

and shall fix the amount to be paid annually by the city to the county for the services to be performed by the county sealer. During the period such contract is in force and effect the office of city sealer of weights and measures in any city so contracting shall be abolished.

§ 2. This act shall take effect January first, nineteen hundred ^{Effective} sixty-two. _{Jan. 1, 1962.}

CHAPTER 388

AN ACT to amend the education law, in relation to the regents plan for the development and expansion of facilities for higher education in New York state and establishing the city university of New York, and repealing section eight hundred fifty-four thereof

Became a law April 11, 1961, with the approval of the Governor. Passed, on message of necessity, pursuant to article III, section 14 of the Constitution, by a majority vote, three-fifths being present

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

Section 1. The education law is hereby amended by adding thereto a new section, to be section two hundred thirty-seven thereof, to read as follows:

Education
Law,
NOW
§ 237,
added.

§ 237. *Regents plan for higher education including approved plans of state university and city university of New York.* 1. *The regents shall, once every four years, review the proposed plan and recommendations required to be submitted by the state university trustees pursuant to section three hundred fifty-four of this chapter and the proposed plan and recommendations of the board of higher education in the city of New York required to be submitted pursuant to section sixty-two hundred two of this chapter, and upon approval of such plans by the regents they shall be incorporated into a regents plan or general revision thereof for the expansion and development of higher education in the state. Such regents plan shall include the plan and recommendations proposed by the state university trustees and the plan and recommendations proposed by the board of higher education in the city of New York and may include plans with respect to other matters not comprehended within the plan of the state and city universities, including but not limited to improving institutional management and resources, instruction and guidance programs, financial assistance to students and extension of educational opportunities through library resources and television. In the development of such plans due recognition shall be given to that historical development of higher education in the state which has been accomplished through the establishment and encouragement of private institutions. In determining the need for additional educational facilities in a particular area, the plans and facilities of existing public and private institutions shall be fully evaluated and considered.*

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

2. During the calendar year nineteen hundred sixty-four and each fourth year thereafter the regents shall evaluate all available information with respect to the plans and facilities of private institutions and shall review and act upon the proposed plan and recommendations of the state university trustees and upon the proposed plan and recommendations of the board of higher education in the city of New York and incorporate such information, recommendations and each of the component plans so acted upon into a tentative regents plan or general revision thereof for the expansion and development of higher education in the state. Copies of such tentative regents plan or general revision thereof, as the case may be, shall be made available to the trustees of the state university, the board of higher education in the city of New York and the governing boards of all other institutions of higher education admitted to the university of the state of New York. Thereafter, after giving due notice, the regents shall conduct one or more hearings on such tentative regents plan or general revision thereof.

3. The regents shall transmit their plan or general revision thereof for the expansion and development of higher education in the state to the governor and the legislature on or before the first day of December, nineteen hundred sixty-four and each fourth year thereafter, and such plan or general revision thereof shall become effective upon its approval by the governor.

4. Any modification recommended by the state university trustees or by the board of higher education in the city of New York to their respective plans, theretofore formulated and approved pursuant to section three hundred fifty-four or section sixty-two hundred two of this chapter shall be reviewed by the regents who may hold one or more hearings thereon after giving due notice thereof. As approved by the regents, such modification shall be made a part of the respective plans of the state university and of the city university and shall, together with any modifications the regents may make to that portion of their plan for the expansion and development of higher education in the state not comprehended in the plans of the state and city universities, be transmitted to the governor and the legislature, all of which shall then become effective upon approval by the governor as modifications of the regents plan. By the first day of November in each of the three years following the promulgation of the regents plan or general revision thereof, the regents shall summarize and report to the governor and the legislature any modifications made pursuant to this subdivision and shall include in such report a statement on the progress made in implementing the regents plan and their general recommendations with respect to higher education.

§ 2. Subdivision one of section three hundred fifty-two of such law, as last amended by chapter seven hundred thirty-four of the laws of nineteen hundred fifty-one, is hereby amended to read as follows:

1. There is hereby created in the state education department and within the [higher educational system of the state] university of

the state of New York as established under the board of regents a corporation to be known as the state university of New York which shall be responsible for the planning, supervision and administration of facilities and programs in accordance with the plan proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter, and provisions for higher education supported in whole or in part with state moneys in accordance with the provisions of section three hundred fifty-eight hereof, and to perform such other duties as may be entrusted to it by law. Such corporation shall have the care, custody, control and management of the lands, grounds, buildings, facilities and equipment used for the purposes of the state-operated institutions of the state university, and it shall have power to protect, preserve and improve the same.

§ 3. Section three hundred fifty-four of such law, subdivision two having been amended by chapter two hundred ninety-nine of the laws of nineteen hundred fifty-five, and subdivision three having been amended by chapter six hundred ninety-eight of the laws of nineteen hundred forty-eight, is hereby repealed.*

§ 4. Such law is hereby amended by adding thereto a new section, to be section three hundred fifty-four, to read as follows:

§ 354. Powers and duties of state university trustees planning functions. 1. *The state university trustees shall, once every four years, formulate a long-range state university plan or general revision thereof and make recommendations to the board of regents and the governor for the organization, development, coordination and expansion of the state university and for the establishment of community colleges in areas suitable for and in need of such institutions, which plan and recommendations shall include the following:*

- a. *Plans for new curricula.*
- b. *Plans for new facilities.*
- c. *Plans for change in policies with respect to student admissions.*
- d. *Potential student enrollments.*
- e. *Comments upon its relationship to other colleges and universities, public and private, within the state.*

Prior to transmitting their long-range state university plan or general revision thereof to the board of regents and the governor the state university trustees may, after giving due notice, conduct one or more hearings on such plan.

2. *During the calendar year nineteen hundred sixty-four and each fourth year thereafter the state university trustees shall transmit their proposed plan or general revision thereof to the board of regents and the governor on or before the twentieth day of September in each such year. Such plan shall be reviewed by the*

* NOTE.—Section 354 of the education law repealed hereby is replaced by a new § 354 which incorporates, in a more concise manner, all of the necessary state university planning powers found in the repealed section.

board of regents and shall be subject to approval by such board. As approved by the board of regents and incorporated into the regents plan or general revision thereof for the expansion and development of higher education in the state and, upon approval thereafter by the governor, such plan shall guide and determine the development and expansion of the state university and the establishment of community colleges until such plan is modified or revised in the manner provided herein.

3. By the twentieth day of September in each of the three years following the approval of the state university plan or general revision thereof pursuant to section two hundred thirty-seven of this chapter, the state university trustees shall report in writing to the board of regents and to the governor on the progress made in carrying out their responsibilities under such plan and their general recommendations with respect to public higher education, including recommendations as to modifications of such plan which the trustees deem essential to meet the then current demands upon public higher education. The state university trustees may also at any other time propose modifications which they then deem essential or desirable with respect to such plan. They may, after giving due notice, conduct one or more hearings on such modifications and shall transmit their recommendations therefor to the board of regents and the governor. Such modifications shall be subject to approval by the regents and thereafter by the governor in the same manner as such plan or general revisions thereof.

§ 305,
subd. 1,
opening ff.
amended.

§ 5. The opening paragraph of subdivision one of section three hundred fifty-five of such law, as amended by chapter five hundred twenty-five of the laws of nineteen hundred fifty-three, is hereby amended to read as follows:

Subject to the [general supervision and approval of the board of regents] provisions of the plan or general revision thereof proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter, the state university trustees shall be responsible for:

§ 304, 2,
opening ff.
amended.

§ 6. The opening paragraph of subdivision two of section three hundred fifty-five of such law, as amended by chapter five hundred twenty-five of the laws of nineteen hundred fifty-three, is hereby amended to read as follows:

The state university trustees are further authorized and empowered, subject to the [general supervision and approval of the board of regents] provisions of the plan or general revisions thereof proposed by the state university trustees as approved by the regents pursuant to section two hundred thirty-seven of this chapter:

§ 6202,
amended.

§ 7. Section sixty-two hundred two of such law, as last amended by a chapter of the laws of nineteen hundred sixty-one, entitled "An act to amend the education law, in relation to the number of regents college scholarships and scholarships for education in engineering and science, to establish the New York state scholar incentive program, to remove existing restrictions on the author-

ity of the state university trustees, the contract colleges and the board of higher education in the city of New York to establish tuition policy and to repeal subdivision eight of section six hundred twelve-a thereof and making an appropriation therefor," is hereby amended to read as follows:

§ 6202. Powers and duties. 1. Such board of higher education shall be a separate and distinct body corporate, shall have the duties and powers of trustees of colleges as set forth in this chapter, unless otherwise specifically provided in this article, and the institutions and educational units which such board shall conduct shall be part of the common school system and shall have the powers and privileges of colleges and shall be subject to the visitation of the regents of the university. The control of the educational work of such institutions shall rest solely in the board of higher education which shall administer all educational units controlled by it, as and under the general name and title of the [college of the] city university of New York; but each unit of such [college] university shall be given an appropriate and distinctive designation, and any existing unit, constituting a college for women, shall retain its present, distinctive name.

2. a. *The board of higher education in the city of New York shall, once every four years, formulate a long range city university plan or general revision thereof and make recommendations to the board of regents, and to the state university trustees for information and comment, for the organization, development, coordination and expansion of the city university of New York which plan and recommendations shall include the following:*

- (1) *Plans for new curricula.*
- (2) *Plans for new facilities.*
- (3) *Plans for change in policies with respect to student admissions.*
- (4) *Potential student enrollments.*
- (5) *Comments upon its relationship to other colleges and universities, public and private, within the state.*

Prior to transmitting their long-range plan or general revisions thereof to the board of regents and the state university trustees, the board of higher education may, after giving due notice, conduct one or more hearings on such plan.

b. *During the calendar year nineteen hundred sixty-four and each fourth year thereafter the board of higher education shall transmit their proposed plan or general revisions thereof to the board of regents, and the state university trustees for information and comment on or before the first day of July in each such year. Such plan shall be reviewed by the board of regents and shall be subject to approval by such board. Prior to approval by the board of regents such plan shall also be subject to such comment as the state university trustees may wish to make pur-*

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

suant to section three hundred fifty-four of this chapter on the plan or general revisions thereof required to be submitted by the state university trustees. As approved by the board of regents and incorporated into the regents plan or general revision thereof for the expansion and development of higher education in the state and, upon approval thereafter by the governor, such plan shall guide and determine the development and expansion of the city university of New York.

c. By the first day of September in each of the three years following the approval of the city university plan or general revision thereof pursuant to section two hundred thirty-seven of this chapter, the board of higher education shall report in writing to the board of regents, a copy of which report shall be furnished to the state university trustees for information and comment, on the progress made in carrying out its responsibilities under such plan and its general recommendations with respect to the city university or its component colleges or other institutions in the city of New York including recommendations as to modifications of such plan which the board of higher education deems essential to meet the then current demands upon public higher education in the city of New York. The board of higher education may also at any other time propose modifications which it deems essential or desirable with respect to such plan. Such board may, after giving due notice, conduct one or more hearings on such modifications and shall transmit its recommendations therefor to the board of regents and the state university trustees for information and comment. Such modifications shall be subject to approval by the regents and thereafter by the governor in the same manner as such plan or general revisions thereof.

