

# PROGRAM BILL # 11R

Legislative Bill Drafting Commission  
12061-14-1

## IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espailat	s04 Johnson	s43 McDonald	s19 Sampson	

IN SENATE--Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

----- A.  
Assembly  
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## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

IN ASSEMBLY--Introduced by M. of A.

a049 Abbate	a107 Crouch	a095 Jaffee	a038 Miller, M.	a012 Saladino
a092 Abinanti	a014 Curran	a057 Jeffries	a052 Millman	a113 Sayward
a105 Amedore	a063 Cusick	a135 Johns	a103 Molinaro	a029 Scarborough
a084 Arroyo	a045 Cymbrowitz	a112 Jordan	a015 Montesano	a016 Schimel
a035 Aubry	a034 DenDekker	a099 Katz	a132 Morelle	a140 Schimminger
a124 Barclay	a081 Dinowitz	a074 Kavanagh	a039 Moya	a145 Schroeder
a040 Barron	a114 Duprey	a065 Kellner	a003 Murray	a064 Silver
a082 Benedetto	a004 Englebright	a100 Kirwan	a037 Nolan	a036 Simotas
a073 Bing	a071 Farrell	a129 Kolb	a128 Oaks	a146 Smardz
a122 Blankenbush	a123 Finch	a025 Lancman	a069 O'Donnell	a093 Spano
a055 Boyland	a007 Fitzpatrick	a091 Latimer	a051 Ortiz	a079 Stevenson
a008 Boyle	a137 Friend	a013 Lavine	a136 Palmesano	a011 Sweeney
a026 Braunstein	a143 Gabryszak	a050 Lentol	a088 Paulin	a110 Tedisco
a044 Brennan	a090 Galef	a125 Lifton	a141 Peoples-	a115 Tenney
a131 Bronson	a133 Gantt	a072 Linares	Stokes	a002 Thiele
a046 Brock-Krasny	a077 Gibson	a127 Lopez, P.	a058 Perry	a061 Titone
a147 Burling	a149 Giglio	a053 Lopez, V.	a087 Pretlow	a031 Titus
a117 Butler	a066 Glick	a001 Losquadro	a021 Ra	a062 Tobacco
a101 Cahill	a150 Goodell	a126 Lupardo	a097 Rabbitt	a041 Weinstein
a096 Calhoun	a075 Gottfried	a111 Magee	a009 Raia	a020 Weisenberg
a043 Camara	a005 Graf	a120 Magnarelli	a006 Ramos	a024 Weprin
a106 Canestrari	a098 Gunther	a059 Maisel	a134 Reilich	a070 Wright
a089 Castelli	a130 Hanna	a060 Malliotakis	a109 Reilly	a094 Zebrowski
a086 Castro	a139 Hawley	a030 Markey	a078 Rivera, J.	a023
a138 Ceretto	a148 Hayes	a019 McDonough	a080 Rivera, N.	a027
a033 Clark	a083 Heastie	a104 McEneny	a076 Rivera, P.	a054
a047 Colton	a028 Hevesi	a017 McKeivitt	a119 Roberts	a116
a010 Conte	a048 Hikiind	a108 McLaughlin	a056 Robinson	
a032 Cook	a018 Hooper	a022 Meng	a068 Rodriguez	
a142 Corwin	a144 Hoyt	a121 Miller, D.	a067 Rosenthal	
a085 Crespo	a042 Jacobs	a102 Miller, J.	a118 Russell	

with M. of A. as co-sponsors

--read once and referred to the Committee on

\*EDUCLA\*  
(Establishes the NY-SUNY 2020 challenge grant program; appropriation)

Ed L. SUNY 2020 challenge

### AN ACT

to amend the education law and the New York state urban development corporation act, in relation to establishing components of the NY-SUNY 2020 challenge grant program; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. This act shall be known and may be cited as the "NY-SUNY  
2 2020 challenge grant program act".

