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

5321

2011-2012 Regular Sessions

I N S E N A T E

May 5, 2011

Introduced by Sen. ROBACH -- 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 trustees of the state university of New York, city university of New York, and community colleges

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

Section 1. Section 350 of the education law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. "COMMISSION" MEANS THE STATE UNIVERSITY OF NEW YORK'S INDEPENDENT COMMISSION ON BOARD OF TRUSTEE'S NOMINATIONS.

8. "CANDIDATE" MEANS A PERSON WHO HAS REQUESTED THAT THE COMMISSION CONSIDER HIS OR HER QUALIFICATIONS TO SERVE ON THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES; OR (A) WHO HAS BEEN RECOMMENDED FOR CONSIDERATION BY THE COMMISSION BY ANOTHER PERSON, INCLUDING A COMMUNITY OR PROFESSIONAL ORGANIZATION; OR (B) WHO HAS AGREED TO BE CONSIDERED BY THE COMMISSION AT THE COMMISSION'S REQUEST.

S 2. The education law is amended by adding four new sections 352-b, 352-c, 352-d and 352-e to read as follows:

S 352-B. ORGANIZATION OF THE COMMISSION. 1. A STATE UNIVERSITY OF NEW YORK INDEPENDENT COMMISSION ON BOARD OF TRUSTEES' NOMINATIONS IS HEREBY ESTABLISHED. THE COMMISSION SHALL CONSIST OF ELEVEN MEMBERS OF WHOM THREE SHALL BE APPOINTED BY THE GOVERNOR AND THREE EACH, BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE EACH BY THE CHAIR OF THE STATE UNIVERSITY OF NEW YORK FACULTY SENATE AND BY THE PRESIDENT OF THE STUDENT ASSEMBLY OF THE STATE UNIVERSITY OF NEW YORK. OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL PARTY AND TWO OF SUCH MEMBERS SHALL BE GRADUATES OF THE STATE UNIVERSITY OF NEW YORK. NO MEMBER OF THE COMMISSION SHALL HOLD ANY ELECTED PUBLIC OFFICE OR OFFICE IN ANY POLITICAL PARTY OR SHALL BE AN EMPLOYEE OF OR UNDER THE SUPERVISION OF

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

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ANY PERSON WHO HOLDS SUCH ELECTED PUBLIC OFFICE OR OFFICE OF A POLITICAL PARTY. NO MEMBER OF THE COMMISSION SHALL SERVE IN ANY PUBLIC OR POLITICAL OFFICE WITHIN ONE YEAR OF THE MEMBER'S PERIOD OF SERVICE. THE MEMBERS OF THE COMMISSION SHALL BE RESIDENTS OF THE STATE.

2. THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL HAVE ONE, TWO AND THREE-YEAR TERMS, RESPECTIVELY, AS HE OR SHE SHALL DESIGNATE. THE MEMBERS FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE ONE, TWO, AND THREE-YEAR TERMS, RESPECTIVELY, AS HE OR SHE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL HAVE ONE, TWO AND THREE-YEAR TERMS, RESPECTIVELY, AS HE OR SHE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE CHAIR OF THE STATE UNIVERSITY OF NEW YORK FACULTY SENATE SHALL HAVE A TWO-YEAR TERM AS HE OR SHE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE PRESIDENT OF THE STUDENT ASSEMBLY OF THE STATE UNIVERSITY OF NEW YORK SHALL HAVE A ONE-YEAR TERM AS HE OR SHE SHALL DESIGNATE. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF ONE YEAR.

3. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER FOR APPOINTMENT TO, OR MEMBERSHIP ON, THE COMMISSION. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THE REMAINDER OF THE UNEXPIRED TERM PURSUANT TO THE PROVISIONS OF THIS SECTION.

4. THE MEMBERS OF THE COMMISSION SHALL DESIGNATE ONE MEMBER TO SERVE AS CHAIRPERSON FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

5. EACH MEMBER OF THE COMMISSION SHALL BE ENTITLED TO RECEIVE HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

6. SEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM.

S 352-C. FUNCTIONS OF THE COMMISSION. 1. THE COMMISSION SHALL:

(A) CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT TO THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES AND, AS VACANCIES OCCUR ON SUCH BOARD, THE COMMISSION SHALL RECOMMEND TO THE GOVERNOR PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALIFIED TO BE A MEMBER OF SUCH BOARD. SUCH QUALIFICATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO: (1) A BACCALAUREATE DEGREE AS THE MINIMUM EDUCATIONAL CRITERIA; (2) FAMILIARITY WITH ADDRESSING POLICY ISSUES IN A UNIONIZED ENVIRONMENT; (3) UNDERSTANDING OF PUBLIC SECTOR INTERGOVERNMENTAL RELATIONS AS THEY RELATE TO HIGHER EDUCATION INSTITUTIONS; (4) UNDERSTANDING OF AND FAMILIARITY WITH THE KINDS OF ISSUES ARISING IN LARGE COMPLEX ORGANIZATIONS; (5) CURRENT INTEREST IN THE INSTITUTION; (6) A COMMITMENT TO PUBLIC HIGHER EDUCATION; (7) A GENERAL BACKGROUND THAT WOULD ALLOW THEM TO MAKE DECISIONS IN THE BEST INTERESTS OF THE INSTITUTION; (8) AN ABILITY TO RECOGNIZE THE SOMETIMES AMBIGUOUS DISTINCTION BETWEEN MANAGEMENT AND GOVERNANCE; AND (9) AN ACTUAL AND PERCEIVED INDEPENDENCE FROM POLITICAL INTERFERENCE IN THE GOVERNANCE OF THE INSTITUTION.

(B) ESTABLISH PROCEDURES TO ASSURE THAT PERSONS WHO MAY BE WELL QUALIFIED FOR APPOINTMENT TO THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES, OTHER THAN THOSE WHO HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR CONSIDERATION BY OTHERS BE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE COMMISSION.

(C) REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION OF CANDIDATES.

(D) REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY OF THE STATE OR POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES.

(E) REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

(F) COMMUNICATE WITH THE GOVERNOR CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE WHOM IT HAS RECOMMENDED TO THE GOVERNOR, AND COMMUNICATE WITH THE SENATE CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE APPOINTED BY THE GOVERNOR.

(G) DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNCTIONS PURSUANT TO THIS ARTICLE.

2. A RECOMMENDATION TO THE GOVERNOR SHALL REQUIRE THE CONCURRENCE OF A QUORUM OF THE COMMISSION. THE RECOMMENDATIONS TO THE GOVERNOR SHALL BE TRANSMITTED TO THE GOVERNOR IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE COMMISSION AT THE TIME IT IS SUBMITTED TO THE GOVERNOR. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRPERSON, AND SHALL INCLUDE THE COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS OF EACH CANDIDATE WHO IS RECOMMENDED TO THE GOVERNOR.

3. NO PERSON SHALL BE RECOMMENDED TO THE GOVERNOR WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF THE COMMISSION AS PROVIDED FOR IN SUBDIVISION SIX OF SECTION THREE HUNDRED FIFTY-TWO-B OF THIS ARTICLE, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH THE COMMISSION, ON A FORM TO BE PRESCRIBED BY THE COMMISSION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE CANDIDATE'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELEVANT FINANCIAL INFORMATION, WHICH THE COMMISSION MAY REQUIRE. THE COMMISSION SHALL TRANSMIT TO THE GOVERNOR THE FINANCIAL STATEMENT FILED BY EACH CANDIDATE WHO IS RECOMMENDED. THE GOVERNOR SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE CANDIDATE WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER CANDIDATES RECOMMENDED TO THE GOVERNOR, BUT NOT APPOINTED BY HIM OR HER, SHALL BE CONFIDENTIAL.

S 352-D. RULES OF THE COMMISSION. 1. THE COMMISSION SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT WITH LAW.

2. RULES OF THE COMMISSION SHALL BE FILED WITH THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE. UPON REQUEST OF ANY PERSON, THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK SHALL FURNISH A COPY OF THE COMMISSION'S RULES WITHOUT CHARGE.

3. RULES OF THE COMMISSION MAY PRESCRIBE FORMS AND QUESTIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY THE COMMISSION, VERIFIED BY CANDIDATES.

4. RULES OF THE COMMISSION SHALL PROVIDE THAT UPON THE COMPLETION BY THE COMMISSION OF ITS CONSIDERATION AND EVALUATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSIDERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE OR SHE WAS CONSIDERED, EXCEPT WITH THE CONCURRENCE OF A QUORUM OF THE COMMISSION.