3. The board of higher education shall select and acquire all new sites hereafter to be designated for [public higher education] the city university or its component colleges or other institutions in such city, and in relation to public higher education therein, shall procure and pass upon all plans for buildings on newly acquired sites, shall supervise their erection, shall organize their faculties, shall approve and administer their courses leading to academic, professional and technical certificates, diplomas and degrees, shall appoint their officers of administration and instruction, shall prepare all their budgets and shall generally control and administer all public education in the colleges and institutions of which the city university is composed in such city [beyond the high school level], except the teacher training courses which are now conducted by the board of education of such city. In the establishment of future centers of instruction, the board may, in its discretion, set them up as administrative divisions of one or more of the existing institutions of higher learning or it may establish them as distinctive educational units. All laws in force on May eleventh, nineteen hundred thirty-five, relative to any existing public college of such city, not inconsistent with the provisions of this section, are hereby declared to be applicable to the educational system established under the board of higher education.

4. The board shall control and keep up the buildings and grounds purchased by the city and occupied and used by institutions and units controlled by it; allow and regulate the use, gratuitously or otherwise, of such property for other than college or university purposes and prescribe the fees, if any, that persons, associations or corporations allowed to use it may charge; purchase materials, services, equipment and supplies. But the board shall not sell, transfer or otherwise dispose of land and buildings, purchased by city funds. It may, however, accept and administer for college or university purposes, gifts of land, bequests, trusts, money and buildings from private sources and erect buildings on college or university land out of money not furnished by the city; and gifts of money, endowments, fees, interest and other income not derived from public taxation or the public credit shall be administered by it for collegiate or university purposes in connection with the units under its control.

5. The board shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of teachers and other employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges and other fees and charges at the institutions and educational units which the board shall conduct. The board may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker and breakage fees and meet the cost of books and consumable supplies.

6. The board shall, on the recommendation of its faculty or faculties, grant the certificates, diplomas and degrees which were announced in the bulletins of the existing public institutions of higher learning published for the term beginning immediately prior to April sixteenth, nineteen hundred twenty-six, and also such other degrees and honors as the regents may hereafter specifically authorize it to grant.

7. The board shall submit to the board of estimate, or like financial body of the city, annually on or before the first day of February, an estimate of the total sum of money which will be required for the ensuing fiscal year for the support, maintenance and operation of each of its schools, colleges, divisions, and sessions which have been in operation for a year, which estimate shall consist of two parts, (a) the sum of money that will be needed to pay the compensation and salaries of all officers of administration and instruction and

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

other employees of each such center fixed pursuant to the provisions of law and (b) the sum of money that will be needed for all other purposes connected with their maintenance and operation, including the purchase of supplies, materials, equipment, repairs and services. The total sum, including both items, shall not exceed the amount appropriated for these purposes by the city for the then current year, increased or decreased by a per centum thereof equal to the per centum increase or decrease of students registered in the day session of such center on the first day of the preceding November as compared with the students so registered a year earlier (or, if the center was not open for students a year earlier, the initial enrollment shall be used); and the board of estimate and the council, or like authorities of the city discharging such functions, are authorized and directed to raise and appropriate in the annual budget of the city, to the board, each total sum so estimated, and in addition to appropriate to such board such further sums, then or at other times, as may be required by law; and the board of estimate, or like financial body, may at any time make appropriations to the board, on its own motion, or on recommendation of such board, for the alteration and construction of buildings, and to meet any emergency or any situation that was not foreseen at the time the annual estimate was prepared.

8. When a center is first opened, the board shall submit an initial estimate of the sum needed for its support, maintenance and operation, based on an estimated original enrollment of students, for the fiscal year or portion thereof immediately following. Such estimate shall be acted upon as hereinbefore prescribed for current annual budgets; and in the event that an initial appropriation be for a part of the fiscal year only, then in making calculation for the succeeding annual appropriation, the initial appropriation shall be taken as the appropriate fractional base.

9. Money appropriated by the city to the board for college or university purposes, shall be placed in the custody of the comptroller of the city to the credit of such board and all disbursements from such funds shall be made by the comptroller acting for and in behalf of such board upon requisitions duly audited and signed by the board or by a person or persons appointed by such board, by resolution filed with the comptroller, to act for it. The comptroller shall audit such account of the board in the same manner as he audits the account of the board of education of the city. Any balance of any annual appropriation made by the city to the board, which may be unappropriated for college or university purposes by the board ninety days after the expiration of the calendar year for which the appropriation was made, shall revert to the city treasury and be credited to such uses as the board of estimate or like financial body of the city may direct.

10. The salaries and salary schedules of all members of the instructional staffs as defined in section sixty-two hundred six of the education law, shall continue to be no lower than those established by the board of higher education and approved by the board of estimate

on or before the thirty-first day of December, nineteen hundred fifty-one.

§ 8. This act shall take effect April first, nineteen hundred sixty-two, except that subdivision one and subdivisions three through nine of section sixty-two hundred two of the education law, as amended by this act, shall take effect immediately.

Effective
April 1,
1962,
in part.

CHAPTER 389

AN ACT to amend the education law, in relation to the number of regents college scholarships and scholarships for education in engineering and science, to establish the New York state scholar incentive program, to remove existing restrictions on the authority of the state university trustees, the contract colleges and the board of higher education in the city of New York to establish tuition policy and to repeal subdivision eight of section six hundred twelve-a thereof and making an appropriation therefor

Became a law April 11, 1961, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. Legislative findings, purpose and objectives. The legislature hereby finds and declares that:

(a) Individual self-realization and development depends importantly upon the availability of opportunities for not only the specially talented but for all who have the desire and the capacity for higher education. The future progress of the state and nation and the general welfare of the people depend upon the individual development of the maximum number of citizens to provide the broad range of leadership, inventive genius, and source of economic and cultural growth for oncoming generations.

In a world of unmatched scientific progress and technological advance, as well as of unparalleled danger to human freedom, learning has never been more crucial to man's safety, progress and individual fulfillment. In the state and nation higher education no longer is a luxury; it is a necessity for strength, fulfillment and survival.

(b) Those who complete undergraduate and graduate training will be the teachers, doctors, engineers, scientists and other leaders in every aspect of the economic, political and cultural life of tomorrow. They will be in the forefront of free men seeking to meet the challenge posed by those who would crush and subvert human freedom and democratic government.

(c) Thus there is an urgent public concern with respect to the extent to which the rising costs to students of higher education are tending to place a high percentage of college instruction beyond the reach, without assistance, of many of the growing number of young men and women with the capacity and desire for higher education.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

It is in the vital interest of all the people of the state to develop fully this reservoir of talent and future leadership.

(d) The state of New York has long recognized the public interest served by the student pursuing a higher education. Since nineteen hundred thirteen, when the first regents college scholarships were established, the state has continuously provided assistance to the specially talented. Further encouragement to excellence, by increasing the number of these unusually gifted students assisted through this sound and important program, will be to the benefit of the people of the state and of the nation.

(c) In the challenges we face today the clear necessity for higher education, not only for the specially talented, but for all who have the ability and ambition to achieve it, calls for a broadened program of state assistance to the student.

Young men and women who are recognized by the regents to give promise of satisfactory completion of a college or graduate degree program and who gain admission to an institution of higher learning are worthy recipients of assistance to the end that their ability, developed through higher education, may benefit the public at large. Those students who maintain themselves in good-standing at each successive stage of a degree program and give promise of satisfactory completion of that program, affirm their having earnestly joined in the advancement of learning, upon which the general welfare depends, and affirm their own merit, their ability and their desire to continue to pursue higher education.

(f) Recognition of the merit of the individual student and the need of the student for assistance are the bases both for an expansion of the long-standing regents college scholarship program and for the establishment of the New York state scholar incentive program.

§ 2. The article heading and schedule of sections in article thirteen of the education law, are hereby amended to read as follows:

Education
Law,
Art. 13,
heading,
schedule
of
sections,
amended.

ARTICLE 13

SCHOLARSHIPS[;], SCHOLAR INCENTIVES AND STATE AND FEDERAL AID

- Section 601. [State] *Regents college scholarships established.*
601-a. New York state scholar incentive program established.
 602. Scholarship and scholar incentive fund of The University of the State of New York.
 603. Regents [to make] *rules governing regents college scholarships and assistance under the scholar incentive program.*
 604. List of candidates; award of *regents college scholarships.*
 605. Issuance of *regents college scholarship [certificate] certificates.*

606. Revocation of *regents college [scholarship] scholarships and of assistance under the scholar incentive program.*
607. [Limitation as to number of scholarships; courses] *Courses of study of recipients of regents college scholarships and of recipients of assistance under the scholar incentive program.*
608. State war service scholarships for veterana.
609. State scholarships for the children of [soldiers, sailors and marines,] *members of the armed forces of the United States, who died while serving in [the] such armed forces of the United States or as a result thereof.*
610. [Payments by federal government] *Regents scholarship for professional education in medicine and dentistry.*
611. [Contracts for higher education] *Regents scholarship for basic professional education in nursing.*
612. *Regents scholarships for education in engineering and science.*
- 612-a. *Additional regents scholarships for education in engineering and science.*
613. *State scholarships for advanced professional education in nursing.*
614. *Scholarship and scholar incentive appeals board.*
615. *Payments by federal government.*
616. *Contracts for higher education.*
617. *Evaluation of scholarship and scholar incentive programs by the regents.*
625. *Regents college teaching fellowships.*
630. *Determination of income received during the calendar year nineteen hundred fifty-eight, for scholarship purposes.*
631. *Determination of amount of scholarship or fellowship for certain recipients.*

§ 3. Subdivision two of section six hundred one of such law, as last amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-eight, is hereby amended to read as follows:

§ 601,
subd. 2,
amended.

2. [The total number of] *Seventeen thousand* regents college scholarships [to] *shall* be awarded annually, [and] to be allocated to the counties of the state as hereinafter provided, [shall be a number which, when added to] *which number shall include* the total number of (a) regents scholarships awarded to children of members of the armed forces of the United States who died while serving in such armed forces, or as a result thereof, (b) regents scholarships for basic professional education in nursing, (c) regents

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

scholarships for education in engineering and science [awarded pursuant to section six hundred twelve of this chapter], and (d) state scholarships in Cornell University], equals five per centum of the total number of students who were graduated from the approved high schools in the state during the school year preceding the date of the examination for the award of such regents college scholarships].

New
§ 601-a,
added.

§ 4. Such law is hereby amended by adding thereto a new section, to be section six hundred one-a, to read as follows:

§ 601-a. *New York state scholar incentive program established.*
1. *General provisions.* Scholar incentives are hereby established to assist college students who in their pursuit of full-time graduate and undergraduate studies under standards promulgated by the regents give promise of satisfactory completion of a degree program. In administering the New York state scholar incentive program, the regents shall give full consideration to the historical and continuing role of the state in encouraging individual scholarship and shall be guided by the abiding public concern repeatedly expressed by the people of the state of New York for the development of the intellectual potential of the maximum number of qualified persons who aspire to opportunities for higher education.

