

S. 2607--D

36

A. 3007--D

1 7. The amendments to chapter 756 of the laws of 1992, relating to
2 funding a program for work force education conducted by a consortium for
3 worker education in New York city, made by sections twenty-seven and
4 twenty-eight of this act shall not affect the repeal of such chapter and
5 shall be deemed repealed therewith;

6 8. Section thirty-nine of this act shall expire and be deemed repealed
7 June 30, 2014; and

8 9. Section eighteen of this act shall be deemed to have been in full
9 force and effect on and after July 1, 2012.

10

PART B

11 Section 1. Section 350 of the education law is amended by adding four
12 new subdivisions 10, 11, 12 and 13 to read as follows:

13 10. "Dormitory facilities revenue fund" means the fund established
14 pursuant to section sixteen hundred eighty-q of the public authorities
15 law.

16 11. "Dormitory facilities revenues" means all moneys, including rents,
17 fees and charges, derived from the use or occupancy of dormitory facili-
18 ties.

19 12. "Dormitory facility" means a dormitory, as such term is defined in
20 paragraph (a) of subdivision two of section sixteen hundred seventy-six
21 of the public authorities law.

22 13. "Dormitory facility revenue bond" means any note or bond of the
23 dormitory authority (i) issued on or after the first day of April, two
24 thousand thirteen for the purposes of financing dormitory facilities or
25 refinancing notes or bonds previously issued in connection with dormito-
26 ry facilities, including notes or bonds issued to pay costs incurred in
27 connection with the issuance of such notes or bonds, to fund any reserve
28 for the payment of debt service on such bonds or notes, to fund any
29 reserve established for the improvement, repair, maintenance or oper-
30 ations of dormitory facilities, or to pay or provide for the payment of
31 any note or bond previously issued for any such purpose, and (ii) is
32 payable from moneys on deposit in the dormitory facilities revenue fund
33 and is not payable from any revenue of the state.

34 § 2. Subdivision 2 of section 355 of the education law is amended by
35 adding a new paragraph y to read as follows:

36 y. To better secure dormitory authority bonds issued in connection
37 with dormitory facilities, including dormitory facility revenue bonds,
38 the state university of New York is hereby authorized, in its own name,
39 to assign or otherwise transfer to the dormitory authority any or all of
40 the state university's rights, title and interest in and to the dormito-
41 ry facility revenues, and to enter into agreements with the dormitory
42 authority pursuant to subdivision two of section sixteen hundred eight-
43 y-q of the public authorities law in furtherance of such assignment or
44 transfer. Any assignment or transfer made pursuant to this paragraph
45 shall constitute a true sale and absolute transfer of the dormitory
46 facilities revenues. The characterization of such assignment or transfer
47 shall not be negated or adversely affected by the retention by the state
48 university of New York of any ownership interest in the dormitory facili-
49 ties revenues or of any residual right to payment of any dormitory
50 facility revenues remaining in the dormitory facilities revenue fund
51 after the moneys therein have been applied in accordance with paragraph
52 (b) of subdivision three of section sixteen hundred eighty-q of the
53 public authorities law. All rights, title and interest in and to any
54 moneys paid to or upon the order of the state university of New York

1 pursuant to any agreement by and between the dormitory authority and the
2 state university of New York entered into pursuant to subdivision two of
3 section sixteen hundred eighty-q of the public authorities law or pursu-
4 ant to any agreement entered into pursuant to paragraph j of subdivision
5 two of section sixteen hundred eighty of the public authorities law
6 shall vest in the state university of New York and be the absolute prop-
7 erty of the state university of New York, and the dormitory authority
8 shall no longer have any interest in such moneys.

