

7648

I N S E N A T E

May 12, 2016

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

AN ACT to amend the education law, in relation to state appropriations to the state university of New York and the 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. Clause (iv) of subparagraph 4 of paragraph h of subdivision  
2 2 of section 355 of the education law, as amended by section 1 of part D  
3 of chapter 54 of the laws of 2016, is renumbered clause (v) and a new  
4 clause (iv) is added to read as follows:  
5 (IV) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE GENERAL  
6 FUND OPERATING SUPPORT INCLUDING FRINGE BENEFITS, FOR THE STATE UNIVER-  
7 SITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAIL-  
8 ABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND  
9 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND  
10 SIXTEEN--TWO THOUSAND SEVENTEEN AND THEREAFTER, THE STATE SHALL APPRO-  
11 PRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT FOR THE STATE  
12 UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS IN AN AMOUNT  
13 NOT LESS THAN THE AMOUNTS SEPARATELY APPROPRIATED AND MADE AVAILABLE IN  
14 THE PRIOR STATE FISCAL YEAR; PROVIDED, FURTHER, THE STATE SHALL APPRO-  
15 PRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL  
16 MANDATORY COSTS OF THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH  
17 SCIENCE CENTERS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE  
18 BARGAINING COSTS INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER  
19 NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND  
20 OTHER INFLATIONARY EXPENSES INCURRED BY THE STATE UNIVERSITY AND THE  
21 STATE UNIVERSITY HEALTH SCIENCE CENTERS. IF THE GOVERNOR, HOWEVER,  
22 DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE  
23 TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE  
24 SUPPORT FOR OPERATING EXPENSES AT THE STATE UNIVERSITY AND CITY UNIVER-  
25 SITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE  
26 AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

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

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1 S 2. The opening paragraph of subparagraph 4 of paragraph h of subdi-  
2 vision 2 of section 355 of the education law, as amended by chapter 437  
3 of the laws of 2015, is designated clause (i) and a new clause (ii) is  
4 added to read as follows:

5 (II) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE GENERAL  
6 FUND OPERATING SUPPORT INCLUDING FRINGE BENEFITS, FOR THE STATE UNIVER-  
7 SITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAIL-  
8 ABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND  
9 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND  
10 SIXTEEN--TWO THOUSAND SEVENTEEN AND THEREAFTER, THE STATE SHALL APPRO-  
11 PRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT FOR THE STATE  
12 UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS IN AN AMOUNT  
13 NOT LESS THAN THE AMOUNTS SEPARATELY APPROPRIATED AND MADE AVAILABLE IN  
14 THE PRIOR STATE FISCAL YEAR; PROVIDED, FURTHER, THE STATE SHALL APPRO-  
15 PRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL  
16 MANDATORY COSTS OF THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH  
17 SCIENCE CENTERS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE  
18 BARGAINING COSTS INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER  
19 NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND  
20 OTHER INFLATIONARY EXPENSES INCURRED BY THE STATE UNIVERSITY AND THE  
21 STATE UNIVERSITY HEALTH SCIENCE CENTERS. IF THE GOVERNOR, HOWEVER,  
22 DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE  
23 TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, THE STATE  
24 SUPPORT FOR OPERATING EXPENSES AT THE STATE UNIVERSITY AND CITY UNIVER-  
25 SITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE  
26 AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

27 S 3. Paragraph (a) of subdivision 7 of section 6206 of the education  
28 law, as amended by section 2 of part D of chapter 54 of the laws of  
29 2016, is amended by adding a new subparagraph (iv) to read as follows:

30 (IV) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE STATE  
31 SUPPORT FOR OPERATING EXPENSES, INCLUDING FRINGE BENEFITS, FOR THE CITY  
32 UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE  
33 AVAILABLE TO THE CITY UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND  
34 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND  
35 SIXTEEN--TWO THOUSAND SEVENTEEN AND THEREAFTER, THE STATE SHALL APPRO-  
36 PRIATE AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSE FOR THE  
37 CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNTS SEPARATELY APPRO-  
38 PRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED,  
39 FURTHER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND  
40 OPERATING SUPPORT TO COVER ALL MANDATORY COSTS OF THE CITY UNIVERSITY,  
41 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAINING COSTS,  
42 INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER NON-PERSONAL  
43 SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND OTHER INFLA-  
44 TIONARY EXPENSES INCURRED BY THE CITY UNIVERSITY. IF THE GOVERNOR,  
45 HOWEVER, DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO  
46 THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY,  
47 STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY  
48 UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND  
49 THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

50 S 4. Paragraph (a) of subdivision 7 of section 6206 of the education  
51 law, as amended by chapter 327 of the laws of 2002, is amended by adding  
52 a new subparagraph (iv) to read as follows:

53 (IV) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE STATE  
54 SUPPORT FOR OPERATING EXPENSES, INCLUDING FRINGE BENEFITS, FOR THE CITY  
55 UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE  
56 AVAILABLE TO THE CITY UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND

1 ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND  
2 SIXTEEN--TWO THOUSAND SEVENTEEN AND THEREAFTER, THE STATE SHALL APPRO-  
3 PRIATE AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSES FOR THE  
4 CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNTS SEPARATELY APPRO-  
5 PRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED,  
6 FURTHER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND  
7 OPERATING SUPPORT TO COVER ALL MANDATORY COSTS OF THE CITY UNIVERSITY,  
8 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAINING COSTS,  
9 INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER NON-PERSONAL  
10 SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND OTHER INFLA-  
11 TIONARY EXPENSES INCURRED BY THE CITY UNIVERSITY. IF THE GOVERNOR,  
12 HOWEVER, DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO  
13 THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE  
14 SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY UNIVER-  
15 SITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE  
16 AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

17 S 5. This act shall take effect immediately provided that:

18 (a) the amendments to subparagraph 4 of paragraph h of subdivision 2  
19 of section 355 of the education law made by section one of this act  
20 shall be subject to the expiration and reversion of such subparagraph  
21 pursuant to chapter 260 of the laws of 2011, as amended, when upon such  
22 date section two of this act shall take effect; and

23 (b) the amendments to paragraph (a) of subdivision 7 of section 6206  
24 of the education law made by section three of this act shall be subject  
25 to the expiration and reversion of such paragraph pursuant to chapter  
26 260 of the laws of 2011, as amended, when upon such date section four of  
27 this act shall take effect.