2. *Undergraduate eligibility.* To qualify for assistance at the college undergraduate level under the scholar incentive program, a student

(a) for the first semester of undergraduate study, must have been certified by the regents to have met, prior to matriculation in college, standards set by them based upon examination and/or high school achievement indicating promise of successful fulfillment of the degree requirements in an approved course of undergraduate study and must be a matriculated full-time student in good standing in an approved course of study leading to a degree at a college situated within the state of New York;

(b) for each semester following the first semester of undergraduate study, must have been certified by the college attended as having achieved, as a full-time student in an approved course of study leading to a degree, an academic record for the immediately preceding semester which, under standards promulgated by the regents, gives promise of satisfactory completion of such degree program and must be a matriculated full-time student in good standing in an approved course of study leading to a degree at a college situated within the state of New York;

(c) must be a resident of the state of New York and must have been such a resident either during his last two semesters of high school prior to graduation therefrom, or during his last two semesters of high school prior to admission to college, or for a period of at least twelve months immediately preceding the commencement of the semester for which he applies for assistance under subdivision three of this section;

(d) *must make application at least annually for assistance under the scholar incentive program in accordance with the rules of the regents.*

3. *Undergraduate scholar incentives. Each undergraduate student meeting the qualifications of subdivision two of this section shall receive from the state assistance under the scholar incentive program of the amount by which the tuition payable by such student, allocated on a semester basis and exclusive of fees, exceeds one hundred dollars per semester, up to the maximum sum specified in subdivision four of this section, for each semester while attending college during a period of not to exceed four years of undergraduate study, or five years if the course requires five years, to be paid to such undergraduate, for a total of not to exceed eight or ten semesters, respectively, of such study, upon the warrant of the state comptroller issued with the approval of the commissioner out of the fund referred to in section six hundred two of this article. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified.*

4. *Relation of assistance to undergraduates to combined net taxable balance of income. For each semester of study, assistance shall be provided under subdivision three of this section in relation to the combined net taxable balance of the income of the student and of his parent or parents or other persons who would be responsible for his support if he were a minor, or are so responsible in cases where the student is a minor, plus any income from tax exempt securities, as set forth in the New York state income tax return required to be filed by him and his parent or parents, or such other persons, by the fifteenth day of April next preceding the commencement of the semester for which assistance is sought. If such combined net taxable balance of income, plus income from tax exempt securities:*

(a) *Is eighteen hundred dollars or less, the maximum assistance shall be one hundred fifty dollars for each semester;*

(b) *Is more than eighteen hundred dollars, but less than seven thousand five hundred dollars, the maximum assistance shall be one hundred dollars for each semester;*

(c) *Is seven thousand five hundred dollars or more, the maximum assistance shall be fifty dollars for each semester.*

5. *Graduate eligibility. To qualify for assistance at the graduate level under the scholar incentive program, a student*

(a) *for the first semester of graduate study, must have been certified by the regents to have met, prior to matriculation in graduate study, standards set by them based upon examination and/or college achievement indicating promise of successful fulfillment of the degree requirements in an approved course of graduate study and must be a matriculated full-time student in good standing in an approved graduate program leading to an advanced degree as*

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

defined by the regents, at a college situated within the state of New York;

(b) for each semester following the first semester of graduate study, must have been certified by the college attended as having achieved, as a full-time student in an approved graduate program leading to an advanced degree, an academic record for the immediately preceding semester which, under standards promulgated by the regents, gives promise of satisfactory completion of such advanced degree program and must be a matriculated full-time student in good standing in an approved graduate program leading to an advanced degree, as defined by the regents, at a college situated within the state of New York;

(c) must be a resident of the state of New York and must have been such a resident during his last two semesters of undergraduate study and continue to be such a resident until matriculation in the graduate program, or have been a resident of the state of New York for a period of at least twelve months immediately preceding the commencement of the semester for which he applies for assistance under subdivision six of this section; and

(d) must make application at least annually for assistance under the scholar incentive program in accordance with the rules of the regents.

6. Graduate scholar incentives. Each graduate student meeting the qualifications of subdivision five of this section shall receive from the state assistance under the scholar incentive program of the amount by which the tuition payable by such student, allocated on a semester basis and exclusive of fees, exceeds one hundred dollars per semester, up to the maximum sum specified in subdivision seven of this section, to be paid to such graduate student, for a total of not to exceed eight semesters of graduate study, upon the warrant of the state comptroller issued with the approval of the commissioner out of the fund referred to in section six hundred two of this article. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified.

7. Relation of assistance to graduate students to combined net taxable balance of income. For each semester of study, assistance shall be provided under subdivision six of this section in relation to the combined net taxable balance of the income of the student and of his parent or parents or other persons who would be responsible for his support if he were a minor, or are so responsible in cases where the student is a minor, plus any income from tax exempt securities, as set forth in the New York state income tax return required to be filed by him and his parent or parents, or such other persons, by the fifteenth day of April next preceding the commencement of the semester for which assistance is sought. If such combined net taxable balance of income, plus income from tax exempt securities:

(a) Is eighteen hundred dollars or less, the maximum assistance shall be two hundred dollars for each of his first two semesters of

full-time graduate study and four hundred dollars for his third and each subsequent semester of full-time graduate study.

(b) Is more than eighteen hundred dollars, but less than seven thousand five hundred dollars, the maximum assistance shall be one hundred fifty dollars for each of his first two semesters of full-time graduate study and three hundred dollars for his third and each subsequent semester of full-time graduate study.

(c) Is seven thousand five hundred dollars or more, the maximum assistance shall be one hundred dollars for each of his first two semesters of full-time graduate study and two hundred dollars for his third and each subsequent semester of full-time graduate study.

8. *Determination of net taxable balance of income.*

(a) Each person who shall apply for assistance under the scholar incentive program shall with such application at least annually file with the commissioner an affidavit subscribed and sworn to by him and his parent or parents or other person or persons who would be responsible for his support if he were a minor, or are so responsible in cases where he is a minor, setting forth the net taxable balance of his income and the income of such parent or parents or such other persons, plus his income and the income of such parent or parents or such other persons from tax exempt securities, as set forth in the New York state income tax return required to be filed by him and his parent or parents or such other persons by the fifteenth day of April next preceding the commencement of the semester for which assistance is sought.

(b) If no such tax return was filed, a student applying for assistance under the scholar incentive program shall file with the commissioner, on forms prescribed by him an affidavit subscribed and sworn to by him and his parent or parents or other person or persons who would be responsible for his support if he were a minor, or are so responsible in cases where he is a minor, stating, as the case may be, either (i) that his income and the income of such parent or parents or such other persons for such year was insufficient to require the filing of such a tax return pursuant to law, and stating the amount of such income plus the amount of any income from tax exempt securities during such year, or (ii) what the net taxable balance of his income and the income of such parent or parents or such other persons would have been for such year if such a tax return had been filed, plus the amount of any income from tax exempt securities during such year.

(c) The state tax commission shall, when requested by the commissioner, compare any affidavit filed with the commissioner pursuant to this subdivision with the state income tax returns filed by the persons making such affidavit and shall report any discrepancies to the commissioner.

(d) All affidavits filed with the commissioner and all reports made to him by the state tax commission, pursuant to this subdivision, shall be deemed confidential and, except in accordance with proper judicial order or as otherwise prescribed by law, it shall be

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

unlawful for the commissioner or any officer or employee of the department to divulge or make known in any manner the amount of income or any other particulars set forth in any affidavit filed with him or report made to him pursuant to this subdivision; but nothing contained herein shall be construed to prohibit the commissioner's publication of statistics so classified as to prevent the identification of particular affidavits or reports.

(e) Where more than one person in a family is regularly attending college during the semester for which assistance under the scholar incentive program is applicable, the net taxable balance of the income of the parent or parents of such persons or of any other person or persons who would be responsible for their support if they were minors, or are so responsible in cases where one or more are minors, plus income from tax exempt securities, as hereinabove defined, shall be divided by the number of such persons regularly attending college during such semester, and the quotient resulting therefrom shall be deemed to be the net taxable income and income from tax exempt securities of such parent or parents or such other persons to be added to the income of such person as hereinabove provided for the purpose of determining the amount of assistance under the scholar incentive program to which any such person is entitled for such semester.

9. Limitation of amount. In no event shall the assistance under the scholar incentive program exceed the amount of tuition, allocated on a semester basis, and exclusive of fees, in excess of one hundred dollars per semester payable by the student nor shall such assistance exceed the amount by which the amount of tuition, allocated on a semester basis and exclusive of fees, payable by the student exceeds the total state scholarship aid otherwise received or receivable by such student under this article during any semester. In no event shall any student be eligible for assistance under the scholar incentive program for more than sixteen semesters of combined undergraduate and graduate studies.

§ 602,
amended.

§ 5. Section six hundred two of such law, as last amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

§ 602. Scholarship and scholar incentive fund of The University of the State of New York. 1. The scholarship fund of The University of the State of New York is hereby continued as the scholarship and scholar incentive fund of The University of the State of New York. Such fund shall consist:

a. Of all money appropriated therefor by the legislature.

b. Of all money and property heretofore or hereafter received by the state, the regents or the commissioner by gift, grant, devise or bequest for the purpose of providing funds for the payment of scholarships or assistance under the scholar incentive program and of all income or revenue derived from any trust created for such purpose.

2. Such fund shall be kept separate and distinct from the other state funds and payment shall be made therefrom to the persons entitled thereto in the same manner as from other state funds, except as otherwise provided by this article.

3. Whenever any such gift, grant, devise or bequest shall have been made or any trust shall have been created for the purpose of providing funds for scholarships, the incomes or revenues derived therefrom shall be applied in maintaining scholarships in addition to those to be maintained by appropriations made by the legislature, as provided in this article, and no part of such income or revenue shall be applied for the maintenance of scholarships to be maintained by appropriations made by the legislature, as provided in this article. Such additional scholarships shall be equitably apportioned by the commissioner among the several counties, unless it be provided in the will, deed or other instrument making such gift, grant, devise or bequest, or creating such trust, that the incomes or revenues derived therefrom be applied to the establishment and maintenance of additional scholarships in a specified county.

§ 6. Section six hundred three of such law, as last amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: ^{§ 603, amended.}

§ 603. Regents rules governing [regents college] scholarships and assistance to students under the scholar incentive program. The regents shall make rules governing the classification and award of regents college scholarships and of assistance under the scholar incentive program, the cancellation of assistance under the scholar incentive program, the issuance and cancellation of certificates entitling persons to the benefits thereof, the use of [such] scholarships by the persons entitled thereto, and the rights and duties of the recipients of such scholarships and assistance, and the colleges which they attend[,] in respect to [such] scholarships, the standards of prior academic achievement qualifying a student for assistance under the scholar incentive program, and providing generally for carrying into effect the provisions of this article. Such rules shall be in conformity with this article and shall have the force and effect of a statute. The commissioner shall award such scholarships and provide such assistance within such established rules.

§ 7. Section six hundred six of such law, as last amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: ^{§ 606, amended.}

§ 606. Revocation [or relinquishment] of regents college scholarships and of assistance under the scholar incentive program. (a) If the recipient of a regents college scholarship shall fail to comply with the rules of the regents in respect to the use of such scholarship, or shall fail to observe the rules, regulations or conditions prescribed or imposed by the institution of attendance on students therein, or shall for any reason be expelled or suspended from such institu-

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

tion, or shall absent himself therefrom without leave, the commissioner may, upon evidence of such fact deemed by him sufficient, make an order under the seal of the education department revoking such scholarship and thereupon such scholarship shall become vacant and the person holding such scholarship shall not thereafter be entitled to further payment or benefits under the provisions of this article and the vacancy caused thereby shall be filled as provided in section six hundred four of this chapter. Whenever a regents college scholarship is relinquished by the recipient or revoked by the commissioner after the recipient shall have matriculated, the scholarship shall lapse and shall not be re-awarded.