9 § 3. Subdivision 8 of section 355 of the education law, as amended by
10 chapter 553 of the laws of 1985, is amended to read as follows:

11 8. [~~All~~] Except as otherwise provided herein, all moneys received by
12 the state university of New York and by state-operated institutions
13 thereof from appropriations, tuition, fees, user charges, sales of
14 products and services and from all other sources, including sources and
15 activities of the state university which are intended by law to be self-
16 supporting may be credited to an appropriate fund or funds to be desig-
17 nated by the state comptroller. The amounts so paid into such fund or
18 funds which were received by or for the state university shall be used
19 for expenses of the state university in carrying out any of its objects
20 and purposes and such amounts received by or for state-operated insti-
21 tutions of the state university shall be used for expenses of the state
22 university under regulations prescribed by the state university trus-
23 tees. Notwithstanding the foregoing provisions of this subdivision, all
24 dormitory facilities revenues transferred to the dormitory authority by
25 assignment or otherwise pursuant to paragraph y of subdivision two of
26 this section shall upon receipt by the state university acting as agent
27 for the dormitory authority be transferred and immediately paid without
28 appropriation thereof to the commissioner of taxation and finance pursu-
29 ant to subdivision four of section four of the state finance law for
30 deposit to the dormitory facilities revenue fund.

31 § 4. The public authorities law is amended by adding a new section
32 1680-q to read as follows:

33 § 1680-q. State university of New York dormitory facilities. 1. As
34 used in or referred to in this section, unless a different meaning
35 appears from the context, the following terms shall have the following
36 respective meanings:

37 (a) "Agreement" means an agreement by and between the authority and
38 the state university entered into pursuant to this section.

39 (b) "Dormitory facilities revenue fund" means the fund established
40 pursuant to subdivision three of this section.

41 (c) "Dormitory facilities revenues" means all moneys, including rents,
42 fees and charges, derived from the use or occupancy of dormitory facili-
43 ties.

44 (d) "Dormitory facility" means a dormitory, as such term is defined in
45 paragraph (a) of subdivision two of section sixteen hundred seventy-six
46 of this title.

47 (e) "Dormitory facility revenue bond" means any note or bond of the
48 authority (i) issued on or after the first day of April, two thousand
49 thirteen for the purposes of financing dormitory facilities or refinanc-
50 ing notes or bonds issued previously in connection with dormitory facil-
51 ities, including notes or bonds issued to pay costs incurred in
52 connection with the issuance of such notes or bonds, to fund any reserve
53 for the payment of debt service on such bonds, to fund any reserve
54 established for the improvement, repair, maintenance or operations of
55 dormitory facilities, or to pay or provide for the payment of any note
56 or bond previously issued for any such purpose, and (ii) is payable from

1 moneys on deposit in the dormitory facilities revenue fund and is not
2 payable from any revenue of the state.

3 (f) "Prior dormitory facility bond" means any note or bond of the
4 authority issued prior to April first, two thousand thirteen in
5 connection with dormitory facilities.

6 (g) "State university" means the state university of New York, a
7 corporation within the state education department and within the univer-
8 sity of the state of New York created by section three hundred fifty-two
9 of the education law.

10 2. The authority may, from and after April first, two thousand thir-
11 teen, issue dormitory facility revenue bonds in an amount not to exceed
12 nine hundred forty-four million dollars. Notwithstanding any other rule
13 or law, such bonds shall not be a debt of the state of New York or the
14 state university nor shall the state or the state university be liable
15 thereon, nor shall they be payable out of any funds other than those of
16 the authority constituting dormitory facilities revenues. Such amount
17 shall be exclusive of bonds and notes issued to fund any reserve fund or
18 funds, cost of issuance, original issue premium, and to refund any prior
19 dormitory facility bonds or any dormitory facility revenue bonds. The
20 authority and the state university are hereby authorized to enter into
21 agreements relating to, among other things, the acquisition of property
22 or interests therein, the construction, reconstruction, rehabilitation,
23 improvement, equipping and furnishing of dormitory facilities, the oper-
24 ation and maintenance of dormitory facilities, and the billing,
25 collection and disbursement of dormitory facilities revenues, the title
26 to which has been conveyed, assigned or otherwise transferred to the
27 authority pursuant to paragraph y of subdivision two of section three
28 hundred fifty-five of the education law. In no event shall the state
29 university have any obligation under the agreement to make payment with
30 respect to, on account of or to pay dormitory facilities revenue bonds,
31 and such bonds shall be payable solely from the dormitory facilities
32 revenues assigned to the authority by the state university. No debt
33 shall be contracted except to finance capital works or purposes.
34 Notwithstanding any other provision of law, dormitory facility revenues
35 shall not be deemed to be revenues of the state. Notwithstanding any
36 other rule or law, the state shall not be liable for any payments on any
37 dormitory facility revenue bonds, and such bonds shall not be a debt of
38 the state and shall not be payable out of any funds other than the
39 dormitory facilities revenues assigned to the authority by the state
40 university.