S 352-E. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. 1. ALL COMMUNICATIONS TO THE COMMISSION, AND ITS PROCEEDINGS, AND ALL APPLICATIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER PAPERS, FILES AND RECORDS OF THE COMMISSION SHALL BE CONFIDENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

2. THE GOVERNOR SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO PERSONS RECOMMENDED TO HIM OR HER BY THE COMMISSION. THE SENATE SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO THE PERSON APPOINTED BY THE GOVERNOR TO FILL A VACANCY. ALL INFORMATION THAT IS NOT PUBLICLY DISCLOSED IN ACCORDANCE WITH SUBDIVISIONS TWO AND THREE OF SECTION THREE HUNDRED FIFTY-TWO-C OF THIS ARTICLE, OR DISCLOSED IN CONNECTION WITH THE SENATE'S CONFIRMATION OF THE APPOINTMENT, SHALL REMAIN CONFIDENTIAL AND PRIVILEGED, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW.

3. THE MEMBERS OF THE COMMISSION SHALL NOT PUBLICLY DIVULGE THE NAMES OF, OR ANY INFORMATION CONCERNING, ANY CANDIDATE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

S 3. Subdivision 1 of section 353 of the education law, as amended by chapter 127 of the laws of 2006, 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 seventeen members, fifteen of whom shall be appointed by the governor with the advice and consent of the senate, one of whom shall be the president of the student assembly of the state university, ex-officio and voting, and one of whom shall be the president of the university faculty senate, ex-officio and non-voting; PROVIDED, HOWEVER, THAT SUCH TRUSTEES, EXCEPT THE PRESIDENT OF THE STUDENT ASSEMBLY OF THE STATE UNIVERSITY, EX-OFFICIO, HAVE BEEN RECOMMENDED AND APPROVED BY THE STATE UNIVERSITY OF NEW YORK'S INDEPENDENT COMMISSION ON BOARD OF TRUSTEES NOMINATIONS. NO SUCH TRUSTEE, EXCEPT THE PRESIDENT OF THE STUDENT ASSEMBLY OF THE STATE UNIVERSITY SERVING AS AN EX-OFFICIO MEMBER, SHALL BE AN EMPLOYEE OF, OR UNDER THE SUPERVISION OF SUCH APPOINTING AUTHORITIES. THE SENATE UPON RECEIVING THE GOVERNOR'S NOMINATION OF A TRUSTEE TO BE CONSIDERED FOR CONFIRMATION SHALL CONSULT WITH THE CHAIR OF THE SENATE HIGHER EDUCATION COMMITTEE AND SHALL PUBLICIZE ITS CONSIDERATION OF SAID NOMINEE. THE SENATE SHALL VOTE TO CONFIRM THE NOMINEE NO EARLIER THAN TWENTY-ONE DAYS AFTER THE NOMINEE'S CONSIDERATION HAS BEEN PUBLICIZED. 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 member of the board shall be designated by the governor as chairperson and one as vice-chairperson. Of the members first appointed, two shall be appointed for a term which shall expire on June thirtieth, nineteen hundred fifty-two; one for a term which shall expire on June thirtieth, nineteen hundred fifty-three; two for a term which shall expire on June thirtieth, nineteen hundred fifty-four; one for a term which shall expire on June thirtieth, nineteen hundred fifty-five; two for a term which shall expire on June thirtieth, nineteen hundred fifty-six; one for a term which shall expire on June thirtieth, nineteen hundred fifty-seven; two for a term which shall expire on June thirtieth, nineteen hundred fifty-eight; one for a term which shall expire on June thirtieth, nineteen hundred fifty-nine; two for a term which shall expire on June thirtieth, nineteen hundred sixty; and one for a term which shall expire on June thirtieth, nineteen hundred sixty-one. Vacancies shall be filled for the unexpired term in the same manner as original appointments. The term of office of each trustee appointed on or after April first, nineteen hundred eighty-six shall be seven years, except those of the student member and the faculty member. Trustees shall receive no compen-

sation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article.

S 4. Section 6202 of the education law is amended by adding two new subdivisions 10 and 11 to read as follows:

10. "COMMISSION" MEANS THE CITY UNIVERSITY OF NEW YORK'S INDEPENDENT COMMISSION ON BOARD OF TRUSTEES' NOMINATIONS.

11. "CANDIDATE" MEANS A PERSON WHO HAS REQUESTED THAT THE COMMISSION CONSIDER HIS OR HER QUALIFICATIONS TO SERVE ON THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES; OR (A) WHO HAS BEEN RECOMMENDED FOR CONSIDERATION BY THE COMMISSION BY ANOTHER PERSON, INCLUDING A COMMUNITY OR PROFESSIONAL ORGANIZATION; OR (B) WHO HAS AGREED TO BE CONSIDERED BY THE COMMISSION AT THE COMMISSION'S REQUEST.

