§ 6221. Financing of the city university of New York. A. Senior college operating expenses. 1. Notwithstanding any other provision of law, all expenditures for the senior college programs and services of the city university of New York shall continue to be pre-financed from city of New York funds. The comptroller of the state of New York may establish a separate fund for the receipt and deposit of such pre-financing funds from the city of New York pursuant to this subdivision, and all other monies deemed appropriate by the state comptroller and the state director of the budget, except that all monies presently required by law to be paid directly to the city university construction fund shall continue to be so paid. All monies appropriated for such senior college programs and services, or derived from other sources in the course of the administration thereof, shall be expended upon vouchers approved by the chancellor of the city university, as chief administrative officer of the city university, or by such authority or authorities in the city university as shall be designated by the chancellor by a rule or written direction filed with the comptroller, when and in the manner authorized by the board of trustees. No monies appropriated for such senior college programs and services, or derived from other sources in the course of the administration thereof, shall be expended until a certificate of the aggregate funds available for expenditure pursuant to section forty-nine of the state finance law has been approved by the director of the budget and copies thereof filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. In regard to the city university, the director of the budget shall exercise the authority granted under section forty-nine of the state finance law in accordance with the provisions of paragraph b of subdivision four of section three hundred fifty-five of this chapter.

2. a. Notwithstanding any other provision of law, the city of New York shall appropriate in its expense budget and pay to the account of the senior colleges of the city university of New York as operating aid amounts in accordance with the following schedule:

(i) For the twelve-month period commencing July first, nineteen hundred seventy-nine, an amount equal to the lesser of fifty-eight million, three hundred ninety-three thousand dollars ($58,393,000) or

twenty-five per centum of the net operating expenses of such senior college programs and services, as certified by the comptroller of the state of New York to be properly chargeable to such twelve-month period;

(ii) For the twelve-month period commencing July first, nineteen hundred eighty, an amount equal to eighty per centum of the amount specified in (i) of subparagraph a of this paragraph.

(iii) For the twelve-month period commencing July first, nineteen hundred eighty-one, an amount equal to forty per centum of the amount specified in (i) of subparagraph a of this paragraph.

b. For the twelve-month period commencing July first, nineteen hundred eighty-two and thereafter, the city of New York shall not be required to make any appropriation in support of the net operating expenses of the programs and services of the senior colleges of the city university.

c. (i) Subject to the provisions of item (ii) of this subparagraph, the amounts specified in this subdivision shall be exclusive of monies payable by such city for campus schools and debt service on bonds attributable to such university pursuant to article one hundred twenty-five-B of this chapter.

(ii) (1) The amounts specified in this subdivision, in so far as such amounts consist of payments for the twelve-month period commencing on July first, nineteen hundred seventy-nine, shall not include any unfunded accrued liability payments required to be made in such period pursuant to chapters nine hundred seventy-five, nine hundred seventy-six and nine hundred seventy-seven of the laws of nineteen hundred seventy-seven with respect to pension contributions.

(2) The amounts specified in this subdivision, in so far as such amounts consist of payments for the twelve-month period commencing on July first, nineteen hundred eighty, shall not include:

(a) any revised unfunded accrued liability payments (as defined in subdivision seven of section sixty-two hundred two of this article) which are required to be made in such period with respect to pension contributions; or

(b) any installment of the nineteen hundred eighty unfunded accrued liability adjustment (as defined in subdivision eight of such section sixty-two hundred two), whether a charge or a credit, which installment

is required to be paid or credited, as the case may be, in such period with respect to pension contributions.

(3) During the period beginning on July first, nineteen hundred eighty-one and ending on June thirtieth, nineteen hundred ninety, the net operating expenses of the programs and services of the senior colleges of the city university shall not include any of the payments or installments of charge or credit stated below in this sub-item (3), in so far as such payments or installments are attributable to employees of such senior colleges:

(a) any revised unfunded accrued liability payments (as defined in subdivision seven of section sixty-two hundred two of this article) required to be made in such period and thereafter with respect to pension contributions; and

(b) any installments of nineteen hundred eighty unfunded accrued liability adjustment (as defined in subdivision eight of such section sixty-two hundred two), whether a charge or a credit, which installments are required to be paid or credited, as the case may be, in such twelve-month period and thereafter; and

