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I N   S E N A T E

March 11, 2014

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Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to the regents

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. Section 202 of the education law, as amended by chapter 296  
2 of the laws of 1984, subdivision 1 as amended by chapter 547 of the laws  
3 of 1993, subdivisions 2, 3, and 4 as designated and subdivision 5 as  
4 added by chapter 892 of the laws of 1985, is amended to read as follows:  
5     S 202. Regents. 1. The University of the State of New York shall be  
6 governed and all its corporate powers exercised by a board of regents  
7 the number of whose members shall at all times be four more than the  
8 number of the then existing judicial districts of the state and shall  
9 not be less than fifteen.
- 10     2. (A) ANY INDIVIDUAL SEEKING OFFICE AS A MEMBER OF THE BOARD OF  
11 REGENTS SHALL SUBMIT TO THE CHAIRS OF THE EDUCATION AND HIGHER EDUCATION  
12 COMMITTEES OF THE SENATE AND ASSEMBLY A DOCUMENT DISCLOSING:
- 13        (1) PERSONAL AND PROFESSIONAL EXPERIENCE RELEVANT TO THE POST;  
14        (2) EACH FINANCIAL INTEREST, DIRECT OR INDIRECT OF HIMSELF OR HERSELF,  
15 HIS OR HER SPOUSE AND HIS OR HER UNEMANCIPATED CHILDREN UNDER THE AGE OF  
16 EIGHTEEN YEARS IN ANY ACTIVITY WHICH IS SUBJECT TO THE JURISDICTION OF  
17 THE DEPARTMENT OR NAME OF THE ENTITY IN WHICH THE INTEREST IS HELD AND  
18 WHETHER SUCH INTEREST IS OVER OR UNDER FIVE THOUSAND DOLLARS IN VALUE.
- 19        (3) EVERY OFFICE AND DIRECTORSHIP HELD BY HIM OR HER IN ANY CORPO-  
20 RATION, FIRM OR ENTERPRISE WHICH IS SUBJECT TO THE JURISDICTION OF THE  
21 DEPARTMENT OR WHICH DOES BUSINESS WITH AN INSTITUTION WHICH IS SUBJECT  
22 TO THE JURISDICTION OF THE DEPARTMENT, INCLUDING THE NAME OF SUCH CORPO-  
23 RATION, FIRM OR ENTERPRISE.
- 24        (4) ANY OTHER INTEREST OR RELATIONSHIP WHICH HE OR SHE DETERMINES IN  
25 HIS OR HER DISCRETION MIGHT REASONABLY BE EXPECTED TO BE IN THE PUBLIC  
26 INTEREST AND SHOULD BE DISCLOSED.
- 27     (B) ANY INDIVIDUAL SEEKING OFFICE AS A MEMBER OF THE BOARD OF REGENTS  
28 SHALL BE FINGERPRINTED FOR THE USE OF INFORMATION DERIVED FROM SEARCHES

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

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1 OF THE RECORDS OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE  
2 FEDERAL BUREAU OF INVESTIGATION.

3 3. NO PERSON SHALL SERVE AS A MEMBER OF THE BOARD OF REGENTS UNLESS HE  
4 OR SHE IS A CITIZEN OF THE UNITED STATES AND HAS BEEN A RESIDENT OF THE  
5 STATE OF NEW YORK FOR FIVE YEARS.

6 4. The regents in office April first, nineteen hundred seventy-four  
7 shall hold office, in the order of their election, for such times that  
8 the term of one such regent will expire in each year on the first day of  
9 April. Commencing April first, nineteen hundred seventy-four, each  
10 regent shall be elected for a term of seven years, each such term to  
11 expire on the first day of April. Commencing on April first, nineteen  
12 hundred ninety-four, each regent shall be elected for a term of five  
13 years, each such term to expire on the first day of April. Each regent  
14 shall be elected by the legislature by concurrent resolution in the  
15 preceding March, on or before the first Tuesday of such month. If,  
16 however, the legislature fails to agree on such concurrent resolution by  
17 the first Tuesday of such month, then the two houses shall meet in joint  
18 session at noon on the second Tuesday of such month and proceed to elect  
19 such regent by joint ballot.

20 [2.] 5. All vacancies in such office, either for full or unexpired  
21 terms, shall be so filled that there shall always be in the membership  
22 of the board of regents at least one resident of each of the judicial  
23 districts. A vacancy in the office of regent for other cause than expi-  
24 ration of term of service shall be filled for the unexpired term by an  
25 election at the session of the legislature immediately following such  
26 vacancy in the manner prescribed in the preceding paragraph, unless the  
27 legislature is in session when such vacancy occurs, in which case the  
28 vacancy shall be filled by such legislature in the manner prescribed in  
29 the preceding paragraph, except as hereinafter provided. However, if  
30 such vacancy occurs after the second Tuesday in March and before a  
31 resolution to adjourn sine die has been adopted by either house, then  
32 the vacancy shall be filled by concurrent resolution, unless the legis-  
33 lature fails to agree on such concurrent resolution within three legis-  
34 lative days after its passage by one house, in which case the two houses  
35 shall meet in joint session at noon on the next legislative day and  
36 proceed to elect such regent by joint ballots; provided, however, that  
37 if the vacancy occur after the adoption by either house of a resolution  
38 to adjourn sine die, then the vacancy shall be filled at the next  
39 session of the legislature in the manner prescribed in the preceding  
40 paragraph.

41 [3.] 6. There shall be no "ex-officio" members of the board of  
42 regents.

43 [4.] 7. No [person] REGENT, OR THEIR SPOUSE, shall:

44 (A) be at the same time a regent of the university and a trustee,  
45 president, principal or any other officer of an institution belonging to  
46 the university;

47 (B) MAKE POLITICAL CONTRIBUTIONS TO ANY LOCAL, STATE, OR FEDERAL  
48 CAMPAIGN;

49 (C) MAKE ANY POLITICAL ENDORSEMENTS FOR ANY CANDIDATE SEEKING LOCAL,  
50 STATE, OR FEDERAL OFFICE; OR

51 (D) HOLD A POLITICAL OFFICE OR SERVE AS A POLITICAL PARTY CHAIRMAN AS  
52 DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF  
53 THE PUBLIC OFFICERS LAW.

54 [5.] 8. (a) Every regent, on and after December fifteenth and before  
55 the following January fifteenth, in each year, shall file with the

1 secretary of the senate and with the clerk of the assembly a written  
2 statement of

3 (1) each financial interest, direct or indirect of himself or herself,  
4 his or her spouse and his or her unemancipated children under the age of  
5 eighteen years in any activity which is subject to the jurisdiction of  
6 the education department or name of the entity in which the interest is  
7 had and whether such interest is over or under five thousand dollars in  
8 value.

9 (2) every office and directorship held by him or her in any corpo-  
10 ration, firm or enterprise which is subject to the jurisdiction of the  
11 education department or which does business with an institution which is  
12 subject to the jurisdiction of the education department, including the  
13 name of such corporation, firm or enterprise.

14 (3) any other interest or relationship which he or she determines in  
15 his or her discretion might reasonably be expected to be in the public  
16 interest and should be disclosed.

17 (b) On or before January thirty-first in each year the secretary of  
18 the senate and the clerk of the assembly shall jointly prepare a report  
19 containing the statements required to be filed pursuant to paragraph (a)  
20 of this subdivision. Copies of such report shall be open to public  
21 inspection in the office of the secretary of the senate and the clerk of  
22 the assembly. The senate and assembly may jointly adopt rules to imple-  
23 ment the provisions of this subdivision.

24 S 2. This act shall take effect immediately.