S 5. The education law is amended by adding four new sections 6203-a, 6203-b, 6203-c and 6203-d to read as follows:

S 6203-A. ORGANIZATION OF THE COMMISSION. 1. A CITY UNIVERSITY OF NEW YORK INDEPENDENT COMMISSION ON BOARD OF TRUSTEES' NOMINATIONS IS HEREBY ESTABLISHED. THE COMMISSION SHALL CONSIST OF ELEVEN MEMBERS OF WHOM THREE SHALL BE APPOINTED BY THE GOVERNOR AND TWO SELECTED BY THE MAYOR OF THE CITY OF NEW YORK, AND TWO EACH, BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE EACH BY THE CHAIR OF THE CITY UNIVERSITY OF NEW YORK FACULTY SENATE AND BY THE CHAIRPERSON OF THE CITY UNIVERSITY OF NEW YORK STUDENT SENATE. OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL PARTY AND TWO OF SUCH MEMBERS SHALL BE GRADUATES OF THE CITY UNIVERSITY OF NEW YORK. THE TWO MEMBERS APPOINTED BY THE MAYOR SHALL NOT BE ENROLLED IN THE SAME POLITICAL PARTY AND ONE OF SUCH MEMBERS SHALL BE A GRADUATE OF THE CITY UNIVERSITY OF NEW YORK. NO MEMBER OF THE COMMISSION SHALL HOLD ANY ELECTED PUBLIC OFFICE OR OFFICE IN ANY POLITICAL PARTY OR SHALL BE AN EMPLOYEE OF OR UNDER THE SUPERVISION OF ANY PERSON WHO HOLDS SUCH ELECTED PUBLIC OFFICE OR OFFICE OF A POLITICAL PARTY. NO MEMBER OF THE COMMISSION SHALL SERVE IN ANY PUBLIC OR POLITICAL OFFICE WITHIN ONE YEAR OF THE MEMBER'S PERIOD OF SERVICE. THE MEMBERS OF THE COMMISSION SHALL BE RESIDENTS OF THE STATE.

2. THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL HAVE ONE, TWO AND THREE-YEAR TERMS, RESPECTIVELY, AS HE OR SHE SHALL DESIGNATE. THE MEMBERS FIRST APPOINTED BY THE MAYOR SHALL HAVE TWO AND THREE-YEAR TERMS, RESPECTIVELY, AS HE OR SHE SHALL DESIGNATE. THE MEMBERS FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE TWO AND THREE-YEAR TERMS, RESPECTIVELY, AS HE OR SHE SHALL DESIGNATE. THE MEMBERS FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL HAVE TWO AND THREE-YEAR TERMS, RESPECTIVELY, AS HE OR SHE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE CHAIR OF THE CITY UNIVERSITY OF NEW YORK FACULTY SENATE SHALL HAVE A TWO-YEAR TERM AS HE OR SHE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE PRESIDENT OF THE CITY UNIVERSITY OF NEW YORK STUDENT SENATE SHALL HAVE A ONE-YEAR TERM AS HE OR SHE SHALL DESIGNATE. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF ONE YEAR.

3. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER FOR APPOINTMENT TO, OR MEMBERSHIP ON, THE COMMISSION. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THE REMAINDER OF THE UNEXPIRED TERM PURSUANT TO THE PROVISIONS OF THIS SECTION.

4. THE MEMBERS OF THE COMMISSION SHALL DESIGNATE ONE MEMBER TO SERVE AS CHAIRPERSON FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

5. EACH MEMBER OF THE COMMISSION SHALL BE ENTITLED TO RECEIVE HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

6. SEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM.

S 6203-B. FUNCTIONS OF THE COMMISSION. 1. THE COMMISSION SHALL:

(A) CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT TO THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES AND, AS VACANCIES OCCUR ON SUCH BOARD, SHALL RECOMMEND TO THE GOVERNOR AND THE MAYOR OF THE CITY OF NEW YORK, PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALIFIED TO BE A MEMBER OF SUCH BOARD. SUCH QUALIFICATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO: (1) A BACCALAUREATE DEGREE AS THE MINIMUM EDUCATIONAL CRITERIA; (2) FAMILIARITY WITH ADDRESSING POLICY ISSUES IN A UNIONIZED ENVIRONMENT; (3) UNDERSTANDING OF PUBLIC SECTOR INTERGOVERNMENTAL RELATIONS AS THEY RELATE TO HIGHER EDUCATION INSTITUTIONS; (4) UNDERSTANDING OF AND FAMILIARITY WITH THE KINDS OF ISSUES ARISING IN LARGE COMPLEX ORGANIZATIONS; (5) CURRENT INTEREST IN THE INSTITUTION; (6) A COMMITMENT TO PUBLIC HIGHER EDUCATION; (7) A GENERAL BACKGROUND THAT WOULD ALLOW THEM TO MAKE DECISIONS IN THE BEST INTERESTS OF THE INSTITUTION; (8) AN ABILITY TO RECOGNIZE THE SOMETIMES AMBIGUOUS DISTINCTION BETWEEN MANAGEMENT AND GOVERNANCE; AND (9) AN ACTUAL AND PERCEIVED INDEPENDENCE FROM POLITICAL INTERFERENCE IN THE GOVERNANCE OF THE INSTITUTION.