(c) any installments of the nineteen hundred eighty-two unfunded accrued liability adjustment (as defined in subdivision eight-a of such section sixty-two hundred two), which installments are required to be credited in such twelve-month period and thereafter; and

(d) any balance sheet liability contributions (as defined in subdivision nine of such section sixty-two hundred two) which contributions are required to be made in such period; and

(e) any installments of the NYCERS nineteen hundred eighty-five unfunded accrued liability adjustment attributable to the senior colleges (as defined in subdivision eight-b of such section sixty-two hundred two), regardless of the prescribed time of crediting of such installments; and

(f) any installments of the NYCTRS nineteen hundred eighty-five unfunded accrued liability adjustment (as defined in subdivision eight-c of such section sixty-two hundred two), regardless of the prescribed time of crediting of such installments; and

(g) any installments of the NYCTRS nineteen hundred eighty-six unfunded accrued liability adjustment (as defined in subdivision eight-d of such section sixty-two hundred two), regardless of the prescribed

time of crediting of such installments; and

(h) any installments of the New York city employees' retirement system nineteen hundred eighty-eight unfunded accrued liability adjustment attributable to the senior colleges (as defined in subdivision eight-e of such section sixty-two hundred two), whether a charge or a credit, regardless of the prescribed time of payment or crediting of such installments; and

(i) any installments of the New York city teachers' retirement system nineteen hundred eighty-eight unfunded accrued liability adjustment attributable to the senior colleges (as defined in subdivision eight-f of such section sixty-two hundred two), whether a charge or a credit, regardless of the prescribed time of payment or crediting of such installments; and

(4) Commencing with the twelve-month period beginning on July first, nineteen hundred ninety and thereafter, the net operating expenses of the programs and services of the senior colleges of the city university shall not include any of the payments or installments of charge or credit or contributions stated below in this sub-item (4):

(a) the contributions for twenty-year amortization of nineteen hundred ninety senior college consolidated UAL and senior college remainder of BSL (as defined in subdivision eight-o of section sixty-two hundred two of this article; and

(b) any payments or installments of any NYCERS post-June thirtieth, nineteen hundred ninety unfunded accrued liability adjustment attributable to the senior colleges (as defined in subdivision eight-g of section sixty-two hundred two of this article); and

(c) any payments or installments of NYCTRS post-June thirtieth, nineteen hundred ninety unfunded accrued liability adjustment attributable to the senior colleges (as defined in subdivision eight-h of section sixty-two hundred two of this article).

d. (i) Nothing contained in this paragraph shall be construed to remove the obligation of the city of New York, as prescribed by sections sixty-two hundred thirty and sixty-two hundred thirty-one of this article, for payment of its share of unfunded accrued pension liabilities attributable to employees of the senior colleges of the city university of New York required to be made in the city's nineteen

hundred seventy-nine--nineteen hundred eighty fiscal year pursuant to chapters nine hundred seventy-five, nine hundred seventy-six and nine hundred seventy-seven of the laws of nineteen hundred seventy-seven.

(ii) Nothing contained in this paragraph shall be construed to remove the obligation of the city of New York, as prescribed by sections sixty-two hundred thirty and sixty-two hundred thirty-one of this article, for payment of its share of:

(1) the revised unfunded accrued liability contributions (as defined in subdivision seven of section sixty-two hundred two of this article) which are required to be made in the city's nineteen hundred eighty--nineteen hundred eighty-one fiscal year; and

(2) any installment of nineteen hundred eighty unfunded accrued liability adjustment (as defined in subdivision eight of section sixty-two hundred two of this article) which, if such adjustment is a charge, is required to be paid in such fiscal year.