41 3. (a) There is hereby established in the custody of the commissioner
42 of taxation and finance a special fund to be known as the dormitory
43 facilities revenue fund. Such fund shall consist of all dormitory facil-
44 ities revenues conveyed, assigned or otherwise transferred to the
45 authority pursuant to paragraph y of subdivision two of section three
46 hundred fifty-five of the education law, which upon receipt by the
47 commissioner of taxation and finance shall be deposited in such fund and
48 held by the commissioner of taxation and finance pursuant to subdivision
49 four of section four of the state finance law. The moneys in the fund
50 shall be the sole and exclusive property of the authority. The moneys
51 held in the fund shall be held separate and apart from and not commin-
52 gled with any moneys of the state or any other moneys in the custody of
53 the commissioner of taxation and finance. All deposits of moneys shall,
54 if required by the commissioner of taxation and finance, be secured by
55 obligations of the United States of America or of the state having a
56 market value equal at all times to the amount of such deposits and all

1 banks and trust companies are authorized to give security for such
2 deposits. Any moneys in such fund may, in the discretion of the commis-
3 sioner of taxation and finance, be invested in obligations described in
4 section ninety-eight of the state finance law. The commissioner of taxa-
5 tion and finance shall certify to the authority and the state university
6 not later than the fifteenth day of each month the amount of dormitory
7 facilities revenues deposited in the fund during the preceding calendar
8 month and the amount held in the fund as of the last day of such preced-
9 ing calendar month.

10 (b) During each twelve month period commencing July first of a calen-
11 dar year and ending on June thirtieth of the succeeding calendar year,
12 the commissioner of taxation and finance shall pay, without appropri-
13 ation, to or upon the order of the authority from the moneys in the fund
14 the amount certified to the commissioner of taxation and finance by the
15 authority pursuant to paragraph (c) of this subdivision. Any moneys
16 remaining in the fund after payment to the authority of the amount so
17 certified shall be paid by the commissioner of taxation and finance in
18 accordance with the agreement. All rights, title and interest in and to
19 any moneys paid to or upon the order of the state university pursuant to
20 the agreement shall vest in the state university and be the absolute
21 property of the state university, and the authority shall no longer have
22 any interest in such moneys.

23 (c) The authority shall, not later than by the first day of June of
24 each calendar year, certify to the commissioner of taxation and finance
25 and to the state university: (i) the amount of the rentals, including
26 the amounts required for payment of the principal of, and interest on
27 prior dormitory facility bonds required to be made by the state univer-
28 sity to the authority during the twelve month period commencing on the
29 succeeding July first and ending on the succeeding June thirtieth pursu-
30 ant to the agreement between the authority and the state university,
31 dated as of the twentieth day of September, nineteen hundred ninety-
32 five, as amended and restated; (ii) the amount required to maintain any
33 reserves for the repair and replacement of dormitory facilities or the
34 operations and maintenance of dormitory facilities in connection with
35 the prior dormitory facility bonds; (iii) the amount required for
36 payment of the principal of, whether at maturity or due through mandato-
37 ry redemption, and interest on dormitory facility revenue bonds payable
38 on January first of such twelve month period and on July first next
39 succeeding such twelve month period; (iv) the amount required to main-
40 tain any reserves for the repair and replacement of dormitory facilities
41 or the operations and maintenance of dormitory facilities in connection
42 with the dormitory facility revenue bonds; (v) the amount required to
43 restore any reserve for the payment of debt service on dormitory facili-
44 ty revenue bonds to its requirement; and (vi) the costs, expenses and
45 overhead of the dormitory authority to be incurred during such twelve
46 month period in connection with and reasonably related to dormitory
47 facilities financed through the issuance of dormitory facility revenue
48 bonds. Each such amount shall be separately stated and identified in
49 such certificate. Any such certificate submitted by the dormitory
50 authority may be amended by the dormitory authority from time to time as
51 necessary to adjust the amounts set forth therein. The moneys paid to
52 the authority pursuant to paragraph (b) of this subdivision shall be
53 applied by the authority in the order of priority in which the amounts
54 set forth in such certification are stated in this paragraph.