(b) If an applicant for or the recipient of assistance under the scholar incentive program shall fail to observe the provisions of section six hundred one-a of this article and the rules of the regents or to observe the rules, regulations or conditions prescribed or imposed by the institution of attendance on students therein, or shall for any reason be expelled or suspended from such institution, or shall absent himself therefrom without leave, the commissioner may, upon evidence of such fact deemed by him sufficient, make an order under the seal of the education department denying or revoking such assistance and thereupon the person who was an applicant for or the recipient of assistance under the scholar incentive program shall not thereafter be entitled to further payment under the provisions of section six hundred one-a of this article.

§ 607,
amended.

§ 8. Section six hundred seven of such law, as last amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

§ 607. Courses of study of recipients of regents college scholarships or of assistance under the scholar incentive program. A person entitled to a regents college scholarship or to assistance under the scholar incentive program shall not be restricted as to the choice of the college which he desires to attend or attends, or the course of study which he proposes to pursue or pursues; provided that no such scholarship or assistance shall [include] be provided to a student for professional instruction in theology or for a specific program for religious aspirants or leading to a divinity or religious education degree, or, with respect to regents college scholarships, for [in] any graduate courses following the receiving of a bachelor's degree; and provided further, that the college selected by the person entitled to such scholarship or assistance is situated within the state of New York, and is [incorporated as a college and] authorized under the laws of this state and the rules of the regents to confer degrees. [The term "college" as used in this section includes universities, professional and technical schools and other institutions for higher education authorized to confer degrees, requiring four years of undergraduate study to obtain a degree and approved by the regents; also "junior college" provided the person entitled to such a scholarship pursues a course therein approved by the commissioner for two years of credit toward a degree in a college authorized by the regents to confer degrees.]

§ 9. Subdivision one of section six hundred twelve of such law, as last amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: § 612,
subd. 1,
amended.

1. Five hundred regents scholarships are hereby established, effective April first, nineteen hundred sixty-one, to be awarded [annually] for attendance by legal residents of this state at approved colleges within this state for training in engineering and such other scientific courses of study as may be approved by the regents, two hundred fifty of which shall be awarded to persons residing in the city of New York and two hundred fifty of which shall be awarded to persons residing elsewhere within the state. Each such scholarship shall entitle the recipient thereof to the sum or sums hereinafter provided for each year of attendance at such a college until the completion of his course of study leading to the first degree in engineering or other scientific study, but in no event shall any such scholarship be awarded for more than five years of study.

§ 10. Subdivision one of section six hundred twelve-a of such law, as added by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-eight, is hereby amended to read as follows: § 612-a,
subd. 1,
amended.

1. In addition to the regents scholarships for education in engineering and science established by section six hundred twelve of this chapter, there are hereby established [twenty-five hundred] two thousand additional such scholarships, five hundred of which shall be awarded each year during the [five year] period from nineteen hundred fifty-eight through nineteen hundred [sixty-two] sixty-one, inclusive, for college years commencing in each such year. Such scholarships shall be awarded annually for attendance by legal residents of this state at approved colleges within this state for training in engineering and such other scientific courses of study as may be approved by the regents. One-half of the total number of such scholarships established for each such year shall be awarded to persons residing in the city of New York and one-half shall be awarded to persons residing elsewhere within the state. Each such scholarship shall entitle the recipient thereof to the sum or sums hereinafter provided for each year of attendance at such a college until the completion of his course of study leading to the first degree in engineering or other scientific study, but in no event shall any such scholarship be awarded for more than five years of study.

§ 11. Subdivision eight of section six hundred twelve-a of such law, as added by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-eight, is hereby repealed.* § 612-a,
subd. 8,
repealed.

* NOTE.—Subdivision 8 of §612-a of the education law repealed by this act requires an evaluation by the Regents of the scholarship program in engineering and science. It is replaced in section 13 of this act by a requirement of an evaluation by the Regents of the entire scholarship and scholar incentive programs.

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§ 614,
amended.

§ 12. Section six hundred fourteen of such law, as last amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-eight, is hereby amended to read as follows:

§ 614. Scholarship and scholar incentive appeals board. The regents shall, pursuant to rules adopted by it, appoint a scholarship and scholar incentive appeals board, which board shall, pursuant to rules adopted by the regents, review appeals of applicants for and recipients of scholarships and assistance under the scholar incentive program provided for by sections six hundred one, six hundred one-a, six hundred ten, six hundred eleven, six hundred twelve and six hundred twelve-a of this chapter with respect only to the amount or amounts of such scholarships or assistance applied for or awarded.

New
§ 617,
added.

§ 13. Such law is hereby amended by adding thereto a new section, to be section six hundred seventeen, to read as follows:

§ 617. Evaluation of scholarship and scholar incentive programs by the regents. On or before January first, nineteen hundred sixty-three, and at least every three years thereafter, the regents shall make a report to the governor and the legislature evaluating all scholarship programs and the scholar incentive program established by this article, which report shall contain such recommendations with respect to such programs as the regents may deem appropriate.

§ 655,
subd. 2,
¶ 1,
amended.

§ 14. Paragraph i of subdivision two of section three hundred fifty-five of such law, as amended by chapter five hundred twenty-five of the laws of nineteen hundred fifty-three, is hereby amended to read as follows:

i. To regulate the admission of students, prescribe the qualifications for their continued attendance, regulate tuition charges where no provision is otherwise made therefor by law, and regulate other fees and charges, curricula and all other matters pertaining to the operation and administration of each state-operated institution in the state university. Where an undergraduate state-operated institution of the state university is located adjacent to another institution of higher education and students of such undergraduate state-operated institution are, under arrangements made by the state university, taking a substantial portion of their courses at such other institution, the state university trustees may permit the students of such undergraduate state-operated institution, subject to such conditions or limitations as they deem advisable, to participate in the extra-curricular activities and utilize services of such other institution if those privileges are extended by such other institution. [No tuition shall be charged for the instruction of students who are bona-fide residents of the state of New York, in any of the state-operated institutions of the state university wherein, by law, tuition was free to residents prior to the acquisition of such institutions by the state university.]

§ 611,
subd. 5,
amended.

§ 15. Subdivision five of section fifty-seven hundred eleven of such law, as amended by chapter six hundred thirty-four of the

laws of nineteen hundred fifty, is hereby amended to read as follows:

5. [No tuition fee shall be required of a student pursuing the regular veterinary course, who for a year or more immediately preceding his admission to said veterinary college shall have been a resident of this state.] The tuition fees charged to [other] students *shall be regulated by Cornell university after consultation with the state university trustees* and all other fees and charges in said veterinary college shall be fixed by Cornell university, and the moneys so received shall be expended for the current expenses of the said veterinary college.

§ 16. Subdivision five of section fifty-seven hundred twelve of such law, as amended by chapter six hundred thirty-four of the laws of nineteen hundred fifty, is hereby amended to read as follows: § 5712,
subd. 5,
amended.

5. [Fees] *The tuition fees charged to students shall be regulated by Cornell university after prior consultation with the state university trustees and all other fees* and charges in said college of agriculture shall be fixed by Cornell university, and the moneys received from these sources and from the sales of products shall be credited to a separate fund and shall be used for the current expenses of the said college of agriculture.

§ 17. Subdivision six of section fifty-seven hundred fourteen of such law, as amended by chapter six hundred thirty-four of the laws of nineteen hundred fifty, is hereby amended to read as follows: § 5714,
subd. 6,
amended.

6. [Fees] *The tuition fees charged to students shall be regulated by Cornell university after prior consultation with the state university trustees and all other fees* and charges in said college of home economics shall be fixed by Cornell university, and the moneys received from these sources and from the sales of products shall be credited to a separate fund and shall be used for the expenses of said college of home economics in such ways as the trustees of said university may determine.

§ 18. Paragraph b of subdivision six of section fifty-seven hundred fifteen of such law, as amended by chapter six hundred thirty-four of the laws of nineteen hundred fifty, is hereby amended to read as follows: § 5715,
subd. 6,
¶ b,
amended.

b. [No tuition fee shall be required of any student of the New York state school of industrial and labor relations who for a year or more immediately preceding his admission to such school shall have been a bona-fide resident of this state.] The tuition fees charged to [other] students *shall be regulated by Cornell university after prior consultation with the state university trustees* and all other fees and charges in such school shall be fixed by Cornell university.

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§ 6007,
amended.

§ 19. Section six thousand seven of such law is hereby amended to read as follows:

§ 6007. [Admission] *Tuition*; disposition of fees and income. [Students who are bona-fide residents of the state of New York for one year preceding the date of admission shall be entitled to free tuition in such college. Students who are not residents of the state shall pay such sum for their tuition as shall be determined by the board of trustees, who shall also fix the] *The state university trustees shall regulate tuition fees and other fees and charges to be paid by students after prior consultation with the board of trustees of the college. All moneys received for tuition from [nonresident] students, those derived from the sale of the products of property belonging to the state administered by the college, and from fees and charges or any other sources in the course of the administration of the college, notwithstanding the provisions of section one hundred twenty-one of the state finance law, shall be credited to a separate fund and shall be expended [for the current expenses of such college and for its benefit in such ways as the board of trustees may determine. The amounts so received and expended shall be reported annually to the state comptroller.] as provided by subdivision four of section three hundred fifty-five of this chapter.*

§ 6102,
amended.

§ 20. Section sixty-one hundred two of such law, as last amended by chapter six hundred thirty-four of the laws of nineteen hundred fifty, is hereby amended to read as follows:

§ 6102. Administration. Such college shall continue to be administered, as to the establishment of courses of study, the creation of departments and positions, the determination of the number and salaries of members of the faculty and other employees, the apportionment and employment thereof, the maintenance of discipline and as to all matters pertaining to its educational policies, activities and operations, including research work, by Alfred university, as the representative of the state university trustees. All property and equipment acquired for the use of such college shall be the property of the state. [There shall be no tuition charged to students residents of the state for instruction in such college. Students who are not residents of this state shall pay such sum for their tuition as shall be determined by such university, as the representative of the state university trustees.] *Alfred university shall regulate tuition fees at such college after prior consultation with the state university trustees. As [such] the representative[,] of the state university trustees, Alfred university shall also fix the other fees and [other] charges to be paid by the students of the college.*

All moneys received for tuition from [nonresident] students, those derived from the sale of products of property belonging to the state administered by the college, and from fees and charges, or any other sources in the course of the administration of the college, notwithstanding the provisions of section one hundred twenty-one of the state finance law, shall be credited to a separate fund and shall be expended for the current expenses of such college and for its benefits in such way as Alfred university, as

the representative of the state university trustees, may determine. The amounts so received and expended shall be reported annually to the state comptroller.