(iii) Subject to the provisions of subdivision m of section 13-638.2 of the administrative code of the city of New York, nothing contained in this paragraph shall be construed to remove the obligation of the city of New York, as prescribed by sections sixty-two hundred thirty and sixty-two hundred thirty-one of this article, for payment of its share of:

(1) the revised unfunded accrued liability contributions (as defined in subdivision seven of section sixty-two hundred two of this article) which are required to be made in the city's nineteen hundred eighty-one--nineteen hundred eighty-two fiscal year and thereafter; and

(2) any installment of nineteen hundred eighty unfunded accrued liability adjustment (as defined in subdivision eight of section sixty-two hundred two of this article) which, if such adjustment is a charge, is required to be made in such fiscal years; and

(3) any balance sheet liability contribution (as defined in subdivision nine of section sixty-two hundred two of this article) which is required to be made in such fiscal years.

e. In addition to the amounts specified in subparagraph a of this paragraph and notwithstanding the provisions of subparagraph b of this paragraph, the city of New York shall appropriate in its expense budget and pay to the account of the senior colleges of the city university of

New York as the city's share of operating aid for the college of Staten Island and New York city college of technology amounts in accordance with the following schedule:

(i) For the twelve month period commencing July first, nineteen hundred eighty, an amount that shall equal four million, one hundred thousand dollars ($4,100,000).

(ii) For the twelve month period commencing July first, nineteen hundred eighty-one, an amount equal to one-half of the amount specified in clause (i) of this subparagraph.

(iii) For the twelve month period commencing July first, nineteen hundred eighty-two, and thereafter the city of New York shall not be required to make any appropriation for operating aid for the college of Staten Island and New York city college of technology.

3. The state shall annually appropriate and pay an amount equal to the net operating expenses of such senior college programs and services less that amount payable, if any, by the city of New York pursuant to paragraph two of this subdivision. Such state payment shall be made in four installments, on or before April twenty-fifth, June twenty-fifth, October twenty-fifth and February twenty-fifth.

4. Commencing with the twelve-month period beginning July first, nineteen hundred eighty-two and thereafter, the state shall reimburse to the city of New York one hundred per centum of the net operating expenses of the approved programs and services of the senior colleges.

4-a. Notwithstanding the provision of any law, rule or regulation to the contrary, the city university shall be entitled to annually receive an apportionment and payment of state assistance equal to all moneys derived as a result of the tuition increase, calculated as the difference in the amount generated using the tuition rates authorized by the trustees of the city university for the two thousand eight-two thousand nine academic year and the amount generated using the tuition rates authorized by the trustees of the city university for the two thousand nine-two thousand ten academic year, pursuant to the following schedule: for the two thousand nine-two thousand ten academic year, the city university shall receive an amount equal to twenty percent of such

tuition increase; for the two thousand ten-two thousand eleven academic year, the city university shall receive an amount equal to thirty percent of such tuition increase; for the two thousand eleven-two thousand twelve academic year, the city university shall receive an amount equal to forty percent of such tuition increase; and for the two thousand twelve-two thousand thirteen academic year, the city university shall receive an amount equal to fifty percent of such tuition increase. Such apportionment shall be for the enhanced investment in the city university of the state of New York and shall be used to supplement, not supplant, gross senior college operating budget support, unless the director of the budget determines that state fiscal conditions preclude such an outcome and, in which case, the director shall submit a report regarding the recommended funding levels and whether the tuition increase apportionment provisions of this subdivision have been complied with for the city university of the state of New York to the chairs of the senate finance committee and the assembly ways and means committee and the chairs of the senate higher education committee and the assembly higher education committee no later than fifteen days following the release of the executive budget.

5. The comptroller of the state of New York shall provide accounting, payroll, expenditure and revenue reporting and similar services for the senior colleges for the period commencing July first, nineteen hundred eighty-two and thereafter. Notwithstanding any other provision of law, he may, to the extent he deems it necessary and practicable, require senior colleges of the city university to conform to statutory requirements, rules, and administrative procedures applicable to state departments and agencies.

6. The director of the budget of the state of New York may, to the extent he deems it necessary and practicable, giving due consideration to the particular circumstances of the city university, require the senior colleges of the city university of New York to conform to the state statutory requirements, rules and administrative procedures such as are applicable to the state university of New York regarding budgetary and fiscal matters.

