STATE OF NEW YORK

4367

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. GLICK, COOK, CRESPO, GOTTFRIED, CAHILL, AUBRY, LUPARDO, JAFFEE, FAHY, GALEF, SIMON, HEVESI -- Multi-Sponsored by -- M. of A. McDONOUGH, MONTESANO, THIELE -- read once and referred to the Committee on Higher Education

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:

Section 1. Section 359 of the education law is amended by adding a new subdivision 5 to read as follows:

5. The trustees of the state university of New York shall require, on or before November first of each year, an annual report of the research foundation of the state university of New York, and an annual report of state-operated institutions' and community colleges' campus foundations and their subsidiaries, in a standardized format developed by the chancellor. The annual reports required by this subdivision shall be posted publicly on the website of the state university of New York in a machine readable format by November first of each year. The reports shall include, but not be limited to:

a. financial reports, including: audited financials in accordance with all applicable regulations and following generally accepted accounting principles as defined in subdivision ten of section two of the state finance law, and any long-term liabilities;

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

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

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

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

4. The trustees of the city university of New York shall require, on or before November first of each year, an annual report of the research foundation of the city university of New York, and an annual report of senior colleges' and community colleges' campus foundations and their subsidiaries, in a standardized format developed by the chancellor. The annual reports required by this subdivision shall be posted publicly on the website of the city university of New York in a machine readable format, by November first of each year. The reports shall include, but not be limited to:

a. financial reports, including: audited financials in accordance with all applicable regulations and following generally accepted accounting principles as defined in subdivision ten of section two of the state finance law, and any long-term liabilities;

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

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

§ 3. The reports required in sections one and two of this act may not disclose the following information that: (a) is specifically exempted from disclosure by state or federal statute; (b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision 2 of section 89 of the public officers law; (c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations; (d) are trade secrets or are submitted to an entity by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise; (e) are records of an entity relating to charitable donors or prospective donors, including but not limited to the fund-raising strategies of agencies identified in subdivision 3 of section 86 of the public officers law, provided that records relating to fund-raising strategies would, if disclosed, impair the ability of those entities to attract or gain donations, and provided further that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor, or any entity in which such donor has a substantial interest, seeks to transact business, or does transact business, with the entity to which the donation is made within three years of the date of such donation; and (f) are academic or scientific research or research-related records, including any draft, preliminary or unfunded grant or contract document, whether sponsored by the entity itself or in conjunction with a third party, or records relating to the entity's intellectual property, which, if disclosed, would adversely affect license, patent, copyright or other rights of the entity. This section shall not permit an entity to withhold records or portions thereof pertaining to the name, title, expenditure, source or amount of public funding relating to such research or intellectual property.

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

§ 5. This act shall take effect January 1, 2020.