§ 21. Section sixty-two hundred two of such law, as last amended by chapter three hundred seventy-eight of the laws of nineteen hundred fifty-two, the final paragraph thereof having been separately amended by chapter seven hundred ninety-two of the laws of nineteen hundred fifty-two, is hereby amended to read as follows: ^{§ 6202. amended.}

§ 6202. Powers and duties. Such board of higher education shall be a separate and distinct body corporate, shall have the duties and powers of trustees of colleges as set forth in this chapter, unless otherwise specifically provided in this article, and the institutions and educational units which such board shall conduct shall be part of the common school system and shall have the powers and privileges of colleges and shall be subject to the visitation of the regents of the university. The control of the educational work of such institutions shall rest solely in the board of higher education which shall administer all educational units controlled by it, as and under the general name and title of the college of the city of New York; but each unit of such college shall be given an appropriate and distinctive designation, and any existing unit, constituting a college for women, shall retain its present, distinctive name. The board of higher education shall select and acquire all new sites hereafter to be designated for public higher education in such city, and in relation to public higher education therein, shall procure and pass upon all plans for buildings on newly acquired sites, shall supervise their erection, shall organize their faculties, shall approve and administer their courses leading to academic, professional and technical certificates, diplomas and degrees, shall appoint their officers of administration and instruction, shall prepare all their budgets and shall generally control and administer all public education in such city beyond the high school level, except the teacher training courses which are now conducted by the board of education of such city. In the establishment of future centers of instruction, the board may, in its discretion, set them up as administrative divisions of one or more of the existing institutions of higher learning or it may establish them as distinctive educational units. All laws in force on May eleventh, nineteen hundred thirty-five, relative to any existing public college of such city, not inconsistent with the provisions of this section, are hereby declared to be applicable to the educational system established under the board of higher education.

The board shall control and keep up the buildings and grounds purchased by the city and occupied and used by institutions and units controlled by it; allow and regulate the use, gratuitously or otherwise, of such property for other than college purposes and prescribe the fees, if any, that persons, associations or corporations allowed to use it may charge; purchase materials, services, equipment and supplies. But the board shall not sell, transfer or otherwise dispose of land and buildings purchased by city funds. It

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

may, however, accept and administer for college purposes, gifts of land, bequests, trusts, money and buildings from private sources and erect buildings on college land out of money not furnished by the city; and gifts of money, endowments, fees, interest and other income not derived from public taxation or the public credit shall be administered by it for collegiate purposes in connection with the units under its control. The board shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of teachers and other employees therein; establish and conduct courses and curricula [and]; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges and other fees and charges at the institutions and educational units which the board shall conduct. [The board shall furnish the benefits of collegiate education gratuitously to citizens who are actual residents of the city, except as otherwise provided in this section and in sections sixty-two hundred three and sixty-two hundred four of this chapter, and who are qualified for admission to any regular undergraduate course of study leading to a baccalaureate degree and to any course of study in any preparatory, training or model school connected with any institution under its control; and it may furnish gratuitously or otherwise for male and female students, actual residents (except as otherwise provided in section sixty-two hundred four) or employees of said city and non-matriculated students, additional technical, professional and special courses of study and other educational advantages.] The board may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker and breakage fees and meet the cost of books and consumable supplies. The board shall, on the recommendation of its faculty or faculties, grant the certificates, diplomas and degrees which were announced in the bulletins of the existing public institutions of higher learning published for the term beginning immediately prior to April sixteenth, nineteen hundred twenty-six, and also such other degrees and honors as the regents may hereafter specifically authorize it to grant. The board shall submit to the board of estimate, or like financial body of the city, annually on or before the first day of February, an estimate of the total sum of money which will be required for the ensuing fiscal year for the support, maintenance and operation of each of its schools, colleges, divisions, and sessions which have been in operation for a year, which estimate shall consist of two parts, (a) the sum of money that will be needed to pay the compensation and salaries of all officers of administration and instruction and other employees of each such center fixed pursuant to the provisions of law and (b) the sum of money that will be needed for all other purposes connected with their mainte-

nance and operation, including the purchase of supplies, materials, equipment, repairs and services. The total sum, including both items, shall not exceed the amount appropriated for these purposes by the city for the then current year, increased or decreased by a per centum thereof equal to the per centum increase or decrease of students registered in the day session of such center on the first day of the preceding November as compared with the students so registered a year earlier (or, if the center was not open for students a year earlier, the initial enrollment shall be used); and the board of estimate and the council, or like authorities of the city discharging such functions, are authorized and directed to raise and appropriate in the annual budget of the city, to the board, each total sum so estimated, and in addition to appropriate to such board such further sums, then or at other times, as may be required by law; and the board of estimate, or like financial body, may at any time make appropriations to the board, on its own motion, or on recommendation of such board, for the alteration and construction of buildings, and to meet any emergency or any situation that was not foreseen at the time the annual estimate was prepared. When a center is first opened, the board shall submit an initial estimate of the sum needed for its support, maintenance and operation, based on an estimated original enrollment of students, for the fiscal year or portion thereof immediately following. Such estimate shall be acted upon as hereinbefore prescribed for current annual budgets; and in the event that an initial appropriation be for a part of the fiscal year only, then in making calculation for the succeeding annual appropriation, the initial appropriation shall be taken as the appropriate fractional base. Money appropriated by the city to the board for college purposes, shall be placed in the custody of the comptroller of the city to the credit of such board and all disbursements from such funds shall be made by the comptroller acting for and in behalf of such board upon requisitions duly audited and signed by the board or by a person or persons appointed by such board, by resolution filed with the comptroller, to act for it. The comptroller shall audit such account of the board in the same manner as he audits the account of the board of education of the city. Any balance of any annual appropriation made by the city to the board, which may be unappropriated for college purposes by the board ninety days after the expiration of the calendar year for which the appropriation was made, shall revert to the city treasury and be credited to such uses as the board of estimate or like financial body of the city may direct.

The salaries and salary schedules of all members of the instructional staffs as defined in section sixty-two hundred six of the education law, shall continue to be no lower than those established by the board of higher education and approved by the board of estimate on or before the thirty-first day of December, nineteen hundred fifty-one.

§ 22. All existing tuition charges and other provisions relating to the matter of tuition in institutions of the state university and of the board of higher education in the city of New York shall

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

continue in effect until such time as different provisions may be made by the governing bodies thereof pursuant to the provisions of the education law as amended by this act.

Appropriates
\$6,600,000.

§ 23. The sum of six million six hundred thousand dollars (\$6,600,000), or so much thereof as may be necessary, is hereby appropriated to the scholarship and scholar incentive fund of the university of the state of New York out of any moneys in the state treasury in the general fund to the credit of the state purposes fund not otherwise appropriated.

§ 24. This act shall take effect immediately, but the assistance provided under the New York state scholar incentive program established by this act shall first be payable to qualifying students for semesters commencing on or after January first, nineteen hundred sixty-two.

CHAPTER 390

AN ACT to amend the education law, in relation to increasing the number of regents scholarships for basic professional education in nursing awarded on the basis of merit and financial need, and repealing existing subdivision three of section six hundred eleven

Became a law April 11, 1961, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Education
Law,
§ 611,
subd. 1,
amended.

Section 1. Subdivision one of section six hundred eleven of the education law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

1. Three hundred regents scholarships are hereby established to be awarded annually to persons who at the date of such award are, and for one year next prior to such date have been, legal residents of this state for attendance at schools of nursing in this state approved by the regents for the training of registered professional nurses. Two such scholarships shall be awarded each county annually for each assembly district therein and shall be awarded to the county at large without regard to assembly district boundaries. Each assembly district which contains more than one county shall be awarded two scholarships of which not more than one shall be awarded to any one county. If for any reason no qualified applicant for a scholarship awarded under this section is available the commissioner may award such scholarship to the best qualified applicant in any other county. *Each such scholarship shall entitle the recipient thereof to the sum or sums hereinafter provided for each year of attendance, not exceeding four years, at such a school of nursing, until completion of the registered professional nursing course of study therein.*

§ 611,
subd. 3,
repealed.

§ 2. Subdivision three of section six hundred eleven of such law, as last amended by chapter five hundred forty-seven of the laws of nineteen hundred fifty-eight, is hereby repealed.*

* NOTE.—The substance of subdivision 3 of §611, repealed hereby, is now incorporated in subdivisions 1 and 2 of §611, as amended by this act.

§ 3. Section six hundred eleven of such law is hereby amended by renumbering existing subdivision two thereof, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, to be subdivision three, and inserting a new subdivision two, to read as follows:

§ 611,
new
subd. 2,
added.

2. Three hundred additional regents scholarships are hereby established to be awarded annually to persons who at the date of such award are, and for one year next prior to such date have been, legal residents of this state for attendance at schools of nursing in this state approved by the regents for the training of registered professional nurses and which do not grant a degree in course. Each such scholarship shall entitle the recipient thereof to the sum or sums hereinafter provided for each year of attendance, not exceeding three years, at such a school of nursing, until completion of the registered professional nursing course of study therein. Two such scholarships shall be awarded each county annually for each assembly district therein and shall be awarded to the county at large without regard to assembly district boundaries. Each assembly district which contains more than one county shall be awarded two scholarships of which not more than one shall be awarded to any one county. If for any reason no qualified applicant for a scholarship awarded under this section is available the commissioner may award such scholarship to the best qualified applicant in any other county.

§ 4. This act shall take effect April first, nineteen hundred sixty-one.

Effective
April 1,
1961.

CHAPTER 391

AN ACT to amend the education law, in relation to regents college scholarships, state war service scholarships for veterans, state scholarships for the children of members of the armed forces of the United States who died while serving in such armed forces of the United States or as a result thereof, regents scholarships for professional education in medicine and dentistry, regents scholarships for basic professional education in nursing, regents scholarships for education in engineering and science, additional regents scholarships for education in engineering and science, state scholarships for advanced professional education in nursing and regents scholarships in Cornell university, and to repeal section six hundred fourteen thereof in relation to the scholarship appeals board

Became a law April 11, 1961, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. Subdivision four of section six hundred one of the education law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

Education
Law,
§ 601,
subd. 4,
amended.

4. Each such regents college scholarship shall entitle the recipient thereof to the sum or sums hereinafter provided while in attendance

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

upon an approved college in this state during a period of not to exceed four years of undergraduate study, to be paid upon the warrant of the comptroller issued with the approval of the commissioner to or for the benefit of such recipient under regulations prescribed by the commissioner out of the fund referred to in section six hundred two of this chapter. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his or her benefit. Payments may be made directly to the college attended by the person named in such certificate, in behalf of and for the benefit of such person under regulations prescribed by the commissioner. But a person who [completed the requirements for a regents college scholarship in the month of January immediately prior to the actual award of the scholarship and who in the interim] entered upon a course of study in a college *within thirteen months of the effective date of the scholarship award* may on application have such certificate become effective at the time when he began his regular college course. *If a scholarship recipient attends an institution under an accelerated program, payments may be made upon an accelerated basis.*

§ 604,
subd. 1,
amended.

§ 2. Subdivision one of section six hundred four of such law, as amended by chapter four hundred seventy-nine of the laws of nineteen hundred fifty-nine, is hereby amended to read as follows:

1. The commissioner shall cause to be prepared for each county of the state annually, not later than the [months] *month* of August, from the records of the education department, a list of the names of all pupils residing therein who [are citizens, or are minors and natural children of parents, at least one of whom is a citizen or has duly declared intention of becoming such citizen in accordance with law] *meet the citizenship requirements prescribed by regents' rule*, and are entitled to regents college scholarships pursuant to law and regents' rules. Such list shall also show the standing of the pupils in the examination on which each of such scholarships was issued.