3 § 2. Section 350 of the education law is amended by adding two new  
4 subdivisions 7 and 8 to read as follows:

5 7. "University centers" shall mean the university centers at Albany,  
6 Binghamton, Buffalo and Stony Brook.

7 8. "NY-SUNY 2020 challenge grant program" ("NY-SUNY 2020") shall mean  
8 a long-term economic and academic plan, which shall include a financial  
9 aid program, submitted by each state university of New York university  
10 center, subject to the approval by the governor and the chancellor of  
11 the state university of New York.

12 § 3. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of  
13 the education law, as amended by chapter 309 of the laws of 1996, is  
14 amended to read as follows:

15 (4) The trustees shall not impose a differential tuition charge based  
16 upon need or income. [All] Except as hereinafter provided, all students  
17 enrolled in programs leading to like degrees at state-operated insti-  
18 tutions of the state university shall be charged a uniform rate of  
19 tuition except for differential tuition rates based on state residency.  
20 Provided, however, that the trustees may authorize the presidents of the  
21 colleges of technology and the colleges of agriculture and technology to  
22 set differing rates of tuition for each of the colleges for students  
23 enrolled in degree-granting programs leading to an associate degree and  
24 non-degree granting programs so long as such tuition rate does not  
25 exceed the tuition rate charged to students who are enrolled in like  
26 degree programs or degree-granting undergraduate programs leading to a  
27 baccalaureate degree at other state-operated institutions of the state  
28 university of New York. [The] Except as otherwise authorized in this

1 subparagraph, the trustees shall not adopt changes affecting tuition  
2 charges prior to the enactment of the annual budget, provided however  
3 that:

4 (i) Commencing with the two thousand eleven--two thousand twelve  
5 academic year and ending in the two thousand fifteen--two thousand  
6 sixteen academic year the state university of New York board of trustees  
7 shall be empowered to increase the resident undergraduate rate of  
8 tuition by not more than three hundred dollars over the resident under-  
9 graduate rate of tuition adopted by the board of trustees in the prior  
10 academic year, provided however that if the annual resident undergradu-  
11 ate rate of tuition would exceed five thousand dollars, then a tuition  
12 credit for each eligible student, as determined and calculated by the  
13 New York state higher education services corporation pursuant to section  
14 six hundred eighty-nine-a of this title, shall be applied toward the  
15 tuition charged for each semester, quarter or term of study. Tuition for  
16 each semester, quarter or term of study shall not be due for any student  
17 eligible to receive such tuition credit until the tuition credit is  
18 calculated and applied against the tuition charged for the corresponding  
19 semester, quarter or term.

20 (ii) On or before November thirtieth, two thousand eleven, the trus-  
21 tees shall approve and submit to the chairs of the assembly ways and  
22 means committee and the senate finance committee and to the director of  
23 the budget a master tuition plan setting forth the tuition rates that  
24 the trustees propose for resident undergraduate students for the five  
25 year period commencing with the two thousand eleven--two thousand twelve  
26 academic year and ending in the two thousand fifteen-two thousand  
27 sixteen academic year, and shall submit any proposed amendments to such  
28 plan by November thirtieth of each subsequent year thereafter through

1 November thirtieth, two thousand fifteen, and provided further, that  
2 with the approval of the board of trustees, each university center may  
3 increase non-resident undergraduate tuition rates each year by not more  
4 than ten percent over the tuition rates of the prior academic year,  
5 subject to the approval of a NY-SUNY 2020 proposal by the governor and  
6 the chancellor of the state university of New York.

