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

7648--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Clause (iv) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part D of chapter 54 of the laws of 2016, is renumbered clause (v) and a new clause (iv) is added to read as follows:

(IV) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT INCLUDING FRINGE BENEFITS, FOR THE STATE UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN AND THEREAFTER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT FOR THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS IN AN AMOUNT NOT LESS THAN THE AMOUNTS SEPARATELY APPROPRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, FURTHER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL MANDATORY COSTS OF THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAINING COSTS INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND OTHER INFLATIONARY EXPENSES INCURRED BY THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS. IF THE GOVERNOR, HOWEVER, DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES AT THE STATE UNIVERSITY AND CITY UNIVER-

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

LBD15241-03-6

SITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

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

(II) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT INCLUDING FRINGE BENEFITS, FOR THE STATE UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE TO THE STATE UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN AND THEREAFTER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT FOR THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS IN AN AMOUNT NOT LESS THAN THE AMOUNTS SEPARATELY APPROPRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, FURTHER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL MANDATORY COSTS OF THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAINING COSTS INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND OTHER INFLATIONARY EXPENSES INCURRED BY THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS. IF THE GOVERNOR, HOWEVER, DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, THE STATE SUPPORT FOR OPERATING EXPENSES AT THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

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

(IV) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSES, INCLUDING FRINGE BENEFITS, FOR THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAT THE AMOUNT APPROPRIATED AND MADE AVAILABLE TO THE CITY UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN AND THEREAFTER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSE FOR THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNTS SEPARATELY APPROPRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, FURTHER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL MANDATORY COSTS OF THE CITY UNIVERSITY, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAINING COSTS, INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND OTHER INFLATIONARY EXPENSES INCURRED BY THE CITY UNIVERSITY. IF THE GOVERNOR, HOWEVER, DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

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

(IV) THE STATE SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSES, INCLUDING FRINGE BENEFITS, FOR THE CITY

UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE TO THE CITY UNIVERSITY IN STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN AND THEREAFTER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE STATE SUPPORT FOR OPERATING EXPENSES FOR THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNTS SEPARATELY APPROPRIATED AND MADE AVAILABLE IN THE PRIOR STATE FISCAL YEAR; PROVIDED, FURTHER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL MANDATORY COSTS OF THE CITY UNIVERSITY, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAINING COSTS, INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND OTHER INFLATIONARY EXPENSES INCURRED BY THE CITY UNIVERSITY. IF THE GOVERNOR, HOWEVER, DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

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

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

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