

LEGISLATIVE MEMORANDUM



OPPOSES



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Stephen K. Allinger, Director of Legislation

Table with 3 columns: Bill Number, Name, and Committee. Row 1: S-2020-C, Stachowski, On Calendar #487. Row 2: A-2020-B, Schimminger, Higher Education Committee.

PROVISIONS OF BILL:

This legislation would provide the State University of New York at Buffalo greater flexibility and autonomy in regard to leasing, contracting, tuition increases, and the overall daily operation at the University.

STATEMENT OF OPPOSITION:

While NYSUT and its affiliate, United University Professions (UUP), support efforts to strengthen and expand the State University of New York at Buffalo (UB), we adamantly oppose this legislation. The UB 20/20 plan, as expressed by this legislation, is not a comprehensive blueprint to strengthen the University. Goals are neither specifically addressed nor is there a plan of implementation. Instead, this measure is a collection of vague and onerous proposals which would greatly and inappropriately expand the unilateral powers of management at the University at Buffalo to enter into contracts, set tuition rates, issue state debt, and to dispose of, lease or otherwise utilize its property without Legislative oversight.

In the area of tuition, UB would be permitted to set differing rates of tuition for both resident and non-resident students, both graduate and undergraduate programs and by class year without approval by the SUNY Board of Trustees and without required appropriation by the Legislature. Moreover, notwithstanding provisions in this bill that would set aside a small portion in tuition revenue for financial aid, these enormous annual tuition increases will not address nor repair the harm caused to students and families. If enacted, the tuition provisions of this measure will certainly have a negative impact on student access and student diversity as minority students and other economically disadvantaged students will be shut out of UB. It is probable that these tuition provisions will curtail enrollment, instead of increasing enrollment which is a goal of UB 20/20.

This legislation also severely curtails the state's and SUNY's ability to provide additional core state-tax funded instructional support to other SUNY campuses which may need to address financial shortfalls or that have other special circumstances that would warrant additional funding. This measure restricts this additional funding unless UB has received comparable funding thereby hindering the state's and SUNY's ability to effectively address individual campus needs.

In addition, this legislation inappropriately and dramatically increases UB's and SUNY's authority while at the same time provides no protections for public employees working at UB. NYSUT and UUP strongly believe that public institutions should be staffed with public employees. Under this proposal, public services performed at UB that are currently provided by public employees could be outsourced and privatized.

(OVER)

Moreover, this legislation authorizes the SUNY Board of Trustees to regulate the disposal and use of any UB property without Executive or Legislative oversight which is now required under existing statute. This includes the sale, lease and transfer of property. In effect, this provides blanket authority for SUNY to do whatever it chooses with respect to UB properties regardless of whether or not these transactions would potentially serve to impair the academic purposes of the campus. These properties belong to the people of the state of New York and not to SUNY or its Trustees and therefore Executive and Legislative oversight should remain.

In addition, UB and any UB foundation, not-for-profit corporation, or limited liability corporation would be permitted to by-pass the State University Construction Fund and the state in the acquisition, construction, rehabilitation or other action relating to buildings, dormitories and land held by the state for the benefit of UB. It allows for the Dormitory Authority and the Erie County Industrial Development Agency to finance any of the above projects. Presumably, the state would back these bonds, but it is unclear how this would work. These provisions simply extract SUNY and the state from any involvement or oversight with respect to UB land related transactions while at the same time, potentially obligate the state for debt service on bonds issued to fund UB land projects.

Finally, this bill would exempt UB officers and employees from provisions of the Public Officers Law or any other state law or regulation when representing UB regarding any joint and cooperative arrangements that UB may enter into with any party as long as no direct compensation is paid to these officers or employees. However, these officers and employees may serve on boards or become shareholders or directors of joint venture enterprises. This provision extends to UB officers privileges not available to any other public officials and NYSUT and UUP do not believe that there is any good reason to exempt these officers from the rules that regulate governmental conduct.

NEW YORK STATE UNITED TEACHERS AND ITS AFFILIATE, UNITED UNIVERSITY PROFESSIONS, STRONGLY URGE THE DEFEAT OF THIS LEGISLATION.