7 (iii) The state shall appropriate annually and make available general  
8 fund operating support, including fringe benefits, for the state univer-  
9 sity in an amount not less than the amount appropriated and made avail-  
10 able to the state university in state fiscal year two thousand eleven--  
11 two thousand twelve. Beginning in state fiscal year two thousand  
12 twelve-two thousand thirteen and thereafter, the state shall appropriate  
13 and make available general fund operating support, including fringe  
14 benefits, for the state university in an amount not less than the amount  
15 appropriated and made available in the prior state fiscal year;  
16 provided, however, that if the governor declares a fiscal emergency, and  
17 communicates such emergency to the temporary president of the senate and  
18 speaker of the assembly, state support for operating expenses at the  
19 state university and city university may be reduced in a manner propor-  
20 tionate to one another, and the aforementioned provisions shall not  
21 apply.

22 (iv) For the state university fiscal years commencing two thousand  
23 eleven--two thousand twelve and ending two thousand fifteen--two thou-  
24 sand sixteen, each university center may set aside a portion of its  
25 tuition revenues derived from tuition increases to provide increased  
26 financial aid for New York state resident undergraduate students whose  
27 net taxable income is eighty thousand dollars or more subject to the  
28 approval of a NY-SUNY 2020 proposal by the governor and the chancellor

1 of the state university of New York. Nothing in this paragraph shall be  
2 construed as to authorize that students whose net taxable income is  
3 eighty thousand dollars or more are eligible for tuition assistance  
4 program awards pursuant to section six hundred sixty-seven of this chap-  
5 ter.

6 § 4. Paragraph (a) of subdivision 7 of section 6206 of the education  
7 law, as amended by chapter 327 of the laws of 2002, the opening para-  
8 graph as amended by section 2 of part 0 of chapter 58 of the laws of  
9 2006, is amended to read as follows:

10 (a) The board of trustees shall establish positions, departments,  
11 divisions and faculties; appoint and in accordance with the provisions  
12 of law fix salaries of instructional and non-instructional employees  
13 therein; establish and conduct courses and curricula; prescribe condi-  
14 tions of student admission, attendance and discharge; and shall have the  
15 power to determine in its discretion whether tuition shall be charged  
16 and to regulate tuition charges, and other instructional and non-in-  
17 structional fees and other fees and charges at the educational units of  
18 the city university. The trustees shall review any proposed community  
19 college tuition increase and the justification for such increase. The  
20 justification provided by the community college for such increase shall  
21 include a detailed analysis of ongoing operating costs, capital, debt  
22 service expenditures, and all revenues. The trustees shall not impose a  
23 differential tuition charge based upon need or income. All students  
24 enrolled in programs leading to like degrees at the senior colleges  
25 shall be charged a uniform rate of tuition, except for differential  
26 tuition rates based on state residency[.], provided, however, that:

27 (i) Commencing with the two thousand eleven--two thousand twelve  
28 academic year and ending in the two thousand fifteen--two thousand

1 sixteen academic year, the city university of New York board of trustees  
2 shall be empowered to increase the resident undergraduate rate of  
3 tuition by not more than three hundred dollars over the resident under-  
4 graduate rate of tuition adopted by the board of trustees in the prior  
5 academic year, provided however that if the annual resident undergradu-  
6 ate rate of tuition would exceed five thousand dollars, then a tuition  
7 credit for each eligible student, as determined and calculated by the  
8 New York state higher education services corporation pursuant to section  
9 six hundred eighty-nine-a of this chapter, shall be applied toward the  
10 tuition charged for each semester, quarter or term of study. Tuition for  
11 each semester, quarter or term of study shall not be due for any student  
12 eligible to receive such tuition credit until the tuition credit is  
13 calculated and applied against the tuition charged for the corresponding  
14 semester, quarter or term.

15 (ii) On or before November thirtieth, two thousand eleven, the trus-  
16 tees shall approve and submit to the chairs of the assembly ways and  
17 means committee and the senate finance committee and to the director of  
18 the budget a master tuition plan setting forth the tuition rates that  
19 the trustees propose for resident undergraduate students for the five  
20 year period commencing with the two thousand eleven--two thousand twelve  
21 academic year and ending in the two thousand fifteen--two thousand  
22 sixteen academic year, and shall submit any proposed amendments to such  
23 plan by November thirtieth of each subsequent year thereafter through  
24 November thirtieth, two thousand fifteen.