§ 604,
subd. 3,
amended.

§ 3. Subdivision three of section six hundred four of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

3. The regents college scholarships to which each county is entitled shall be awarded by the commissioner annually not later than the month of August to those pupils residing therein who [are citizens, or are minors and natural children of parents, at least one of whom is a citizen, and] are entitled to such scholarships, pursuant to law and regents' rules, in the order of their merit as shown by the list prepared as provided in subdivision one of this section.

§ 604
Subd. 7,
amended.

§ 4. Subdivision seven of section six hundred four of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

7. The commissioner may grant a leave of absence for a period of not to exceed [twelve] *twenty-four* months to any holder of such a regents college scholarship who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other cause satisfactory to the commissioner. Notwithstanding the time limitation contained in section six hundred one of this article, the granting of such leave shall operate to extend the period of time during which the holder of such scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amount of such benefits.

§ 5. Subdivision four of section six hundred eight of such law, § 608, as added by chapter four hundred forty-eight of the laws of nineteen hundred fifty-three, is hereby amended to read as follows: subd. 4, amended.

4. The commissioner of education may grant a leave of absence for a period of not to exceed [twelve] *twenty-four* months to any holder of such a scholarship who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other cause satisfactory to the commissioner. Notwithstanding the time limitation contained in this section, the granting of such leave shall operate to extend the period of time during which the holder of such scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amount of such benefits.

§ 6. Section six hundred nine of such law, as amended by chapter three hundred seventy-two of the laws of nineteen hundred fifty-five, is hereby amended to read as follows: § 609, amended.

§ 609. State scholarships for the children of members of the armed forces of the United States, who died while serving in such armed forces of the United States or as a result thereof. One hundred state scholarships annually are hereby established for the benefit of resident children of veterans of the armed forces of the United States who served on active duty in world war I or world war II or between June twenty-fifth, nineteen hundred fifty, and July twenty-seventh, nineteen hundred fifty-three, and who were legal residents of New York State at the time of entry into such service and who died while so serving or as a result of service-connected injury or illness suffered or incurred while so serving during one of the periods set forth above, as determined by the United States Administrator of Veterans Affairs, and who shall have or acquire the necessary qualifications as to secondary or other preparatory education to be required by the commissioner of education under rules and regulations to be established by him as hereinafter provided. Any [scholarship] *scholarships* herein provided for which are not awarded in any year because of lack of eligible applicants, may be awarded by the commissioner to eligible children of other honorably discharged veterans of the United States who were citizens and residents of this state at the time of their demise. If any person entitled to a scholarship or

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

a holder of the same shall since July first, nineteen hundred forty, have become or shall hereafter become a member of the armed forces of the United States, his scholarship shall not be deemed vacant and he shall be entitled to reinstatement and to the unused benefits of his scholarship, if he resumes his college education within eighteen months after honorable discharge. In the event that all of such scholarships are not awarded as hereinbefore provided, those remaining may be awarded by the commissioner to the eligible children of other honorably discharged disabled veterans of the United States. At no time shall there be more than four hundred scholarships established and maintained for the entire state. Each of such scholarships shall entitle the holder thereof to a sum not exceeding four hundred fifty dollars per year, while in attendance upon any approved college or university of his selection, located within the state, such sum to be paid by the state to the authorities of the institution at which such scholarship holder shall be in attendance, in trust, to be used for the payment of the expenses of such scholarship holder while in attendance upon instruction under such scholarship, whether for tuition or maintenance, provided however that no such annual payment shall be made to the same individual for a period longer than four years. *If a scholarship holder attends an institution under an accelerated program, payments may be made upon an accelerated basis.* The commissioner of education shall award such scholarships and for that purpose shall establish rules and regulations for ascertaining the educational qualifications of persons who may be entitled to the benefits of this section. The commissioner shall hold competitive examinations at least once a year and shall select the students to be certified for such scholarships. Any such scholarship may be revoked by the commissioner of education for cause. The authorities in control of an institution to which a person is admitted for instruction under this section shall cause the certificate of appointment of such person as a holder of such scholarship to be filed with the comptroller, and moneys appropriated for carrying out the provisions of this section shall be paid by the state comptroller upon the certificate of the commissioner of education accompanied by vouchers signed by the authorities in control of the institution to which the money is to be paid, *provided, however, a person who enters upon a regular course of study in a college within thirteen months of the effective date of the scholarship award may on application have such certificate become effective at the time when he began such regular college course.* The commissioner of education may grant a leave of absence for a period of not to exceed [twelve] *twenty-four* months to any holder of such a scholarship who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other cause satisfactory to the commissioner. Notwithstanding the time limitation contained in this section, the granting of such leave shall operate to extend the period of time during which the holder of such scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amount of such benefits.

§ 7. Subdivision one of section six hundred ten of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: § 610,
subd. 1,
amended.

1. Regents scholarships are hereby established to be awarded annually in such number, as may be fixed and determined by the regents, with the approval of the director of the budget, for attendance by legal residents of this state *who meet the citizenship requirements prescribed by regents' rule* at approved medical or dental schools within this state.

§ 8. Subdivision seven of section six hundred ten of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: § 610,
subd. 7,
amended.

7. The commissioner may grant a leave of absence for a period of not to exceed [twelve] *twenty-four* months to any recipient of such a scholarship who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other cause satisfactory to the commissioner. Notwithstanding the time limitation contained in this section, the granting of such leave shall operate to extend the period of time during which the recipient of such scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amount of such benefits.

§ 9. Subdivision six of section six hundred eleven of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: § 611,
subd. 6,
amended.

6. Payments under this section shall be made by the comptroller on the certificate of the commissioner to or for the benefit of the recipient of such scholarship. Such approval shall be given on voucher or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his benefit. Payments may be made directly to the school attended by the person named in such certificate, in behalf of and for the benefit of such person, *provided, however, a person who enters upon a regular course of study at a school of nursing within thirteen months of the effective date of the scholarship award may on application have such certificate become effective at the time when he began such regular nursing course. If a scholarship holder attends an institution under an accelerated program, payments may be made upon an accelerated basis.*

§ 10. Subdivision six of section six hundred twelve of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: § 612,
subd. 6,
amended.

6. Payments under this section shall be made by the comptroller upon the certificate of the commissioner to or for the benefit of the recipient of the scholarship. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his benefit. Payments may be made directly to the college

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

attended by the person named in such certificate, on behalf of and for the benefit of such person. *A person who enters upon a regular course of study in engineering or science in a college within thirteen months of the effective date of the scholarship award may on application have such certificate become effective at the time when he began such regular course. If a scholarship holder attends an institution under an accelerated program, payments may be made upon an accelerated basis.*

§ 612,
subd. 7,
amended.

§ 11. Subdivision seven of section six hundred twelve of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

7. The commissioner may grant a leave of absence for a period of not to exceed [twelve] *twenty-four* months to any recipient of a scholarship under this section who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other cause satisfactory to the commissioner. Any recipient of a scholarship under this section who hereafter becomes a member of the armed forces of the United States shall be entitled to reinstatement and to the unused benefits of his scholarship if he commences or resumes his college education within eighteen months after honorable discharge. The granting of a leave of absence by the commissioner hereunder or the delay or interruption of study by virtue of military service as herein provided shall operate to extend the period of time during which the recipient of such a scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amount of such benefits.

§ 612-a,
subd. 8,
amended.

§ 12. Subdivision six of section six hundred twelve-a of such law, as added by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-eight, is hereby amended to read as follows:

6. Payments under this section shall be made by the comptroller upon the certificate of the commissioner to or for the benefit of the recipient of the scholarship. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his benefit. Payments may be made directly to the college attended by the person named in such certificate, on behalf of and for the benefit of such person. *A person who enters upon a regular course of study in engineering or science in a college within thirteen months of the effective date of the scholarship award may on application have such certificate become effective at the time when he began such regular course. If a scholarship recipient attends an institution under an accelerated program, payments may be made upon an accelerated basis.*

§ 612-a,
subd. 7,
amended.

§ 13. Subdivision seven of section six hundred twelve-a of such law, as added by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-eight, is hereby amended to read as follows:

7. The commissioner may grant a leave of absence for a period of not to exceed [twelve] *twenty-four* months to any recipient

of a scholarship under this section who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other cause satisfactory to the commissioner. Any recipient of a scholarship under this section who hereafter becomes a member of the armed forces of the United States shall be entitled to reinstatement and to the unused benefits of his scholarship if he commences or resumes his college education within eighteen months after honorable discharge. The granting of a leave of absence by the commissioner hereunder or the delay or interruption of study by virtue of military service as herein provided shall operate to extend the period of time during which the recipient of such a scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amount of such benefits.

§ 14. Subdivision one of section six hundred thirteen of such law, as added by chapter eight hundred ninety of the laws of nineteen hundred fifty-six and renumbered by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: § 673,
subd. 1,
amended.

1. Thirty state scholarships are hereby established to be awarded annually to persons who [at the date of such award] meet the citizenship requirements prescribed by regents' rule, are, and for one year next prior to such date have been, legal residents of this state, and who are registered professional nurses duly licensed in this state, for attendance at any college, university or professional school in this state approved by the regents for the purpose of advanced education in teaching or administration of nursing.

§ 15. Section six hundred fourteen of such law, as amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-eight, is hereby repealed. § 614,
repealed.

§ 16. Subdivision two of section fifty-seven hundred ten of such law, as added by chapter nine hundred twenty-two of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows: § 570,
subd. 2,
amended.

2. Beginning with the nineteen hundred fifty-eight series, such scholarships shall be known as regents scholarships in Cornell university. Cornell university shall grant tuition-reducing regents scholarships in Cornell university in the total amount of thirty thousand dollars each year for new freshman awards. At least one such scholarship shall be awarded annually for each senatorial district of the state. The amount of such scholarships shall be determined by the financial need of the scholarship [holders] recipients as provided in subdivision seven. Each such scholarship shall entitle the [holder] recipient thereof to a credit against tuition in any one of the tuition-paying divisions of Cornell university for four or five years, respectively, depending on the number of years required for the baccalaureate degree. *If a*

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

scholarship recipient attends Cornell university under an accelerated program, payments may be made upon an accelerated basis. No such scholarship shall reduce the tuition by less than one hundred nor by more than one thousand dollars.

§ 5710,
subd. 8,
amended.

§ 17. Subdivision three of section fifty-seven hundred ten of such law, as added by chapter nine hundred twenty-two of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

3. Such scholarships shall be awarded annually by Cornell university in the order of merit to candidates who have established eligibility pursuant to subdivision four of this section and whose names appear on lists established as the result of competitive examinations on subjects designated by, and prepared under the direction of, the commissioner of education [and held between January first and July first of each year]. The commissioner of education shall certify such lists, consisting of the names of candidates residing in each senatorial district, respectively, together with a statewide list consisting of the names of all candidates, to the president of Cornell university.

§ 5710,
subd. 4,
amended.

