

5379--B

2015-2016 Regular Sessions

I N A S S E M B L Y

February 20, 2015

Introduced by M. of A. GLICK, COOK, CRESPO, GOTTFRIED, CAHILL, AUBRY, LUPARDO, JAFFEE, LUPINACCI, RAIA, BRONSON, FAHY, GALEF -- Multi-Sponsored by -- M. of A. CLARK, DUPREY, MONTESANO, THIELE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reference changed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to reporting requirements of the state university of New York and city university of New York

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

- 1 Section 1. Section 359 of the education law is amended by adding a new
2 subdivision 6 to read as follows:
- 3 6. THE TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL REQUIRE, ON
4 OR BEFORE NOVEMBER FIRST OF EACH YEAR, AN ANNUAL REPORT OF THE RESEARCH
5 FOUNDATION OF THE STATE UNIVERSITY OF NEW YORK, AND AN ANNUAL REPORT OF
6 STATE-OPERATED INSTITUTIONS' AND COMMUNITY COLLEGES' CAMPUS FOUNDATIONS
7 AND THEIR SUBSIDIARIES, IN A STANDARDIZED FORMAT DEVELOPED BY THE CHAN-
8 CELLOR. THE ANNUAL REPORTS REQUIRED BY THIS SUBDIVISION SHALL BE POSTED
9 PUBLICLY ON THE WEBSITE OF THE STATE UNIVERSITY OF NEW YORK IN A MACHINE
10 READABLE FORMAT BY NOVEMBER FIRST OF EACH YEAR. THE REPORTS SHALL
11 INCLUDE, BUT NOT BE LIMITED TO:
- 12 A. FINANCIAL REPORTS, INCLUDING: AUDITED FINANCIALS IN ACCORDANCE WITH
13 ALL APPLICABLE REGULATIONS AND FOLLOWING GENERALLY ACCEPTED ACCOUNTING
14 PRINCIPLES AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE STATE
15 FINANCE LAW, AND ANY LONG-TERM LIABILITIES;
- 16 B. THE TOTAL NUMBER, AMOUNT, AND IDENTIFYING VENDOR INFORMATION OF ALL
17 CONTRACTS FOR SERVICES; AND
- 18 C. THE TOTAL AMOUNT OF EMPLOYEES BY DEPARTMENT AND JOB LOCATION AND
19 AMOUNT SPENT ON PERSONNEL BY DEPARTMENT AND JOB LOCATION WHICH SHALL

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

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1 INCLUDE ANNUAL EMPLOYEE SALARIES, EMPLOYEE JOB TITLES AND DESCRIPTIONS
2 AND EMPLOYEE BENEFITS.

3 S 2. Section 6233 of the education law is amended by adding a new
4 subdivision 4 to read as follows:

5 4. THE TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK SHALL REQUIRE, ON
6 OR BEFORE NOVEMBER FIRST OF EACH YEAR, AN ANNUAL REPORT OF THE RESEARCH
7 FOUNDATION OF THE CITY UNIVERSITY OF NEW YORK, AND AN ANNUAL REPORT OF
8 SENIOR COLLEGES' AND COMMUNITY COLLEGES' CAMPUS FOUNDATIONS AND THEIR
9 SUBSIDIARIES, IN A STANDARDIZED FORMAT DEVELOPED BY THE CHANCELLOR. THE
10 ANNUAL REPORTS REQUIRED BY THIS SUBDIVISION SHALL BE POSTED PUBLICLY ON
11 THE WEBSITE OF THE CITY UNIVERSITY OF NEW YORK IN A MACHINE READABLE
12 FORMAT, BY NOVEMBER FIRST OF EACH YEAR. THE REPORTS SHALL INCLUDE, BUT
13 NOT BE LIMITED TO:

14 A. FINANCIAL REPORTS, INCLUDING: AUDITED FINANCIALS IN ACCORDANCE WITH
15 ALL APPLICABLE REGULATIONS AND FOLLOWING GENERALLY ACCEPTED ACCOUNTING
16 PRINCIPLES AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE STATE
17 FINANCE LAW, AND ANY LONG-TERM LIABILITIES;

18 B. THE TOTAL NUMBER, AMOUNT, AND IDENTIFYING VENDOR INFORMATION OF ALL
19 CONTRACTS FOR SERVICES; AND

20 C. THE TOTAL AMOUNT OF EMPLOYEES BY DEPARTMENT AND JOB LOCATION AND
21 AMOUNT SPENT ON PERSONNEL BY DEPARTMENT AND JOB LOCATION WHICH SHALL
22 INCLUDE ANNUAL EMPLOYEE SALARIES, EMPLOYEE JOB TITLES AND DESCRIPTIONS
23 AND EMPLOYEE BENEFITS.

24 S 3. The reports required in sections one and two of this act may not
25 disclose the following information that: (a) is specifically exempted
26 from disclosure by state or federal statute; (b) if disclosed would
27 constitute an unwarranted invasion of personal privacy under the
28 provisions of subdivision 2 of section 89 of the public officers law;
29 (c) if disclosed would impair present or imminent contract awards or
30 collective bargaining negotiations; (d) are trade secrets or are submit-
31 ted to an entity by a commercial enterprise or derived from information
32 obtained from a commercial enterprise and which if disclosed would cause
33 substantial injury to the competitive position of the subject enter-
34 prise; (e) are records of an entity relating to charitable donors or
35 prospective donors, including but not limited to the fund-raising strat-
36 egies of agencies identified in paragraph (b) of subdivision 3 of
37 section 86 of the public officers law, provided that records relating to
38 fund-raising strategies would, if disclosed, impair the ability of those
39 entities to attract or gain donations, and provided further that the
40 name of any donor and the amount of donation made by such donor shall be
41 subject to disclosure if such donor, or any entity in which such donor
42 has a substantial interest, seeks to transact business, or does transact
43 business, with the entity to which the donation is made within three
44 years of the date of such donation; and (f) are academic or scientific
45 research or research-related records, including any draft, preliminary
46 or unfunded grant or contract document, whether sponsored by the entity
47 itself or in conjunction with a third party, or records relating to the
48 entity's intellectual property, which, if disclosed, would adversely
49 affect license, patent, copyright or other rights of the entity. This
50 section shall not permit an entity to withhold records or portions ther-
51 eof pertaining to the name, title, expenditure, source or amount of
52 public funding relating to such research or intellectual property.

53 S 4. Nothing in this act shall be construed to supersede the
54 provisions of chapter 10 of the laws of 2006.

55 S 5. This act shall take effect January 1, 2017.