25 (iii) The state shall appropriate annually and make available state  
26 support for operating expenses, including fringe benefits, for the city  
27 university in an amount not less than the amount appropriated and made  
28 available to the city university in state fiscal year two thousand

1 eleven--two thousand twelve. Beginning in state fiscal year two thousand  
2 twelve--two thousand thirteen and thereafter, the state shall appropri-  
3 ate and make available state support for operating expenses, including  
4 fringe benefits, for the city university in an amount not less than the  
5 amount appropriated and made available in the prior state fiscal year;  
6 provided, however, that if the governor declares a fiscal emergency, and  
7 communicates such emergency to the temporary president of the senate and  
8 speaker of the assembly, state support for operating expenses of the  
9 state university and city university may be reduced in a manner propor-  
10 tionate to one another, and the aforementioned provisions shall not  
11 apply.

12 (a-1) The trustees shall further provide that the payment of tuition  
13 and fees by any student who is not a resident of New York state, other  
14 than a non-immigrant alien within the meaning of paragraph (15) of  
15 subsection (a) of section 1101 of title 8 of the United States Code,  
16 shall be paid at a rate or charge no greater than that imposed for  
17 students who are residents of the state if such student:

18 (i) attended an approved New York high school for two or more years,  
19 graduated from an approved New York high school and applied for attend-  
20 ance at an institution or educational unit of the city university within  
21 five years of receiving a New York state high school diploma; or

22 (ii) attended an approved New York state program for general equiv-  
23 alency diploma exam preparation, received a general equivalency diploma  
24 issued within New York state and applied for attendance at an institu-  
25 tion or educational unit of the city university within five years of  
26 receiving a general equivalency diploma issued within New York state; or

27 (iii) was enrolled in an institution or educational unit of the city  
28 university in the fall semester or quarter of the two thousand one--two

1 thousand two academic year and was authorized by such institution or  
2 educational unit to pay tuition at the rate or charge imposed for  
3 students who are residents of the state.

4 A student without lawful immigration status shall also be required to  
5 file an affidavit with such institution or educational unit stating that  
6 the student has filed an application to legalize his or her immigration  
7 status, or will file such an application as soon as he or she is eligi-  
8 ble to do so. [The] Except as otherwise authorized in paragraph (a) of  
9 this subdivision, the trustees shall not adopt changes in tuition charg-  
10 es prior to the enactment of the annual budget. The board of trustees  
11 may accept as partial reimbursement for the education of veterans of the  
12 armed forces of the United States who are otherwise qualified such sums  
13 as may be authorized by federal legislation to be paid for such educa-  
14 tion. The board of trustees may conduct on a fee basis extension courses  
15 and courses for adult education appropriate to the field of higher  
16 education. In all courses and courses of study it may, in its  
17 discretion, require students to pay library, laboratory, locker, break-  
18 age and other instructional and non-instructional fees and meet the cost  
19 of books and consumable supplies. In addition to the foregoing fees and  
20 charges, the board of trustees may impose and collect fees and charges  
21 for student government and other student activities and receive and  
22 expend them as agent or trustee.

23 § 5. The education law is amended by adding a new section 689-a to  
24 read as follows:

25 § 689-a. Tuition credits. 1. The New York state higher education  
26 services corporation shall calculate a tuition credit for each resident  
27 undergraduate student who has filed an application with such corporation  
28 for a tuition assistance program award pursuant to section six hundred

1 sixty-seven of this article, and is determined to be eligible to receive  
2 such award, and is also enrolled in a program of undergraduate study at  
3 a state operated or senior college of the state university of New York  
4 or the city university of New York where the annual resident undergradu-  
5 ate tuition rate will exceed five thousand dollars. Such tuition credit  
6 shall be calculated for each semester, quarter or term of study that  
7 tuition is charged and tuition for the corresponding semester, quarter  
8 or term shall not be due for any student eligible to receive such  
9 tuition credit until such credit is calculated, the student and school  
10 where the student is enrolled is notified of the tuition credit amount,  
11 and such tuition credit is applied toward the tuition charged.

