§ 6279. Payments to fund. To enable the fund to realize its corporate purposes, as provided in section sixty-two hundred seventy-three of this article, the following monies shall be made available to the fund as hereinafter provided:

(1) The state shall, in addition to any other state financial assistance, annually appropriate and pay to the fund an amount equal to the aggregate of all rentals and such other payments due to the dormitory authority from the fund pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first, nineteen hundred eighty-five or pursuant to any agreement supplemental thereto, pursuant to which the fund and the dormitory authority provide senior college facilities, for the city fiscal year commencing July first succeeding the filing of the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article. Such amount shall be paid to the fund as follows: (i) on or before the fifteenth day of July of the fiscal year of the city, the amount required to be paid by the fund under any such lease, sublease or other agreement on or before the first day of August of such city fiscal year; (ii) on or before the fifteenth day of November of the fiscal year of the city, the amount required to be paid by the fund under any such lease, sublease or other agreement on or before the tenth day of December of such city fiscal year; (iii) on or before the fifteenth day of May of the fiscal year of the city, the amount required to be paid by the fund under any such lease, sublease or other agreement on or before the tenth day of June of such city fiscal year; and (iv) on such day or days as shall be prescribed under any such lease, sublease or other agreements, the amount required to be paid by the fund under any such lease, sublease or other agreements entered into on or after April first, nineteen hundred ninety-nine.

The state shall, in addition to any other state financial assistance, annually appropriate and pay to the fund an amount equal to one-half the aggregate of all rentals and such other payments due to the dormitory authority from the fund pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first, nineteen hundred eighty-five or pursuant to any

agreement supplemental thereto, pursuant to which the fund and the dormitory authority provide community college facilities, for the city fiscal year commencing July first succeeding the filing of the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article, which amount shall be payable as follows: (a) fifty per centum of such amount shall be payable, (i) with respect to any portion thereof required to be paid by the fund under any such lease, sublease or other agreement on or before the first day of August of such city fiscal year, on or before the fifteenth day of July, and (ii) with respect to any portion thereof so required to be paid by the fund on or before the tenth day of December of such city fiscal year, on or before the fifteenth day of November; (b) fifty per centum of such amount shall be payable on or before the fifteenth day of May of such city fiscal year; and (c) fifty per centum of such amount shall be payable on such day or days as shall be prescribed under any such lease, sublease or other agreements, the amount required to be paid by the fund under any such lease, sublease or other agreements entered into on or after April first, nineteen hundred ninety-nine.

(2) The city shall, in addition to any other city financial assistance, annually pay to the fund an amount equal to one-half of the aggregate of all rentals and such other payments due to the dormitory authority from the fund pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first, nineteen hundred eighty-five or pursuant to any agreement supplemental thereto, for the city fiscal year commencing July first succeeding the filing of the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article, which amount shall be payable as follows: (a) fifty per centum of such amount shall be payable, (i) with respect to any portion thereof required to be paid by the fund under any such lease, sublease or other agreement on or before the first day of August of such city fiscal year, on or before the fifteenth day of July, and (ii) with respect to any portion thereof so required to be paid by the fund on or before the tenth day of December of such city fiscal year, on or before the fifteenth day of November; and (b) fifty per centum of such amount shall be payable on or before the fifteenth day of May of

such city fiscal year; provided, however, that such amount shall have been first appropriated by the city to the fund or shall otherwise have been made lawfully available to the fund for such purposes; provided, further, that the amount required to be paid to the fund by the city at any time on account of the rentals and such other payments due to the dormitory authority from the fund pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first, nineteen hundred eighty-five or pursuant to any agreement supplemental thereto, pursuant to which the fund and the dormitory authority provide senior college facilities, shall be reduced by an amount equal to the amount by which the payment made by the state pursuant to the first paragraph of subdivision one of this section on account of such lease, sublease or other agreement exceeds one-half of the amount then required to be paid by the state on account of such lease, sublease or other agreement. In the event of the failure of the city to pay the fund, pursuant to the schedule of payments established by this subdivision, all or part of such amounts, the fund shall forthwith make and deliver to the comptroller of the state of New York a certificate stating such amount and the sum, if any, paid by the city to the fund with respect to such amount, and further stating the difference between such amount and such sum, and, after the state comptroller shall have given written notice to the city director of management and budget, such difference, but not to exceed sixty-five million dollars in any one city fiscal year, shall be paid to the fund by the state comptroller out of the next succeeding payment of state aid apportioned to the city of New York as per capita aid for the support of local government pursuant to section fifty-four of the state finance law during such city fiscal year. The amount so paid over to the fund shall be deducted from the corresponding apportionment of such per capita state aid otherwise payable to the city of New York, and shall not obligate the state to make or entitle the city of New York to receive any additional apportionment or payment of per capita state aid. Notwithstanding any other provision of law, the city shall have the power to contract indebtedness and to issue its obligations pursuant to the local finance law for the purpose of financing any payment authorized or required to be made by the city by this subdivision. Any such payment shall constitute an object or purpose for which the period of probable

usefulness is hereby determined to be five years.