(B) ESTABLISH PROCEDURES TO ASSURE THAT PERSONS WHO MAY BE WELL QUALIFIED FOR APPOINTMENT TO THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES, OTHER THAN THOSE WHO HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR CONSIDERATION BY OTHERS BE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE COMMISSION.

(C) REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION OF CANDIDATES.

(D) REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY OF THE STATE OR POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES.

(E) REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

(F) COMMUNICATE WITH THE GOVERNOR CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE WHOM IT HAS RECOMMENDED TO THE GOVERNOR AND COMMUNICATE WITH THE SENATE CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE APPOINTED BY THE GOVERNOR.

(G) COMMUNICATE WITH THE MAYOR OF THE CITY OF NEW YORK CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE WHOM IT HAS RECOMMENDED TO THE MAYOR OF THE CITY OF NEW YORK, AND COMMUNICATE WITH THE SENATE CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE APPOINTED BY THE MAYOR OF THE CITY OF NEW YORK.

(H) DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNCTIONS PURSUANT TO THIS ARTICLE.

2. RECOMMENDATIONS TO THE GOVERNOR SHALL REQUIRE THE CONCURRENCE OF A QUORUM OF THE COMMISSION. THE RECOMMENDATIONS TO THE GOVERNOR SHALL BE TRANSMITTED TO THE GOVERNOR IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE COMMISSION AT THE TIME IT IS SUBMITTED TO THE GOVERNOR. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRPERSON, AND SHALL INCLUDE THE COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS OF EACH CANDIDATE WHO IS RECOMMENDED TO THE GOVERNOR.

3. RECOMMENDATIONS TO THE MAYOR OF THE CITY OF NEW YORK SHALL REQUIRE THE CONCURRENCE OF A QUORUM OF THE COMMISSION. RECOMMENDATIONS TO THE MAYOR OF THE CITY OF NEW YORK SHALL BE TRANSMITTED TO THE MAYOR OF THE CITY OF NEW YORK IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE COMMISSION AT THE TIME IT IS SUBMITTED TO THE MAYOR OF THE CITY OF NEW YORK. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRPERSON, AND SHALL INCLUDE THE COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS OF EACH CANDIDATE WHO IS RECOMMENDED TO THE MAYOR OF THE CITY OF NEW YORK.

4. NO PERSON SHALL BE RECOMMENDED TO THE GOVERNOR OR THE MAYOR OF THE CITY OF NEW YORK WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF THE COMMISSION AS PROVIDED FOR IN SUBDIVISION SIX OF SECTION SIXTY-TWO HUNDRED THREE-A OF THIS ARTICLE, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH THE COMMISSION, ON A FORM TO BE PRESCRIBED BY THE COMMISSION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE CANDIDATE'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELEVANT FINANCIAL INFORMATION, WHICH THE COMMISSION MAY REQUIRE. THE COMMISSION SHALL TRANSMIT TO THE GOVERNOR THE FINANCIAL STATEMENT FILED BY EACH CANDIDATE WHO IS RECOMMENDED TO THE GOVERNOR. THE GOVERNOR SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE CANDIDATE WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER CANDIDATES RECOMMENDED TO THE GOVERNOR, BUT NOT APPOINTED BY HIM OR HER SHALL BE CONFIDENTIAL. THE COMMISSION SHALL TRANSMIT TO THE MAYOR OF THE CITY OF NEW YORK THE FINANCIAL STATEMENT FILED BY EACH CANDIDATE WHO IS RECOMMENDED TO THE MAYOR OF THE CITY OF NEW YORK. THE MAYOR OF THE CITY OF NEW YORK SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE CANDIDATE WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER CANDIDATES RECOMMENDED TO THE MAYOR OF THE CITY OF NEW YORK, BUT NOT APPOINTED BY HIM OR HER SHALL BE CONFIDENTIAL.