12 2. Each tuition credit pursuant to this section shall be an amount  
13 equal to the product of the total annual resident undergraduate tuition  
14 rate minus five thousand dollars then multiplied by an amount equal to  
15 the product of the total annual award for the student pursuant to  
16 section six hundred sixty-seven of this article divided by an amount  
17 equal to the maximum amount the student qualifies to receive pursuant to  
18 clause (A) of subparagraph (i) of paragraph a of subdivision three of  
19 section six hundred sixty-seven of this article.

20 § 6. Section 355 of the education law is amended by adding a new  
21 subdivision 6-a to read as follows:

22 6-a. The state university trustees shall adopt guidelines for founda-  
23 tions of state-operated campuses that require each foundation to adopt a  
24 conflict of interest policy applicable to such foundation and its affil-  
25 iated corporations. Among other items, the state university trustees'  
26 guidelines shall require such foundation policies to provide: (a) that  
27 service as a board member or officer thereof shall not be used as a  
28 means for private benefit or inurement for the board member or officer,

1 a relative thereof, or any entity in which the board member or officer,  
2 or relative thereof, has a business interest; (b) no board member or  
3 officer who is a vendor of goods or services to the foundation or its  
4 affiliated corporation, or who has a business interest in such vendor,  
5 or whose relative has a business interest in such vendor, shall vote on,  
6 or participate in the foundation's administration of, any transaction  
7 with such vendor; and (c) a board member or officer shall advise the  
8 chair of the foundation or its affiliated corporation of his or a rela-  
9 tive's business interest in any such existing or proposed vendor with  
10 the foundation or its affiliate. The state university trustees' guide-  
11 lines shall define the nature of a business interest and the closeness  
12 of a personal relation that bring a relationship within the purposes of  
13 this subdivision.

14 § 7. Section 1 of chapter 174 of the laws of 1968, constituting the  
15 New York state urban development corporation act, is amended by adding a  
16 new section 45 to read as follows:

17 § 45. NY-SUNY 2020. 1. Notwithstanding the provisions of any other  
18 law to the contrary, the urban development corporation of the state of  
19 New York is hereby authorized to issue bonds or notes in one or more  
20 series for the purpose of funding project costs for the implementation  
21 of a NY-SUNY 2020 challenge grant program subject to the approval of a  
22 NY-SUNY 2020 plan or plans by the governor and the chancellor of the  
23 state university of New York. The aggregate principal amount of bonds  
24 authorized to be issued pursuant to this section shall not exceed  
25 \$80,000,000, excluding bonds issued to fund one or more debt service  
26 reserve funds, to pay costs of issuance of such bonds, and bonds or  
27 notes issued to refund or otherwise repay such bonds or notes previously  
28 issued. Such bonds and notes of the corporation shall not be a debt of

1 the state, and the state shall not be liable thereon, nor shall they be  
2 payable out of any funds other than those appropriated by the state to  
3 the corporation for principal, interest, and related expenses pursuant  
4 to a service contract and such bonds and notes shall contain on the face  
5 thereof a statement to such effect. Except for purposes of complying  
6 with the internal revenue code, any interest income earned on bond  
7 proceeds shall only be used to pay debt service on such bonds.

8 2. Notwithstanding any other law, rule, or regulation to the contrary,  
9 the comptroller is hereby authorized and directed to deposit to the  
10 credit of the capital projects fund, reimbursement from the proceeds of  
11 notes or bonds issued by the urban development corporation of the state  
12 of New York for capital disbursements of up to \$80,000,000 from any  
13 appropriation or reappropriation authorized by a chapter of the laws of  
14 2011 for NY-SUNY 2020 challenge grants.