7. For the purposes of this subdivision, "net operating expenses" shall be defined as the total operating expenses of approved programs and services less: (a) all excess tuition and instructional and non-instructional fees attributable to the senior colleges and received from the city university construction fund pursuant to subdivision b of section sixty-two hundred seventy-eight of this chapter; (b) an amount to be deposited from overhead funds and miscellaneous earnings recovered in the administration of sponsored programs for which the research foundation of the city university of New York has been designated as fiscal administrator; (c) the amount of all monies from any source other than those paid by the city, if any, and the state on a per centum basis of the net operating budget, which are expended through the operating budget; and (d) that portion of the operating costs of central administration and university-wide programs which the state budget director determines to be chargeable to the community colleges and which is to be paid by the city of New York pursuant to paragraph two of subdivision C of this section.

B. Senior college capital costs. Commencing with the twelve-month period beginning July first, nineteen hundred eighty-two and thereafter, the state shall pay one hundred per centum of capital costs exclusive of those financed pursuant to the provisions of article one hundred twenty-five-B of this chapter, of the senior colleges of the city university of New York, provided however that commencing with the twelve month period beginning July first, nineteen hundred eighty-two and thereafter, the state shall pay one hundred per centum of capital costs exclusive of those financed pursuant to the provisions of article one hundred twenty-five-B of this chapter, of the college of Staten Island, New York city college of technology and, commencing with the twelve month period beginning July first, two thousand nine and thereafter, Medgar Evers college, provided, however, that appropriations authorizing such costs have been approved by the legislature. The advancement of capital projects pursuant to this subdivision shall be undertaken only in accordance with the provisions of section ninety-three of the state finance law.

C. Community colleges. 1. The amount, methods and procedures for the

payment of state aid to community colleges of the city university of New York shall continue to be governed pursuant to the provisions of section sixty-three hundred four of this chapter and any rule or regulation promulgated pursuant thereto. Notwithstanding any inconsistent provision of law, for the purposes of this paragraph, any reference contained in section sixty-three hundred four of this chapter to the approval of the state university trustees for such state aid purposes shall, in lieu thereof, be deemed to mean and refer to the approval of the board of trustees and any reference to a community college in such section shall be deemed to mean and refer to a community college as defined in section sixty-two hundred two of this article; provided however, that any rule or regulation approved by the board of trustees, for such state aid purposes, shall be the same as any rule or regulation promulgated by the state university trustees, as approved by the state director of the budget.

2. Notwithstanding any other provision of law, the city of New York shall appropriate in its expense budget and pay to the account of the community colleges of the city university of New York as operating aid that portion of the operating costs of central administration and university-wide programs attributable to community colleges, as defined pursuant to subparagraph (d) of paragraph seven of subdivision A of this section.

D. College of Staten Island. Notwithstanding the designation of the college of Staten Island as a senior college:

(i) the city of New York shall annually appropriate in its expense budget and pay to the city university of New York, as operating aid in support of the programs and services of the college of Staten Island, an amount for each full-time equivalent student in the associate degree program of the college equal to the amount the city of New York is appropriating and paying for each full-time equivalent student in the community colleges;

(ii) and the state of New York shall annually appropriate and pay to the city university of New York an amount equal to the net operating expenses of the college of Staten Island less the amount payable by the city of New York pursuant to this subdivision. Such state of New York

payment shall be made in four installments on or before April twenty-fifth, June twenty-fifth, October twenty-fifth and January twenty-fifth. The amount to be paid by the city of New York pursuant to this subdivision shall be determined by the state director of the budget, based upon information submitted by the mayor in such form and content and at such time as may be requred by the state director of the budget.

E. Medgar Evers college. Notwithstanding the designation of Medgar Evers college as a senior college:

(i) in addition to the amounts specified in subparagraph e of paragraph two of subdivision A of this section, the city of New York shall annually appropriate in its expense budget and pay to the city university of New York as operating aid in support of the programs and services, an amount for each full-time equivalent student in the associate degree program of the college equal to the amount the city of New York is appropriating and paying for each full-time equivalent student in the community colleges; and

(ii) the state of New York shall annually appropriate and pay to the city of New York on behalf of the city university of New York an amount equal to the net operating expenses of Medgar Evers college less the amount payable by the city of New York pursuant to this subdivision. Such state of New York payment shall be made in four installments on or before April twenty-fifth, June twenty-fifth, October twenty-fifth and February twenty-fifth. The amount to be paid by the city of New York pursuant to this subdivision shall be determined by the state director of the budget, based upon information submitted by the mayor in such form and content and at such time as may be required by the state director of the budget.