55 4. (a) The dormitory authority, in consultation with the state
56 university of New York, shall prepare an annual report due on September

1 thirtieth, commencing on September thirtieth, two thousand fourteen, of
2 every calendar year relating to the provisions of paragraph y of subdivi-
3 vision two of section three hundred fifty-five of the education law as
4 added by a chapter of the laws of two thousand thirteen which added this
5 section; subdivision eight of section three hundred fifty-five of the
6 education law as amended by a chapter of the laws of two thousand thir-
7 teen which added this section; and this section. The report shall
8 include, but not be limited to: (i) the total dormitory facilities
9 revenues assigned or otherwise transferred from the state university of
10 New York to the dormitory authority in the prior state university fiscal
11 year and the sum of such transfers made in the five prior fiscal years;
12 (ii) the sum of monies, if any, transferred to the state university of
13 New York from the dormitory facilities revenue fund in the prior state
14 university fiscal year; (iii) a list of any increase in rents, fees and
15 other charges that relate to dormitory facilities per campus to
16 students; (iv) a summary of all costs associated with the construction,
17 reconstruction, rehabilitation, improvement, equipping, furnishing,
18 repair, maintenance and operations of dormitory facilities that the
19 dormitory authority funded with dormitory facilities revenues and the
20 proceeds of dormitory facility revenue bonds; (v) a summary and justi-
21 fication of dormitory authority administrative expenses and costs
22 incurred related to the dormitory facilities revenue fund; (vi) the
23 issuance amounts, debt service costs and savings, if any, of all state
24 university of New York dormitory bonds issued prior to April first, two
25 thousand thirteen and refinanced by the dormitory authority with dormi-
26 tory facility revenue bonds; (vii) total amount of debt service payments
27 made per year on dormitory facility revenue bonds; and (viii) an esti-
28 dated date when the dormitory authority will reach the nine hundred
29 forty-four million dollar cap on dormitory facility revenue bonds.

30 (b) The report authorized by this section shall be submitted to the
31 governor, the director of the budget, the speaker of the assembly, the
32 temporary president of the senate, chairs of the senate and assembly
33 higher education committees, the chair of the senate finance committee
34 and the chair of the assembly ways and means committee.

35 § 5. For the purposes of paragraphs (b) and (c) of subdivision 3 of
36 section 1680-q of the public authorities law, as added by section four
37 of this act, the dormitory authority shall, within thirty days after the
38 date on which this act shall become effective, make and deliver to the
39 commissioner of taxation and finance and the state university of New
40 York a certification in the form and substance required by such para-
41 graph (c) with respect to amounts required for the items specified ther-
42 ein during the period from the effective date of this act to and includ-
43 ing the thirtieth day of June, 2013, and, if this act shall become
44 effective after the first day of June, 2013, for the twelve month period
45 commencing the first day of July, 2013, to and including the thirtieth
46 day of June, 2014. No money shall be paid by the commissioner of taxa-
47 tion and finance out of the dormitory facility revenue fund except
48 unless and until such commissioner has received the certification or
49 certifications required by this section.

50 § 6. This act shall take effect immediately.

51

PART C

52 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
53 chapter 57 of the laws of 2005 amending the labor law and other laws
54 implementing the state fiscal plan for the 2005-2006 state fiscal year,