

STATE OF NEW YORK

3540

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sens. STAVISKY, BRESLIN, COMRIE, JACKSON, KRUEGER, LIU, MAYER -- 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 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
21 compensation, employee job titles and descriptions and employee bene-
22 fits.

23 § 2. Section 6233 of the education law is amended by adding a new
24 subdivision 4 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 4. The trustees of the city university of New York shall require, on
2 or before November first of each year, an annual report of the research
3 foundation of the city university of New York, and an annual report of
4 senior colleges' and community colleges' campus foundations and their
5 subsidiaries, in a standardized format developed by the chancellor. The
6 annual reports required by this subdivision shall be posted publicly on
7 the website of the city university of New York in a machine readable
8 format, by November first of each year. The reports shall include, but
9 not be limited to:

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

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

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

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

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

52 § 5. This act shall take effect January 1, 2022.