15 3. Notwithstanding any other provision of law to the contrary, in  
16 order to assist the urban development corporation in undertaking the  
17 financing for project costs for the NY-SUNY 2020 challenge grant  
18 program, the director of the budget is hereby authorized to enter into  
19 one or more service contracts with the corporation, none of which shall  
20 exceed thirty years in duration, upon such terms and conditions as the  
21 director of the budget and the corporation agree, so as to annually  
22 provide to the corporation, in the aggregate, a sum not to exceed the  
23 principal, interest, and related expenses required for such bonds and  
24 notes. Any service contract entered into pursuant to this section shall  
25 provide that the obligation of the state to pay the amount therein  
26 provided shall not constitute a debt of the state within the meaning of  
27 any constitutional or statutory provision and shall be deemed executory  
28 only to the extent of monies available and that no liability shall be

1 incurred by the state beyond the monies available for such purpose,  
2 subject to annual appropriation by the legislature. Any such contract or  
3 any payments made or to be made thereunder may be assigned and pledged  
4 to the corporation as security for its bonds and notes, as authorized by  
5 this section.

6 § 8. SUNY capital commitment. Notwithstanding any provision of law,  
7 rule or regulation to the contrary, of the amounts appropriated and  
8 designated as university wide within chapter 54 of the laws of 2011 for  
9 the state university of New York or the state university construction  
10 fund, a total amount of \$60,000,000 shall be divided equally amongst the  
11 university centers and such allocations shall be made available to each  
12 university center, as defined by subdivision 7 of section 350 of the  
13 education law, for purposes and projects identified in a plan and  
14 approved by the governor and the chancellor of the state university of  
15 New York, and filed with the office of the state comptroller for the  
16 NY-SUNY 2020 challenge grant program. Such funds shall be available  
17 during the 2011-12 academic year and thereafter.

18 § 9. University center capital program flexibility. Notwithstanding  
19 any provision of law, rule or regulation to the contrary, of the amounts  
20 appropriated within chapter 54 of the laws of 2011 for the state univer-  
21 sity of New York or the state university construction fund:

22 (1) designated amounts from advances for alterations and improvements  
23 to facilities for capital critical maintenance appropriations or reap-  
24 propriations currently available to the university centers at Albany,  
25 Binghamton, Buffalo, and Stony Brook; or

26 (2) advances to SUNY hospitals, shall be made available, for purposes  
27 and projects identified in a plan and approved by the governor and the  
28 chancellor of the state university of New York, and filed with the

1 office of the state comptroller for the NY-SUNY 2020 challenge grant  
 2 program. The funding from such appropriations, reappropriations and  
 3 advances that are designated to be utilized in such plans shall be  
 4 specifically identified and shall be submitted to the temporary presi-  
 5 dent of the senate and speaker of the assembly at least 15 days prior to  
 6 the approval of the plan by the governor and the chancellor. Such funds  
 7 shall be available during the 2011-12 academic year and thereafter.

8 § 10. (a) The amount specified in this act for state operations, or so  
 9 much thereof as shall be sufficient to accomplish the purposes desig-  
 10 nated by the appropriation, is hereby appropriated and authorized to be  
 11 paid as hereinafter provided, to the purposes specified.

12 (b) No moneys appropriated by this act shall be available for payment  
 13 until a certificate of approval has been issued by the director of the  
 14 budget, who shall file such certificate with the department of audit and  
 15 control, the chairperson of the senate finance committee and the chair-  
 16 person of the assembly ways and means committee.

17 (c) The appropriations contained in this act shall be available imme-  
 18 diately.

19 STATE UNIVERSITY OF NEW YORK

20 Special Revenue Funds - Other  
 21 State University Income Fund  
 22 State University Revenue Offset Account

23 For services and expenses of state universi-  
 24 ty operations and activities supported by  
 25 tuition ..... \$52,200,000

1 § 11. (a) The amount specified in this act for state operations, or so  
 2 much thereof as shall be sufficient to accomplish the purposes desig-  
 3 nated by the appropriation, is hereby appropriated and authorized to be  
 4 paid as hereinafter provided, to the purposes specified.

