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6625

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 6, 2009
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Introduced by M. of A. FIELDS -- read once and referred to the Committee
  on Governmental Operations

AN ACT to amend the public officers law and the education law, in
  relation to removal of school district officers who have been
  convicted of a felony or crime involving violation of oath of office

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

 1   Section 1. Section 2 of the public officers law is amended to read as
 2 follows:
 3   S 2. Definitions. The term "state officer" includes every officer for
 4 whom all the electors of the state are entitled to vote, members of the
 5 legislature, justices of the supreme court, regents of the university,
 6 and every officer, appointed by one or more state officers, or by the
 7 legislature, and authorized to exercise his official functions through-
 8 out the entire state, or without limitation to any political subdivision
 9 of the state, except United States senators, members of congress, and
10 electors for president and vice-president of the United States. The term
11 "local officer" includes every other officer who is elected by the elec-
12 tors of a portion only of the state, every officer of a political subdi-
13 vision or municipal corporation of the state, EVERY SCHOOL OFFICER, and
14 every officer limited in the execution of his official functions to a
15 portion only of the state. The office of a state officer is a state
16 office. The office of a local officer is a local office.
17   S 2. Subdivision 1 of section 2112 of the education law is amended to
18 read as follows:
19   1. A. A school district office becomes vacant by death, resignation,
20 refusal to serve, incapacity, or removal from the district or from
21 office.
22   B. IN ACCORDANCE WITH PARAGRAPH E OF SUBDIVISION ONE OF SECTION THIRTY
23 OF THE PUBLIC OFFICERS LAW, A SCHOOL DISTRICT OFFICE BECOMES VACANT UPON
24 CONVICTION OF A FELONY, OR CRIME INVOLVING A VIOLATION OF HIS OR HER
25 OATH OF OFFICE.
26   S 3. This act shall take effect immediately.

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