

# STATE OF NEW YORK

9570

## IN ASSEMBLY

March 20, 2024

Introduced by M. of A. HYNDMAN -- 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:

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:

25 4. The trustees of the city university of New York shall require, on  
26 or before November first of each year, an annual report of the research  
27 foundation of the city university of New York, and an annual report of  
28 senior colleges' and community colleges' campus foundations and their

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

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1 subsidiaries, in a standardized format developed by the chancellor. The  
2 annual reports required by this subdivision shall be posted publicly on  
3 the website of the city university of New York in a machine readable  
4 format, by November first of each year. The reports shall include, but  
5 not be limited to:

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

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

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

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

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

48 § 5. This act shall take effect January 1, 2024.