§ 18. Subdivision four of section fifty-seven hundred ten of such law, as added by chapter nine hundred twenty-two of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

4. In order to be eligible for such a scholarship a student [must have been in attendance at a registered secondary school for at least one semester of the school year immediately preceding the award of the scholarship,] must [be a citizen of the United States] *meet the attendance and citizenship requirements prescribed by regents' rule, must be a resident of the state of New York, and a resident of the area from which he competes, must make formal application for the scholarship [to Cornell university] and must meet the requirements for admission to Cornell university, including the filing of a formal application for admission before the deadline date established by Cornell university.*

§ 611,
subd. 1,
renumbered

§ 19. Subdivision one of section six hundred eleven of such law, such section having been renumbered and such subdivision having been amended by chapter seven hundred fifty-six of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

1. Three hundred regents scholarships are hereby established to be awarded annually to persons who [at the date of such award] are[, and for one year next prior to such date have been,] legal residents of this state *and who meet the citizenship requirements prescribed by regents' rule, for attendance at schools of nursing in this state approved by the regents for the training of registered professional nurses. Two such scholarships shall be awarded each county annually for each assembly district therein and shall be awarded to the county at large without regard to assembly district boundaries. Each assembly district which contains more*

than one county shall be awarded two scholarships of which not more than one shall be awarded to any one county. If for any reason no qualified applicant for a scholarship awarded under this section is available the commissioner may award such scholarship to the best qualified applicant in any other county.

§ 20. This act shall take effect April first, nineteen hundred ^{Effective} ~~sixty-one.~~ _{April 1, 1961.}

CHAPTER 392

AN ACT to amend the education law, the banking law and the insurance law, in relation to the operations of the New York higher education assistance corporation and empowering certain financial, insurance and other institutions to participate in the program of such corporation

Became a law April 11, 1961, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. The education law is hereby amended by adding thereto a new section, to be section six hundred fifty-one-a, to read as follows: Education Law, new § 651-a, added.

§ 651-a. *Definitions.* As used in this article, the following terms shall have the following meanings:

1. "Corporation" shall mean the New York higher education assistance corporation;

2. "Board" shall mean the board of directors of the New York higher education assistance corporation;

3. "College" shall mean any institution of higher education, recognized and approved as such by the regents of the university of the state of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma.

§ 2. Subdivision one of section six hundred fifty-three of such law, as amended by chapter one hundred fifty-four of the laws of nineteen hundred fifty-eight, is hereby amended to read as follows: § 653, subd. 1, amended.

1. To lend money, upon such terms and conditions as the board may prescribe, within the limitations contained [herein] in this article, to persons who are residents of this state and who are attending or plan to attend colleges in this state or elsewhere, to assist them in meeting their expenses of higher education; provided, however, that no such person shall receive any loan or loans in excess of [one thousand] fifteen hundred dollars for any school year and that no such person shall receive a total of more than [five thousand] seventy-five hundred dollars, and to guarantee the loan of money, upon such terms and conditions as the board may prescribe, within the limitations contained in this article, to persons who are residents of the state and who are attending or

EXPLANATION — Matter in *Italics* is new; matter in brackets [] is old law to be omitted.

plan to attend colleges in this state or elsewhere, to assist them in meeting their expenses of higher education; provided, however, that no loan to such a person shall be guaranteed to an amount in excess of [one thousand] *fifteen hundred* dollars for any school year and that the total loan to such a person shall not be guaranteed in an amount of more than [five thousand] *seventy-five hundred* dollars. *Students who are attending or plan to attend colleges on a part-time basis shall be eligible for loans hereunder. The board shall, by rule, establish minimum qualifications for a person to be deemed a part-time student for the purposes hereof. The board shall have the power to procure a policy or policies of group life insurance to insure the repayment of loans made or guaranteed by the corporation in the event of the death of an individual to whom a loan is made or guaranteed hereunder.*

New
§§ 653-a,
653-b,
added.

§ 3. Such law is hereby amended by adding thereto two new sections, to be sections six hundred fifty-three-a and six hundred fifty-three-b, to read as follows:

§ 653-a. *Interest on loans. 1. No loan made or guaranteed by the corporation shall bear interest at a rate in excess of six per cent per annum; nor shall the corporation guarantee any loan which bears interest at a rate higher than the then prevailing rate of interest up to a maximum of six per cent per annum which the lender charges to other persons for similar type loans which are not guaranteed by the corporation, unless the board determines that such a higher rate of interest is justified by special circumstances and would be consistent with the general objectives of the corporation.*

2. In the case of loans made by the corporation, there shall be paid to the corporation from the state treasury annually a sum sufficient to pay the amount of all of the interest payable pursuant to subdivision one of this section, on behalf and for the account of the borrower, during the period during which the borrower is regularly pursuing the college program for which such loan was made, but not to exceed five years from the granting of the loan. Upon the borrower's completion of such college program, or upon the earlier termination thereof prior to completion, or upon the expiration of five years from the granting of the loan, whichever occurs first, such interest thereafter accruing on such loan, up to a maximum of three per centum per annum thereof shall be paid by the borrower directly, and there shall be paid to the corporation from the state treasury annually a sum sufficient to pay the amount of any such interest in excess of said three per centum per annum thereof, on behalf and for the account of the borrower.

3. In the case of loans guaranteed by the corporation, all of the interest payable pursuant to subdivision one of this section shall be paid, on behalf and for the account of the borrower, by the corporation during the period during which the borrower is regularly pursuing the college program for which such loan was made,

but not to exceed five years from the granting of the loan. Upon the borrower's completion of such college program or upon the earlier termination thereof prior to completion or upon the expiration of five years from the granting of the loan, whichever occurs first, such interest thereafter accruing on such loan, up to a maximum of three per centum per annum thereof shall be paid by the borrower directly, and any such interest in excess of said three per centum per annum thereof shall be paid by the corporation, on behalf and for the account of the borrower. There shall be paid to the corporation from the state treasury annually a sum sufficient to pay the amount of any such interest in excess of said three per centum per annum thereof.

§ 653-b. Repayment of loans. 1. The terms and conditions of any loan made or guaranteed by the corporation shall not require the borrower thereof to commence the repayment of his loan and any interest which he may be obliged to pay thereon, earlier than one year following his completion or other termination of the college program for which such loan was made or three months after he becomes regularly employed or self-employed following such completion or other termination of his college program or upon the expiration of six years from the granting of the loan, whichever occurs first. Such a borrower shall not be required to repay in full any such loan or any interest thereon earlier than within four years following his completion or other termination of his college program where the principal amount of the loan does not exceed the sum of fifteen hundred dollars, or six years where such principal amount is fifteen hundred dollars or more but less than three thousand dollars, or eight years where such principal amount is three thousand dollars or more but less than five thousand dollars, or twelve years where such principal amount is five thousand dollars or more.

2. Notwithstanding anything to the contrary provided in this section, the corporation may make or guarantee a loan under terms and conditions with respect to repayment which are more lenient or more restrictive as to the borrower than provided for by this section if the board determines that such action on its part is justified by special circumstances and would be consistent with the general objectives of the corporation. In the case of medical students consideration shall be given to the period of formal internship, residency training and fellowship, if any, and to financial need in determining the period of repayment. In the case of borrowers on active duty in the armed forces for not more than two years consideration also shall be given to financial need in determining the period of repayment.

§ 653-c. Application. The provisions of sections six hundred fifty-three-a and six hundred fifty-three-b shall apply, as of July first, nineteen hundred sixty-one, to all loans made or guaranteed by the corporation outstanding on that date and shall also apply to all loans subsequently made or guaranteed by the corporation

New
§ 653-c.
added.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

except that the above provisions shall not apply to any loans in default on the above date.

§ 656,
amended.

§ 4. Section six hundred fifty-six of such law, as added by chapter three hundred sixty-seven of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

§ 656. Tax exemption of corporation. 1. The property, income, obligations and activities of the New York higher education assistance corporation shall be exempt from all taxes and assessments [except that the bonds or other obligations of the corporation, and the income therefrom, shall not be exempt from taxation by virtue of this section].

2. *The state of New York covenants with the holders of the obligations and notes issued by the corporation pursuant to this article, that the corporation shall not be required to pay any taxes or assessments upon any of its property or upon its activities pursuant to the provisions of this article, or upon any moneys, funds, revenues or other income held or received by the corporation, and that the obligations and notes of the corporation and the income therefrom shall at all times be exempt from taxation, except for estate and gift taxes and taxes on transfers.*

§ 658,
amended.

§ 5. Section six hundred fifty-eight of such law, as added by chapter three hundred sixty-seven of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

§ 658. Dissolution. *The corporation and its corporate existence shall continue until terminated by law upon a finding that there no longer exists any need for such a corporation; provided, however, that no such law shall take effect so long as the corporation shall have notes or other obligations outstanding. For the purpose of this section, any appropriation or advance made to the corporation by the state, which has not been repaid, shall not be deemed to be an outstanding obligation of the corporation. Upon the dissolution of the [New York higher education assistance] corporation or the cession of its activities all the property and moneys of such corporation shall be vested in the scholarship fund of the university of the state of New York established by section six hundred two of this chapter, to be used for scholarship purposes in accordance therewith.*

Banking
Law,
§ 390,
new
subd. 3-a,
added.

§ 6. Section three hundred eighty of the banking law is hereby amended by adding thereto a new subdivision, to be subdivision three-a, to read as follows:

3-a. *A savings and loan association may also lend its funds to its members or their children who are attending or planning to attend colleges in this state or elsewhere, to assist them in meeting their expenses of higher education, where such loans are made by the association and guaranteed by the New York higher education assistance corporation in accordance with the provisions of article fourteen of the education law, and in such cases no*

further security for the repayment of such loans shall be required of the borrowers by the association. A savings and loan association may also lend its funds to nonmembers, for the same purposes and upon the same terms and conditions if, at any time, such association has funds in excess of the amount needed for loans to its members.

§ 7. Section four hundred fifty-three of such law is hereby amended by adding thereto a new subdivision, to be subdivision § 453, now subd. 5-a, added.

5-a. To lend money to its members, or their children who are attending or planning to attend colleges in this state or elsewhere, to assist them in meeting their expenses of higher education, where such loans are made by such credit union and guaranteed by the New York higher education assistance corporation in accordance with the provisions of article fourteen of the education law, and in such cases no further security for the repayment of such loans shall be required of the borrowers by the credit union. Where such a loan is made to the child of a member the amount of any such loan shall not exceed the maximum for which the member would have been eligible under this article if he had applied for the loan himself.

§ 8. The last paragraph of subdivision two, subdivision nine and paragraph (a) of subdivision twelve of section four hundred fifty-four of such law, subdivision two having been last amended by chapter one hundred sixty-nine of the laws of nineteen hundred sixty, subdivision nine having been amended by chapter two hundred seventy-nine of the laws of nineteen hundred forty-eight and paragraph (a) of subdivision twelve having been last amended by chapter six hundred ninety-one of the laws of nineteen hundred sixty, are hereby amended to read, respectively, as follows: § 454, subd. 2, last ¶, amended, subd. 9, amended, subd. 12, ¶ (a), amended.

The restrictions of this subdivision shall not apply to any loan or portion thereof for which adequate security, which may be in the form of an endorsed note, is taken or to any loan or portion thereof which is guaranteed by the New York higher education assistance corporation. No loan upon the security of real estate shall be considered as adequately secured unless secured by a first mortgage lien or unless such loan upon the security of real estate shall also be secured by a wage assignment.

