

# STATE OF NEW YORK

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2548--A

Cal. No. 237

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

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Introduced by Sens. LAVALLE, AKSHAR, HELMING, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the education law, in relation to the inclusion of fiscal notes with certain resolutions or rules and regulations adopted by educational institutions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of paragraph b of subdivision 2 of  
2 section 355 of the education law is designated subparagraph 1 and a new  
3 subparagraph 2 is added to read as follows:

4 (2) Prior to the adoption of a resolution or any alteration or amend-  
5 ment to the rules and regulations for the governance of the state  
6 university and the institutions therein that may require an increase in  
7 the expenditures of state moneys in the fiscal year of such adoption or  
8 any future fiscal year, a fiscal note shall be required which shall  
9 state the amount in dollars that shall be required for the university  
10 system to fulfill the provision of such resolution or alteration or  
11 amendment to such rules and regulations. Such fiscal note shall be  
12 attached to and/or be part of any resolution by the board of trustees  
13 amending or altering the rules and regulations of the university system.  
14 For the purposes of the provisions of this subparagraph the fiscal note  
15 shall be approved by the chancellor and secured from the division of the  
16 budget.

17 § 2. Section 6206 of the education law is amended by adding a new  
18 subdivision 20 to read as follows:

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

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1 20. Prior to the adoption of a resolution or any alteration or amend-  
2 ment to the rules and regulations or by-laws of the city university of  
3 New York by the trustees for the governance of the city university and  
4 the institutions therein that may require an increase in the expenditure  
5 of state moneys in the fiscal year of such adoption or any future fiscal  
6 year, a fiscal note shall be required which shall state the amount in  
7 dollars that shall be required for the university system to fulfill the  
8 provisions of such resolution or alteration or amendment to such rules  
9 and regulations or by-laws. Such fiscal note shall be attached to  
10 and/or be part of any resolution by the board of trustees amending or  
11 altering the rules and regulations of the university system. For the  
12 purposes of the provisions of this subdivision the fiscal note shall be  
13 approved by the chancellor and secured from the division of the budget.

14 § 3. Section 207 of the education law is amended to read as follows:

15 § 207. Legislative power. Subject and in conformity to the constitu-  
16 tion and laws of the state, the regents shall exercise legislative func-  
17 tions concerning the educational system of the state, determine its  
18 educational policies, and, except, as to the judicial functions of the  
19 commissioner [~~of education~~], establish rules for carrying into effect  
20 the laws and policies of the state, relating to education, and the func-  
21 tions, powers, duties and trusts conferred or charged upon the universi-  
22 ty and the education department. But no enactment of the regents shall  
23 modify in any degree the freedom of the governing body of any seminary  
24 for the training of priests or clergymen to determine and regulate the  
25 entire course of religious, doctrinal or theological instruction to be  
26 given in such institution. No rule by which more than a majority vote  
27 shall be required for any specified action by the regents shall be  
28 amended, suspended or repealed by a smaller vote than that required for  
29 action thereunder. Rules or regulations, or amendments or repeals ther-  
30 eof, adopted or prescribed by the commissioner [~~of education~~] as  
31 provided by law shall not be effective unless and until approved by the  
32 regents, except where authority is conferred by the regents upon the  
33 commissioner [~~of education~~] to adopt, prescribe, amend or repeal such  
34 rules or regulations. Prior to the adoption of a resolution or any  
35 alteration or amendment to the rules and regulations prescribed by the  
36 regents that may require an increase in the expenditure of state moneys,  
37 in the fiscal year of such adoption or any future fiscal year, a fiscal  
38 note shall be required which shall state the amount in dollars that  
39 shall be required to fulfill the provisions of such resolution or alter-  
40 ation or amendment to such rules and regulations. Such fiscal note shall  
41 be attached to and/or be part of any resolution by the regents amending  
42 or altering the rules and regulations. For the purposes of the  
43 provisions of this section, such fiscal note shall be approved by the  
44 commissioner and secured from the division of the budget.

45 § 4. This act shall take effect immediately.