDUCATION LAW.

S 8. The state finance law is amended by adding a new section 8-c to read as follows:

S 8-C. COMPLIANCE BY EDUCATIONAL INSTITUTIONS; BOYCOTTS. THE COMPTROLLER SHALL, WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, MAKE A DETERMINATION AS TO WHETHER OR NOT EACH INSTITUTION SUBJECT TO THE PROVISIONS OF SECTION THREE HUNDRED FIFTY-FIVE-D, SUBDIVISION F OF SECTION SIX THOUSAND TWO HUNDRED TWENTY-ONE, SUBDIVISION FOURTEEN OF SECTION SIX THOUSAND THREE HUNDRED FOUR OR SUBDIVISION SIX OF SECTION SIX THOUSAND FOUR HUNDRED ONE OF THE EDUCATION LAW IS IN COMPLIANCE WITH SUCH APPLICABLE SECTION, AND FIND THOSE INSTITUTIONS NOT IN COMPLIANCE WITH SUCH APPLICABLE SECTION TO BE IN VIOLATION OF SUCH SECTION. UPON A DETERMINATION BY THE COMPTROLLER THAT AN EDUCATIONAL INSTITUTION OR PUBLIC OFFICER IS NOT IN COMPLIANCE WITH THE APPLICABLE SECTION OF THE EDUCATION LAW, THE COMPTROLLER SHALL IMMEDIATELY PROVIDE NOTICE THEREOF TO THE EDUCATIONAL INSTITUTION OR PUBLIC OFFICER. EACH EDUCATIONAL INSTITUTION OR PUBLIC OFFICER RECEIVING SUCH A NOTICE OF NONCOMPLIANCE SHALL, WITHIN THIRTY DAYS OF THE RECEIPT THEREOF, TERMINATE PARTICIPATION IN, MEMBERSHIP IN OR THE PROVISION OF FUNDING TO ANY ORGANIZATION THAT, AS A MATTER OF POLICY, BOYCOTTS AN ACADEMIC INSTITUTION LOCATED IN A FOREIGN COUNTRY.

S 9. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 10. This act shall take effect immediately.