(3) (a) The state shall, in addition to any other state assistance, annually appropriate and pay to the city of New York for the twelve-month period commencing July first, nineteen hundred eighty-two and thereafter, an amount equal to the amount paid by the city pursuant to subdivision two of this section attributable to senior college facilities.

(b) For the purposes of this section and subdivision seven of section sixty-two hundred seventy-four of this article, the term "senior college facilities" shall be deemed to mean and refer to any facility of the city university which is or has been financed by bonds, notes or other obligations of the dormitory authority pursuant to any lease, sublease or other agreement between the dormitory authority and the fund which relates to an educational unit of the city university which was, or is, included as a senior college on the date as of which such lease, sublease or other agreement is dated.

(c) In addition to the amounts specified in paragraph (a) of this subdivision, the state shall, in addition to any other state assistance, annually appropriate and pay to the city of New York for the twelve month period commencing July first, nineteen hundred eighty-two and thereafter an amount equal to the amount paid by the city pursuant to subdivision two of this section attributable to facilities of New York city college of technology and to that educational unit of the college of Staten Island whose primary purpose is providing associate and certificate programs in general and technical educational subjects.

(4) The state shall, in addition to any other state financial assistance, annually appropriate and pay to the fund for the benefit of the city university an amount equal to the aggregate of all rentals and other payments due to the dormitory authority from the fund on account of senior college facilities and one-half of all rentals and other payments due to the dormitory authority from the fund on account of community college facilities, which rentals and other payments are payable by the fund pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund on or after July first, nineteen hundred eighty-five, other than pursuant to an agreement supplemental to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first,

nineteen hundred eighty-five, for the city fiscal year commencing July first succeeding the filing of the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article. Such amount shall be paid to the fund as follows: (i) on or before the fifteenth day of July of the fiscal year of the city, the amount required to be paid by the fund on account of senior college facilities and fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the first day of August of such city fiscal year; (ii) on or before the fifteenth day of November of the fiscal year of the city, the amount required to be paid by the fund on account of senior college facilities and fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the tenth day of December of such city fiscal year; and (iii) on or before the fifteenth day of May of the fiscal year of the city, the amount required to be paid by the fund on account of senior college facilities and fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the tenth day of June of such city fiscal year. In the event of the failure of the state to pay the fund when due pursuant to this subdivision all or part of such amounts, the fund shall forthwith make and deliver to the comptroller of the state of New York a certificate stating the amount of the payment required to have been made by the state, the amount paid by the state and the amount remaining unpaid by the state. The comptroller of the state of New York, after giving written notice to the state director of the budget, shall pay to the fund the amount set forth in such certificate as remaining unpaid, which amount shall be paid from any moneys appropriated by the state pursuant to section sixty-two hundred twenty-one of this chapter or any successor provisions of law for or on account of the net operating costs of senior colleges and not yet paid during such city fiscal year and from any moneys appropriated by the state pursuant to subdivision one of section sixty-three hundred four of this chapter or any successor provisions of law for or on account of operating costs of community colleges and not yet paid during such city fiscal year or from any other moneys appropriated by the state for or on

account of the operating costs of senior or community colleges and not yet paid during such city fiscal years, which moneys are appropriated in lieu of or in addition to moneys appropriated pursuant to such provisions of law. The amount required to be paid by the comptroller of the state of New York pursuant to this subdivision shall be paid to the fund as soon as practicable after receipt of the certificate of the fund and notice to the state director of the budget is given whether or not the moneys from which such payment is to be made are then payable to the city or the city university; provided, however, that any amounts described in clause (i), (ii) or (iii) of this subdivision that are payable other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements, or other financing arrangements permitted by law, may be paid at such other times as the state may elect, but in no event later than the fifteenth day of the month preceding the month during which the fund is required by such lease, sublease or agreement to pay such amounts.

