S T A T E O F N E W Y O R K

3384--A

2011-2012 Regular Sessions

I N S E N A T E

February 17, 2011

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivisions 1 and 2 of section 202 of the education law, subdivision 1 as amended by chapter 547 of the laws of 1993, subdivision 2 as amended by chapter 296 of the laws of 1984 and as designated by chapter 892 of the laws of 1985, are amended to read as follows:

1. The University of the State of New York shall be governed and all its corporate powers exercised by a board of regents the number of whose members shall at all times be four more than the number of the then existing judicial districts of the state and shall not be less than fifteen. [The regents in office April first, nineteen hundred seventy-four shall hold office, in the order of their election, for such times that the term of one such regent will expire in each year on the first day of April. Commencing April first, nineteen hundred seventy-four, each regent shall be elected for a term of seven years, each such term to expire on the first day of April.] Commencing on April first, nineteen hundred ninety-four, each regent shall be elected for a term of five years, each such term to expire on the first day of April. REGENTS IN OFFICE MARCH THIRTY-FIRST, TWO THOUSAND TWELVE SHALL HOLD OFFICE UNTIL JUNE THIRTIETH OF THE YEAR IN WHICH SUCH REGENTS' TERM SHALL EXPIRE. COMMENCING JULY FIRST, TWO THOUSAND TWELVE, EACH REGENT SHALL BE ELECTED TO A TERM OF FIVE YEARS, EACH SUCH TERM TO EXPIRE ON THE LAST DAY OF JUNE. Each regent shall be elected by the legislature by concurrent resolution in the preceding [March] MAY, on or before the first

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

LBD06727-02-2

Tuesday of such month. If, however, the legislature fails to agree on such concurrent resolution by the first Tuesday of [such month] MAY, then the two houses shall meet in joint session at noon on the [second] THIRD Tuesday of [such month] MAY and proceed to elect such regent by joint ballot, PROVIDED, HOWEVER, THAT SUCH ELECTION SHALL BE HELD ON THE SECOND TUESDAY IN MAY IF THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY CERTIFY NO LATER THAN MARCH FIRST THAT SUCH ELECTION WOULD CONFLICT WITH RELIGIOUS OBSERVANCES.

2. All vacancies in such office, either for full or unexpired terms, shall be so filled that there shall always be in the membership of the board of regents at least one resident of each of the judicial districts. A vacancy in the office of regent for other cause than expiration of term of service shall be filled for the unexpired term by an election at the session of the legislature immediately following such vacancy in the manner prescribed in the preceding paragraph, unless the legislature is in session when such vacancy occurs, in which case the vacancy shall be filled by such legislature in the manner prescribed in the preceding paragraph, except as hereinafter provided. However, if such vacancy occurs after the [second] THIRD Tuesday in [March] MAY and before a resolution to adjourn sine die has been adopted by either house, then the vacancy shall be filled by concurrent resolution, unless the legislature fails to agree on such concurrent resolution within three legislative days after its passage by one house, in which case the two houses shall meet in joint session at noon on the next legislative day and proceed to elect such regent by joint ballots; provided, however, that if the vacancy [occur] OCCURS after the adoption by either house of a resolution to adjourn sine die, then the vacancy shall be filled at the next session of the legislature in the manner prescribed in the preceding paragraph.

S 2. This act shall take effect immediately.