

**S07784 Summary:**

BILL NO S07784

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SPONSOR ESPADA

COSPNSR

MLTSPNSR

Amd SS355, 6206 &amp; 6301, Ed L

Provides that payment of SUNY or CUNY tuition by certain nonresident students shall be paid at a rate no greater than that imposed on resident students.

**S07784 Text:**

## STATE OF NEW YORK

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### IN SENATE

June 20, 2002

Introduced by Sen. ESPADA -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to payment of tuition and fees charged to nonresident students of the state university of New York, the city university of New York and community colleges

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

- 1 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-  
 2 tion law is amended by adding a new subparagraph 8 to read as follows:  
 3 (8) Such regulations shall further provide that the payment of tuition  
 4 and fees by any student who is not a resident of New York state, other  
 5 than a non-immigrant alien within the meaning of paragraph (15) of  
 6 subsection (a) of section 1101 of title 8 of the United States Code,  
 7 shall be paid at a rate or charge no greater than that imposed for  
 8 students who are residents of the state if such student:  
 9 (i) attended an approved New York high school for two or more years,  
 10 graduated from an approved New York high school and applied for attend-  
 11 ance at an institution or educational unit of the state university with-  
 12 in five years of receiving a New York state high school diploma; or  
 13 (ii) attended an approved New York state program for general equiv-  
 14 alency diploma exam preparation, received a general equivalency diploma  
 15 issued within New York state and applied for attendance at an institu-  
 16 tion or educational unit of the state university within five years of  
 17 receiving a general equivalency diploma issued within New York state; or  
 18 (iii) was enrolled in an institution or educational unit of the state  
 19 university in the fall semester or quarter of the two thousand one--two  
 20 thousand two academic year and was authorized by such institution or  
 21 educational unit to pay tuition at the rate or charge imposed for  
 22 students who are residents of the state.  
 23 A student without lawful immigration status shall also be required to  
 24 file an affidavit with such institution or educational unit stating that  
 25 the student has filed an application to legalize his or her immigration

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

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- 1 status, or will file such an application as soon as he or she is eligi-  
 2 ble to do so.  
 3 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education  
 4 law, as amended by chapter 344 of the laws of 1995, is amended to read  
 5 as follows:  
 6 (a) The board of trustees shall establish positions, departments,  
 7 divisions and faculties; appoint and in accordance with the provisions  
 8 of law fix salaries of instructional and non-instructional employees  
 9 therein; establish and conduct courses and curricula; prescribe condi-  
 10 tions of student admission, attendance and discharge; and shall have the  
 11 power to determine in its discretion whether tuition shall be charged  
 12 and to regulate tuition charges, and other instructional and non-in-  
 13 structional fees and other fees and charges at the educational units of  
 14 the city university. The trustees shall not impose a differential  
 15 tuition charge based upon need or income. All students enrolled in  
 16 programs leading to like degrees at the senior colleges shall be charged  
 17 a uniform rate of tuition, except for differential tuition rates based  
 18 on state residency. The trustees shall further provide that the payment

19 of tuition and fees by any student who is not a resident of New York  
 20 state, other than a non-immigrant alien within the meaning of paragraph  
 21 (15) of subsection (a) of section 1101 of title 8 of the United States  
 22 Code, shall be paid at a rate or charge no greater than that imposed for  
 23 students who are residents of the state if such student:

24 (i) attended an approved New York high school for two or more years,  
 25 graduated from an approved New York high school and applied for attend-

26 ance at an institution or educational unit of the city university within  
 27 five years of receiving a New York state high school diploma; or

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

33 (iii) was enrolled in an institution or educational unit of the city  
 34 university in the fall semester or quarter of the two thousand one--two  
 35 thousand two academic year and was authorized by such institution or

36 educational unit to pay tuition at the rate or charge imposed for  
 37 students who are residents of the state.

38 A student without lawful immigration status shall also be required to  
 39 file an affidavit with such institution or educational unit stating that  
 40 the student has filed an application to legalize his or her immigration  
 41 status, or will file such an application as soon as he or she is eligi-  
 42 ble to do so. The trustees shall not adopt changes in tuition charges  
 43 prior to the enactment of the annual budget. The board of trustees may  
 44 accept as partial reimbursement for the education of veterans of the  
 45 armed forces of the United States who are otherwise qualified such sums  
 46 as may be authorized by federal legislation to be paid for such educa-

47 tion. The board of trustees may conduct on a fee basis extension courses  
 48 and courses for adult education appropriate to the field of higher  
 49 education. In all courses and courses of study it may, in its  
 50 discretion, require students to pay library, laboratory, locker, break-  
 51 age and other instructional and non-instructional fees and meet the cost  
 52 of books and consumable supplies. In addition to the foregoing fees and  
 53 charges, the board of trustees may impose and collect fees and charges  
 54 for student government and other student activities and receive and  
 55 expend them as agent or trustee.

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1 § 3. Subdivision 5 of section 6301 of the education law, as amended by  
 2 chapter 552 of the laws of 1984, is amended to read as follows:

3 5. "Resident." A person who has resided in the state for a period of  
 4 at least one year and in the county, city, town, intermediate school  
 5 district, school district or community college region, as the case may  
 6 be, for a period of at least six months, both immediately preceding the  
 7 date of such person's registration in a community college or, for the  
 8 purposes of section sixty-three hundred five of this [chapter] article,  
 9 his or her application for a certificate of residence; provided, howev-  
 10 er, that this term shall include any student who is not a resident of  
 11 New York state, other than a non-immigrant alien within the meaning of  
 12 paragraph (15) of subsection (a) of section 1101 of title 8 of the  
 13 United States Code, if such student:

14 (i) attended an approved New York high school for two or more years,  
 15 graduated from an approved New York high school and applied for attend-  
 16 ance at an institution or educational unit of the state university with-  
 17 in five years of receiving a New York state high school diploma; or

18 (ii) attended an approved New York state program for general equiv-  
 19 alency diploma exam preparation, received a general equivalency diploma  
 20 issued within New York state and applied for attendance at an institu-  
 21 tion or educational unit of the state university within five years of  
 22 receiving a general equivalency diploma issued within New York state; or  
 23 (iii) was enrolled in an institution or educational unit of the state

24 university in the fall semester or quarter of the two thousand one--two  
 25 thousand two academic year and was authorized by such institution or  
 26 educational unit to pay tuition at the rate or charge imposed for  
 27 students who are residents of the state.

28 Provided, further, that a student without lawful immigration status  
 29 shall also be required to file an affidavit with such institution or  
 30 educational unit stating that the student has filed an application to  
 31 legalize his or her immigration status, or will file such an application  
 32 as soon as he or she is eligible to do so.

33 In the event that a person qualified as above for state residence, but  
 34 has been a resident of two or more counties in the state during the six

35 months immediately preceding his application for a certificate of resi-  
 36 dence pursuant to section sixty-three hundred five of this chapter, the  
 37 charges to the counties of residence shall be allocated among the  
 38 several counties proportional to the number of months, or major fraction  
 39 thereof, of residence in each county.

40 § 4. This act shall take effect July 1, 2002; provided that the amend-  
 41 ments to paragraph (a) of subdivision 7 of section 6206 of the education  
 42 law made by section two of this act shall be deemed to have been in full  
 43 force and effect on and after December 31, 2001.