

# STATE OF NEW YORK

5929--B

2017-2018 Regular Sessions

## IN ASSEMBLY

February 17, 2017

Introduced by M. of A. GLICK, COOK, CRESPO, GOTTFRIED, CAHILL, AUBRY, LUPARDO, JAFFEE, FAHY, GALEF, SIMON, HEVESI, PELLEGRINO -- Multi-Sponsored by -- M. of A. McDONOUGH, MONTESANO, THIELE -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 5 to read as follows:

3 5. 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. a list of all contracts, including amount, purpose and identifying  
17 vendor information of each contract; and

18 c. a list of all foundation and state university employees by campus,  
19 department and job location, and the amount spent by campus, department  
20 and job location which shall include annual employee salaries or other

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

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1 compensation, employee job titles and descriptions and employee bene-  
2 fits.

3 § 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. a list of all contracts, including amount, purpose and identifying  
19 vendor information of each contract; and

20 c. a list of all foundation and state university employees by campus,  
21 department and job location, and the amount spent by campus, department  
22 and job location which shall include annual employee salaries or other  
23 compensation, employee job titles and descriptions and employee bene-  
24 fits.

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

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

56 § 5. This act shall take effect January 1, 2019.