5 (b) No moneys appropriated by this act shall be available for payment  
 6 until a certificate of approval has been issued by the director of the  
 7 budget, who shall file such certificate with the department of audit and  
 8 control, the chairperson of the senate finance committee and the chair-  
 9 person of the assembly ways and means committee.

10 (c) The appropriations contained in this act shall be available imme-  
 11 diately.

12 CITY UNIVERSITY OF NEW YORK

13 Fiduciary Funds

14 CUNY Senior College Operating Fund

15 CUNY Senior College Operating Account

16 For services and expenses of city university  
 17 operations and activities supported by  
 18 tuition ..... \$76,300,000

19 § 12. Any contracts awarded or entered into by any State University  
 20 of New York at Buffalo campus related foundation, alumni association or  
 21 affiliate thereof, any not-for-profit corporation or association organ-  
 22 ized by the president of the State University of New York at Buffalo to  
 23 further its purposes, or any limited liability company whose sole member  
 24 is any of the foregoing entities, or by the State University of New  
 25 York, the State University Construction Fund, or the Dormitory Authority

1 of the State of New York, on behalf of the State University of New York  
2 at Buffalo, for construction, reconstruction, renovation, rehabili-  
3 tation, improvement or expansion at the State University of New York at  
4 Buffalo, for any single construction project exceeding \$20 million in  
5 the aggregate, for which more than twenty-five percent of such aggregate  
6 amount is to be paid from appropriations furnished by either the State  
7 of New York or the State University of New York, such construction,  
8 reconstruction, renovation, rehabilitation, improvement or expansion at  
9 the State University of New York at Buffalo shall be undertaken pursuant  
10 to a project labor agreement, as defined in subdivision 1 of section 222  
11 of the labor law, provided a study done by or for the contracting entity  
12 determines that a project labor agreement will benefit such  
13 construction, reconstruction, renovation, rehabilitation, improvement or  
14 expansion through reduced risk of delay, potential cost savings or  
15 potential reduction in the risk of labor unrest in light of any perti-  
16 nent local history thereof. For purposes of applying the dollar thresh-  
17 olds set forth in the preceding sentence, the term "single construction  
18 project" shall mean any functionally-interdependent construction, recon-  
19 struction, renovation, rehabilitation, improvement or expansion activity  
20 associated with a single building, structure or improvement, including  
21 all directly related infrastructure and site work in contemplation ther-  
22 eof.

23 § 13. Notwithstanding the provisions of any general, special, or local  
24 law or judicial decision to the contrary:

25 (a) Any university center campus related foundation, alumni associ-  
26 ation or affiliate thereof, any not-for-profit corporation or associ-  
27 ation organized by the president of a university center to further its  
28 purposes, or any limited liability company whose sole member is any of

1 the foregoing entities, or by the State University of New York, the  
2 State University Construction Fund, or the Dormitory Authority of the  
3 State of New York, on behalf of a university center at Albany, Bingham-  
4 ton, or Stony Brook may require a contractor awarded a contract, subcon-  
5 tract, lease, grant, bond, covenant or other agreement for a project to  
6 enter into a project labor agreement during and for the work involved  
7 with such project when such requirement is part of any request for  
8 proposals on behalf of such university centers for the project. When any  
9 such university center campus related foundation, alumni association or  
10 affiliate thereof, any not-for-profit corporation or association organ-  
11 ized by the president of a university center to further its purposes, or  
12 any limited liability company whose sole member is any of the foregoing  
13 entities, or the State University of New York, the State University  
14 Construction Fund, or the Dormitory Authority of the State of New York,  
15 on behalf of a university center at Albany, Binghamton, or Stony Brook  
16 determine that the record supporting the decision to enter into such an  
17 agreement establishes that the interests underlying the competitive  
18 bidding laws are best met by requiring a project labor agreement includ-  
19 ing: obtaining the best work at the lowest possible price; preventing  
20 favoritism, fraud and corruption; the impact of delay; the possibility  
21 of cost savings; and any local history of labor unrest.

