

2160

2009-2010 Regular Sessions

I N   S E N A T E

February 12, 2009

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Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the terms of office of the regents of the University of the State of New York

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

1     Section 1. Subdivisions 1 and 2 of section 202 of the education law,  
2     subdivision 1 as amended by chapter 547 of the laws of 1993, subdivision  
3     2 as amended by chapter 296 of the laws of 1984 and as designated by  
4     chapter 892 of the laws of 1985, are amended to read as follows:  
5     1. The University of the State of New York shall be governed and all  
6     its corporate powers exercised by a board of regents the number of whose  
7     members shall at all times be four more than the number of the then  
8     existing judicial districts of the state and shall not be less than  
9     fifteen. [The regents in office April first, nineteen hundred seventy-  
10    four shall hold office, in the order of their election, for such times  
11    that the term of one such regent will expire in each year on the first  
12    day of April. Commencing April first, nineteen hundred seventy-four,  
13    each regent shall be elected for a term of seven years, each such term  
14    to expire on the first day of April.] Commencing on April first, nine-  
15    teen hundred ninety-four, each regent shall be elected for a term of  
16    five years, each such term to expire on the first day of April. REGENTS  
17    IN OFFICE MARCH THIRTY-FIRST, TWO THOUSAND NINE SHALL HOLD OFFICE UNTIL  
18    JUNE THIRTIETH OF THE YEAR IN WHICH SUCH REGENTS' TERM SHALL EXPIRE.  
19    COMMENCING JULY FIRST, TWO THOUSAND NINE, EACH REGENT SHALL BE ELECTED  
20    TO A TERM OF FIVE YEARS, EACH SUCH TERM TO EXPIRE ON THE LAST DAY OF  
21    JUNE. Each regent shall be elected by the legislature by concurrent  
22    resolution in the preceding [March] MAY, on or before the first Tuesday  
23    of such month. If, however, the legislature fails to agree on such  
24    concurrent resolution by the first Tuesday of [such month] MAY, then the  
25    two houses shall meet in joint session at noon on the [second] THIRD

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

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1 Tuesday of [such month] MAY and proceed to elect such regent by joint  
2 ballot, PROVIDED, HOWEVER, THAT SUCH ELECTION SHALL BE HELD ON THE  
3 SECOND TUESDAY IN MAY IF THE TEMPORARY PRESIDENT OF THE SENATE AND THE  
4 SPEAKER OF THE ASSEMBLY CERTIFY NO LATER THAN MARCH FIRST THAT SUCH  
5 ELECTION WOULD CONFLICT WITH RELIGIOUS OBSERVANCES.

6 2. All vacancies in such office, either for full or unexpired terms,  
7 shall be so filled that there shall always be in the membership of the  
8 board of regents at least one resident of each of the judicial  
9 districts. A vacancy in the office of regent for other cause than expi-  
10 ration of term of service shall be filled for the unexpired term by an  
11 election at the session of the legislature immediately following such  
12 vacancy in the manner prescribed in the preceding paragraph, unless the  
13 legislature is in session when such vacancy occurs, in which case the  
14 vacancy shall be filled by such legislature in the manner prescribed in  
15 the preceding paragraph, except as hereinafter provided. However, if  
16 such vacancy occurs after the [second] THIRD Tuesday in [March] MAY and  
17 before a resolution to adjourn sine die has been adopted by either  
18 house, then the vacancy shall be filled by concurrent resolution, unless  
19 the legislature fails to agree on such concurrent resolution within  
20 three legislative days after its passage by one house, in which case the  
21 two houses shall meet in joint session at noon on the next legislative  
22 day and proceed to elect such regent by joint ballots; provided, howev-  
23 er, that if the vacancy [occur] OCCURS after the adoption by either  
24 house of a resolution to adjourn sine die, then the vacancy shall be  
25 filled at the next session of the legislature in the manner prescribed  
26 in the preceding paragraph.

27 S 2. This act shall take effect immediately.