(5) The city shall, in addition to any other city financial assistance, annually appropriate and pay to the fund for the benefit of the city university an amount equal to: (i) one-half of the aggregate of all rentals and such other payments where the dormitory authority has financed the entire capital cost of constructing community college facilities, and (ii) all of the aggregate rentals and such other payments where the dormitory authority has financed only the local sponsor's portion of the capital cost of constructing community college facilities pursuant to any lease, sublease or other agreement entered into between the dormitory authority and the fund on or after July first, nineteen hundred eighty-five, other than pursuant to an agreement supplemental to any lease, sublease or other agreement entered into between the dormitory authority and the fund prior to July first, nineteen hundred eighty-five, for the city fiscal year commencing July first succeeding the filing of the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article. Such amount shall be paid to the fund as follows: (i) on or before the fifteenth day of July of the fiscal year of the city, fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the first day of August of such

city fiscal year; (ii) on or before the fifteenth day of November of the fiscal year of the city, fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the tenth day of December of such city fiscal year; and (iii) on or before the fifteenth day of May of the fiscal year of the city, fifty per centum of the amount required to be paid by the fund on account of community college facilities under any such lease, sublease or other agreement on or before the tenth day of June of such city fiscal year. In the event of the failure of the city to pay the fund when due pursuant to this subdivision all or part of such amounts, the fund shall forthwith make and deliver to the comptroller of the state of New York a certificate stating the amount of the payment required to have been made by the city, the amount paid by the city and the amount remaining unpaid by the city. The comptroller of the state of New York, after giving written notice to the city director of management and budget, shall pay to the fund the amount set forth in such certificate as remaining unpaid, which amount shall be paid, first, from the next succeeding payments of state aid apportioned to the city as per capita aid for the support of local government pursuant to section fifty-four of the state finance law during such city fiscal year, provided that the amount the comptroller of the state of New York may pay pursuant to this subdivision from such next succeeding payment of state aid shall be limited to an amount which, together with (i) the amount of such state aid theretofore paid and then to be paid by the comptroller of the state of New York pursuant to subdivision two of this section, (ii) the amount of such state aid theretofore paid pursuant to this subdivision and (iii) the maximum amount which may thereafter be required to be paid pursuant to subdivision two of this section, in each such case during the city fiscal year in which the payment is to be made pursuant to this subdivision, does not exceed sixty-five million dollars; and, if the amount of such state aid so paid by the comptroller of the state of New York is less than the amount set forth in the certificate of the fund as remaining unpaid, then from any moneys appropriated by the state pursuant to section sixty-two hundred twenty-one of this chapter or any successor provisions of law for or on account of the net operating costs of senior colleges and not yet paid during such city fiscal year and

from any moneys appropriated by the state pursuant to subdivision one of section sixty-three hundred four of this chapter or any successor provisions of law for or on account of operating costs of community colleges and not yet paid during such city fiscal year or from any moneys appropriated by the state for or on account of the operating costs of senior or community colleges and not yet paid during such city fiscal year, which moneys are appropriated in lieu of or in addition to moneys appropriated pursuant to such provisions of law. The amount required to be paid by the comptroller of the state of New York pursuant to this subdivision shall be paid to the fund as soon as practicable after receipt of the certificate of the fund and notice to the city director of management and budget is given, whether or not the state aid or other moneys from which such payment is to be made is then payable to the city or the city university. The amount of the state aid or other moneys payable to the city or the city university from which the comptroller of the state of New York has made a payment pursuant to this subdivision shall be reduced by the amount so paid to the fund notwithstanding the amount appropriated and apportioned by the state to the city or the city university, and the state shall not be obligated to make and the city or the city university shall not be entitled to receive any additional apportionment or payment of such state aid or other moneys; provided, however, that any amounts described in clause (i), (ii) or (iii) of this subdivision that are payable other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements, or other financing arrangements permitted by law, may be paid at such other times as the city may elect, but in no event later than the fifteenth day of the month preceding the month during which the fund is required by such lease, sublease or agreement to pay such amounts.

(6) The amounts of money required to be paid pursuant to this section shall be determined from the report required to be submitted by the fund pursuant to subdivision seven of section sixty-two hundred seventy-four of this article. Nothing contained in subdivision four or five of this section shall be construed to create an obligation upon the state to appropriate moneys for or on account of the operating costs of senior or community colleges, to preclude the state from reducing the amount of moneys appropriated or level of assistance provided for the operating

costs of senior or community colleges from the amount appropriated or level of assistance provided in any prior city fiscal year, or to preclude the state from altering or modifying the manner in which it provides for or provides assistance for the operating costs of senior or community colleges.

(7) Notwithstanding the designation of Medgar Evers college as a senior college, for the period commencing July first, nineteen hundred ninety-four and thereafter, the city of New York shall include Medgar Evers college facilities in its calculation of amounts due the fund pursuant to subdivision five of this section and for purposes of paragraph c of subdivision one of section sixty-three hundred four of this chapter.