22 (b) If any such university center campus related foundation, alumni  
23 association or affiliate thereof, any not-for-profit corporation or  
24 association organized by the president of a university center to further  
25 its purposes, or any limited liability company whose sole member is any  
26 of the foregoing entities, or by the State University of New York, the  
27 State University Construction Fund, or the Dormitory Authority of the  
28 State of New York, on behalf of a university center at Albany, Bingham-

1 ton, or Stony Brook does not require a project labor agreement, then any  
2 contractor, subcontractor, lease, grant, bond, covenant or other agree-  
3 ments for a project shall be awarded pursuant to section 135 of the  
4 state finance law.

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

7 5. The state university trustees shall conduct a study regarding the  
8 effectiveness and functionality of the New York state tuition assistance  
9 program, which shall consider a variety of factors including, but not  
10 limited to, the costs associated with pursuing a degree in undergraduate  
11 study, current tuition assistance program thresholds and award levels,  
12 current eligibility criteria to qualify for an award under the tuition  
13 assistance program, and any other information the trustees determine to  
14 be relevant. The study shall also include recommendations to improve the  
15 tuition assistance program to better meet the future financial aid needs  
16 of students who reside in New York state and to ensure continued access  
17 and affordability of the state university of New York. The study shall  
18 be submitted to the governor, the temporary president of the senate, the  
19 speaker of the assembly, the director of the division of the budget, the  
20 senate finance committee, the assembly ways and means committee and the  
21 higher education committees of the legislature on or before October  
22 first, two thousand thirteen. In addition, the state university shall  
23 annually examine and report on each state-operated campus' efforts to  
24 promote fiscal stability for the duration of the five year tuition plan  
25 by implementing cost saving measures and increasing fundraising efforts.  
26 Further, the trustees shall periodically review their patent policies to  
27 ensure competitiveness, and shall annually report on how the revenue  
28 generated by this paragraph has helped retain and grow full-time faculty

1 and increase program availability. The University Centers shall also  
2 report annually to the state university trustees on how research revenue  
3 yields quantifiable results for each of the four campuses and state  
4 university of New York at Buffalo and state university of New York at  
5 Stony Brook shall additionally report on what each campus is doing to  
6 maintain their AAU status.

7 § 15. Section 6206 of the education law is amended by adding a new  
8 subdivision 17 to read as follows:

9 17. The city university trustees shall conduct a study regarding the  
10 effectiveness and functionality of the New York state tuition assistance  
11 program, which shall consider a variety of factors including, but not  
12 limited to, the costs associated with pursuing a degree in undergraduate  
13 study, current tuition assistance program thresholds and award levels,  
14 current eligibility criteria to qualify for an award under the tuition  
15 assistance program and any other information the trustees determine to  
16 be relevant. The study shall also include recommendations to improve the  
17 tuition assistance program to better meet the future financial aid needs  
18 of students who reside in New York state and to ensure continued access  
19 and affordability of the city university of New York. The study shall be  
20 submitted to the governor, the temporary president of the senate, the  
21 speaker of the assembly, the director of the division of budget, the  
22 senate finance committee, the assembly ways and means committee and the  
23 higher education committees of the legislature on or before October  
24 first, two thousand thirteen. In addition, the city university shall  
25 annually examine and report on each state-operated campus' efforts to  
26 promote fiscal stability for the duration of the five year tuition plan  
27 by implementing cost saving measures and increasing fundraising efforts.

1 § 16. This act shall take effect July 1, 2011 and shall expire 5 years  
2 after such effective date when upon such date the provisions of this act  
3 shall be deemed repealed.