9. Make any loan unless the loan is: (a) repayable in uniform monthly, semi-monthly or weekly installments, or (b) fully secured by shares of the credit union equal in value to the amount of such loan, or (c) fully secured by any investments authorized by subdivision fourteen of section four hundred fifty-three of this article, or (d) fully secured by the assignment of a deposit in any savings bank, provided the amount of the loan is not in excess of the amount of such deposit, or (e) fully secured by the assignment of the cash surrender value of a life insurance policy,

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

provided the amount of the loan is not in excess of such cash surrender value, or (f) fully guaranteed by the New York higher education assistance corporation.

(a) Lend to any member an amount in excess of the borrower's own unhypothecated shares and deposits, which, including therein all prior loans to such member, will exceed three thousand five hundred dollars or three per centum of the capital of such credit union, whichever amount is lower, as shown by the report of the supervisory committee for the preceding quarter; provided however, (1) the aggregate amount of such loans to any member may in any case equal seven hundred fifty dollars in excess of the borrower's own unhypothecated shares and deposits; (2) where the share capital of the credit union is in excess of five hundred thousand dollars the aggregate amount of such loans to any member may equal but not exceed five thousand dollars in excess of the borrower's own unhypothecated shares and deposits; [and] (3) where the share capital of the credit union is in excess of five million dollars the aggregate amount of such loans made by such credit union to any member may equal but not exceed ten thousand dollars if each such loan is secured by a first mortgage upon improved and unencumbered real estate located in this state having an appraised value, as found by the credit committee at the time the loan is made, at least fifty per centum greater than the amount of such loan, if uniform monthly, semi-monthly or weekly payments of principal and interest are required upon each such loan in amounts sufficient to pay all interest and effect full repayment of principal within twenty years, and if no such loan bears interest at a rate greater than six per centum per annum, computed on unpaid principal balances; and (4) where the share capital of the credit union is in excess of five million dollars the aggregate amount of such loans made by such credit union to any member or a child of a member may equal but not exceed seven thousand five hundred dollars if such loans are fully guaranteed by the New York higher education assistance corporation.

Insurance
Law,
§ 206,
new
subd. 10,
added.

§ 9. Section two hundred of the insurance law is hereby amended by adding thereto a new subdivision, to be subdivision ten, to read as follows:

10. Any retirement system may lend money to any of its participating employees or their children, who are attending or planning to attend colleges in this state or elsewhere, to assist them in meeting their expenses of higher education, where such loans are made by such retirement system and guaranteed by the New York higher education assistance corporation in accordance with the provisions of article fourteen of the education law, and in such cases no further security for the repayment of such loans shall be required of the borrowers by such retirement system.

§§ 37-o,
37-p,
renumbered
§§ 37-d, g.

§ 10. Sections thirty-seven-o and thirty-seven-p of such law, section thirty-seven-o having been added by chapter seven hundred seventy-four of the laws of nineteen hundred fifty-six and renumbered by chapter eight hundred eight of the laws of nine-

teen hundred fifty-seven and section thirty-seven-p having been added by chapter eight hundred eight of the laws of nineteen hundred fifty-seven, are hereby renumbered to be, respectively, sections thirty-seven-p and thirty-seven-q.

§ 11. Such law is hereby amended by adding thereto a new section, to be section thirty-seven-o, to read as follows:

New
§ 37-o,
added.

§ 37-o. *Loans for educational purposes. Subject to the restrictions contained in this article, any employee welfare fund may lend money to any employees covered by such fund or their children, who are attending or planning to attend colleges in this state or elsewhere, to assist them in meeting their expenses of higher education, where such loans are made by such employee welfare fund and guaranteed by the New York higher education assistance corporation in accordance with the provisions of article fourteen of the education law, and in such cases no further security for the repayment of such loans shall be required of the borrowers by such employee welfare fund.*

§ 12. This act shall take effect immediately.

CHAPTER 393

AN ACT to amend the public authorities law, in relation to the name and membership of the board of the dormitory authority, and in relation to the covenants which shall be made by said authority with the holders of its bonds and providing for the guaranty by New York state of certain bonds to be issued by said authority

Became a law April 11, 1961, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. The title heading of title four of article eight of the public authorities law, as added by chapter five hundred twenty-four of the laws of nineteen hundred forty-four and renumbered by chapter nine hundred fourteen of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

Public
Authorities
Law,
Art. 8,
Title 4,
heading.

TITLE 4

[DORMITORY] NEW YORK STATE COLLEGE BUILDINGS AUTHORITY

§ 2. Subdivision one of section sixteen hundred seventy-six of such law, as amended by chapter eight hundred sixty-four of the laws of nineteen hundred fifty-nine, is hereby amended to read as follows:

§ 1676,
subd. 1,
amended.

1. The [term] terms "New York state college buildings authority," "dormitory authority" or "authority" shall each mean the corporation created by section sixteen hundred seventy-seven of this chapter;

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

§ 1677,
amended.

§ 3. Section sixteen hundred seventy-seven of such law, as last amended by chapter three hundred twenty-three of the laws of nineteen hundred fifty-four and renumbered by chapter nine hundred fourteen of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

§ 1677. [Dormitory] *New York state college buildings authority.* A board, to be known as the ["Dormitory Authority,"] "*New York state college buildings authority,*" is hereby created. Such board shall be a body corporate and politic constituting a public benefit corporation. Such board shall consist of the commissioner of education, [the comptroller,] the president of the state university of New York, *the commissioner of housing* and four members to be appointed by the regents for a term of three years. The regents shall also fill any vacancy which may occur by reason of the death, disqualification, resignation or removal of any member theretofore appointed by them. The powers of the board shall be vested in and exercised by a majority of the members thereof then in office. The members of the board shall serve without compensation but shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their official duties. At the first meeting of the board and at the first meeting thereof in each fiscal year thereafter the members of the board shall choose from their number a chairman, vice-chairman and a secretary. The authority may also use the facilities, employees, records and equipment of the state department of education with the consent of the regents.

§ 1680,
new
subd. 6-a,
added.

§ 4. Section sixteen hundred eighty of such law is hereby amended by adding thereto a new subdivision, to be subdivision six-a, to read as follows:

6-a. The authority shall covenant with the holders of any of its bonds issued to provide funds to construct a dormitory to be leased to, or otherwise by contract provided for the use of, an educational institution that the terms of such lease or contract shall provide that the revenues to be received by the authority therefrom shall at all times be sufficient to pay the principal of and interest on such bonds and any sinking fund installments for the retirement of such bonds required by the terms of the resolution under which such bonds are issued and to maintain any and all reserves required by the terms of such resolution.

§ 1683,
amended.

§ 5. Section sixteen hundred eighty-three of such law, as added by chapter five hundred twenty-four of the laws of nineteen hundred forty-four and renumbered by chapter nine hundred fourteen of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

§ 1683. State [not liable] *liability* on bonds. [The] *1. Except as provided in subdivision two of this section, the bonds and other obligations of the authority shall not be a debt of the state of New York nor shall the state be liable thereon, nor shall they be payable out of any funds other than those of the authority.*

2. (a) *To the extent authorized by the constitution at the time of the issuance of notes or bonds of the authority the punctual payment thereof may be guaranteed by the state as follows: Upon presentation by the authority to the comptroller, the commissioner of taxation and finance and the superintendent of banks (herein called the "guaranty officials") of notes or bonds of the authority together with a copy of the resolution of the authority authorizing such notes or bonds for any purpose permitted by this act, if any two of said guaranty officials shall find and determine that the terms and conditions of such resolution are fair and reasonable and that the issuance of such notes or bonds will achieve a purpose intended by this title and that the issuance of said notes or bonds is in the public interest and that they conform to the limitations of paragraph (b) of this subdivision, then said officials shall sign a certificate consenting to the issuance of such notes or bonds and shall file such certificate in the office of the secretary of state together with such resolution and a record of the amounts and other terms of such notes or bonds. Upon the filing of such certificate and record the punctual payment of such notes and bonds according to their terms shall be fully and unconditionally guaranteed by the state both as to principal and interest. Such guaranty may be expressed upon the face of such notes or bonds by the signature or facsimile signature of the comptroller or a deputy comptroller. In the event that the authority shall fail to pay when due, the principal of, or interest on, such notes or bonds, the comptroller shall pay to the holder thereof the amount so due and thereupon the state shall be subrogated to the rights of the noteholders or bondholders so paid.*

(b) *No notes or bonds of the authority shall be guaranteed pursuant to this subdivision, except notes or bonds which mature within forty years from their respective dates and bear interest at a rate or rates not exceeding five per centum per annum. The aggregate principal amount of notes or bonds of the authority which shall be guaranteed pursuant to this act in any one calendar year shall not exceed seventy-five million dollars, exclusive of bonds issued for the purpose of providing funds to pay the principal of notes which had been guaranteed pursuant to this section.*

(c) *The state shall be liable on notes or bonds guaranteed hereunder but no note or bond of the authority which has not been guaranteed by the state hereunder shall be a debt or liability of the state.*

§ 6. This act shall take effect January first, nineteen hundred sixty-two provided the proposed amendment to article ten of the constitution of the state adding a new section seven thereto, relating to a public benefit corporation to provide educational buildings, is approved by the people at the general election to be held in November, nineteen hundred sixty-one.

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

CHAPTER 394

AN ACT to amend the public authorities law, in relation to bonds of the dormitory authority

Became a law April 11, 1961, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Public
Authorities
Law,
§ 1676,
subd. 3,
amended.

Section 1. Subdivision three of section sixteen hundred seventy-six of the public authorities law, as added by chapter five hundred twenty-four of the laws of nineteen hundred forty-four, such section having been renumbered by chapter nine hundred fourteen of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

3. The term "bond" shall mean bonds or notes issued by the authority pursuant to this title;

§ 1678,
subd. 11,
amended.

§ 2. Subdivision eleven of section sixteen hundred seventy-eight of such law, as added by chapter five hundred twenty-four of the laws of nineteen hundred forty-four, such section having been renumbered by chapter nine hundred fourteen of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

11. To borrow money and to issue negotiable bonds or notes and to provide for the rights of the holders thereof;

§ 1680,
subd. 6,
amended.

§ 3. Subdivision six of section sixteen hundred eighty of such law, as amended by chapter nine hundred forty-six of the laws of nineteen hundred fifty-six, such section having been renumbered by chapter nine hundred fourteen of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

6. To obtain funds for construction and loans under this section, the authority shall have power from time to time to issue negotiable bonds or notes [in the aggregate amount not exceeding three million dollars for each dormitory].

§ 1682,
subd. 1,
amended.

§ 4. Subdivision one of section sixteen hundred eighty-two of such law, as amended by chapter seven hundred eighty-six of the laws of nineteen hundred forty-nine, such section having been renumbered by chapter nine hundred fourteen of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

1. The authority shall have power as hereby authorized from time to time to issue negotiable bonds [in the aggregate amount not exceeding two million dollars for each dormitory]. The authority shall have power from time to time to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose. In computing the total amount of bonds of the authority which may at any time be outstanding the amount of the outstanding bonds to be refunded from the proceeds of the sale of new bonds or by exchange for new bonds shall be excluded. Except