

STATE OF NEW YORK

6430--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 6, 2023

Introduced by M. of A. WALLACE -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to providing the temporary president of the senate and the speaker of the assembly the ability to appoint members of the state university of New York's board of trustees

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

Section 1. Subdivision 1 of section 353 of the education law, as amended by chapter 268 of the laws of 2011, is amended to read as follows:

1. The state university shall be governed, and all of its corporate powers exercised, by a board of trustees. Such board shall consist of eighteen members, ~~[fifteen]~~ seven of whom shall be appointed by the governor ~~[with the advice and consent of the senate]~~ and who shall not be an employee of, or under direct supervision of, the governor, four of whom shall be appointed by the temporary president of the senate, four of whom shall be appointed by the speaker of the assembly, one of whom shall be the president of the student assembly of the state university, ex-officio and voting, one of whom shall be the president of the university faculty senate, ex-officio and non-voting, and one of whom shall be the president of the faculty council of community colleges, ex-officio and non-voting. Such ex-officio members shall be subject to every provision of any general, special, or local law, ordinance, charter, code, rule, or regulation applying to the voting members of such board with respect to the discharge of their duties, including, but not limited to, those provisions setting forth codes of ethics, disclosure requirements, and prohibiting business and professional activities. One

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

LBD09021-02-4

1 member of the board shall be designated by the governor as chairperson
2 and one as vice-chairperson. Of the members first appointed, two shall
3 be appointed for a term which shall expire on June thirtieth, nineteen
4 hundred fifty-two; one for a term which shall expire on June thirtieth,
5 nineteen hundred fifty-three; two for a term which shall expire on June
6 thirtieth, nineteen hundred fifty-four; one for a term which shall
7 expire on June thirtieth, nineteen hundred fifty-five; two for a term
8 which shall expire on June thirtieth, nineteen hundred fifty-six; one
9 for a term which shall expire on June thirtieth, nineteen hundred
10 fifty-seven; two for a term which shall expire on June thirtieth, nine-
11 teen hundred fifty-eight; one for a term which shall expire on June
12 thirtieth, nineteen hundred fifty-nine; two for a term which shall
13 expire on June thirtieth, nineteen hundred sixty; and one for a term
14 which shall expire on June thirtieth, nineteen hundred sixty-one. Vacan-
15 cies shall be filled for the unexpired term in the same manner as
16 original appointments are made pursuant to this subdivision and subdivi-
17 sion one-a of this section. The term of office of each trustee
18 appointed on or after April first, nineteen hundred eighty-six shall be
19 seven years, except those of the student member and the faculty members.
20 Trustees shall receive no compensation for their services but shall be
21 reimbursed for their expenses actually and necessarily incurred by them
22 in the performance of their duties under this article.

23 § 2. Section 353 of the education law is amended by adding a new
24 subdivision 1-a to read as follows:

25 1-a. The appointment of members of such board by the temporary presi-
26 dent of the senate and the speaker of the assembly pursuant to subdivi-
27 sion one of this section shall commence when a vacancy occurs from a
28 member appointed by the governor either through the expiration of such
29 member's term, or separation of a member prior to an expired term. In
30 either case, vacancies of members appointed by the governor shall be
31 filled in an alternating manner between the temporary president of the
32 senate and the speaker of the assembly. The first such vacancy of a
33 member appointed by the governor shall be filled by the temporary presi-
34 dent of the senate and the next such vacancy of a member appointed by
35 the governor shall be filled by the speaker of the assembly. Such
36 vacancies shall continue to be filled in such alternating manner until
37 such time as the composition of such board reflects the number of
38 appointments authorized by each appointing authority pursuant to subdivi-
39 vision one of this section. After such time, vacancies on such board
40 shall be filled by the appointing authority.

41 § 3. This act shall take effect immediately.