S 6203-C. RULES OF THE COMMISSION. 1. THE COMMISSION SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT WITH LAW.

2. RULES OF THE COMMISSION SHALL BE FILED WITH THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE CITY AND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK. UPON REQUEST OF ANY PERSON, THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK SHALL FURNISH A COPY OF THE COMMISSION'S RULES WITHOUT CHARGE.

3. RULES OF THE COMMISSION MAY PRESCRIBE FORMS AND QUESTIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY THE COMMISSION, VERIFIED BY CANDIDATES.

4. RULES OF THE COMMISSION SHALL PROVIDE THAT UPON THE COMPLETION BY THE COMMISSION OF ITS CONSIDERATION AND EVALUATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSIDERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE OR SHE WAS CONSIDERED, EXCEPT WITH THE CONCURRENCE OF A QUORUM OF THE COMMISSION.

S 6203-D. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. 1. ALL COMMUNICATIONS TO THE COMMISSION, AND ITS PROCEEDINGS, AND ALL APPLICATIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER PAPERS, FILES AND RECORDS OF THE COMMISSION SHALL BE CONFIDENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

2. THE GOVERNOR AND THE MAYOR OF THE CITY OF NEW YORK SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO PERSONS RECOMMENDED TO

HIM OR HER BY THE COMMISSION. THE SENATE SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO THE PERSON APPOINTED BY THE GOVERNOR AND THE MAYOR OF THE CITY OF NEW YORK TO FILL A VACANCY. ALL INFORMATION THAT IS NOT PUBLICLY DISCLOSED IN ACCORDANCE WITH SUBDIVISIONS TWO, THREE AND FOUR OF SECTION SIXTY-TWO HUNDRED THREE-B OF THIS ARTICLE, OR DISCLOSED IN CONNECTION WITH THE SENATE'S CONFIRMATION OF THE APPOINTMENT, SHALL REMAIN CONFIDENTIAL AND PRIVILEGED, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW.

3. THE MEMBERS OF THE COMMISSION SHALL NOT PUBLICLY DIVULGE THE NAMES OF, OR ANY INFORMATION CONCERNING, ANY CANDIDATE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

S 6. Paragraph (a) of subdivision 2 of section 6204 of the education law, as added by chapter 305 of the laws of 1979, is amended to read as follows:

(a) The board of trustees shall consist of seventeen trustees. Ten of the trustees shall be appointed by the governor with the advice and consent of the senate; PROVIDED, HOWEVER, THAT NO SUCH TRUSTEES SHALL BE AN EMPLOYEE OF, OR UNDER THE SUPERVISION OF, ANY OF SUCH APPOINTING AUTHORITIES. Five of the trustees shall be appointed by the mayor of the city of New York with the advice and consent of the senate; PROVIDED, HOWEVER, THAT NO SUCH TRUSTEE SHALL BE AN EMPLOYEE OF, OR UNDER THE SUPERVISION OF, ANY OF SUCH APPOINTING AUTHORITIES. THE SENATE UPON RECEIVING THE GOVERNOR'S NOMINATION OF A TRUSTEE TO BE CONSIDERED FOR CONFIRMATION SHALL CONSULT WITH THE CHAIR OF THE SENATE HIGHER EDUCATION COMMITTEE AND SHALL PUBLICIZE ITS CONSIDERATION OF SAID NOMINEE. THE SENATE SHALL VOTE TO CONFIRM THE NOMINEE NO EARLIER THAN TWENTY-ONE DAYS AFTER THE NOMINEE'S CONSIDERATION HAS BEEN PUBLICIZED. One ex-officio trustee shall be the chairperson of the university student senate. One ex-officio non-voting trustee shall be the chairperson of the university faculty senate. SUCH TRUSTEES, EXCEPT THE CHAIRPERSON OF THE UNIVERSITY STUDENT SENATE, EX-OFFICIO, AND THE CHAIRPERSON OF THE FACULTY SENATE, EX-OFFICIO, MUST BE RECOMMENDED AND APPROVED BY THE CITY UNIVERSITY OF NEW YORK'S INDEPENDENT COMMISSION ON BOARD OF TRUSTEE NOMINATIONS.

S 7. Section 6301 of the education law is amended by adding five new subdivisions 6, 7, 8, 9 and 10 to read as follows:

6. "COMMISSIONS." THE STATE UNIVERSITY OF NEW YORK'S COMMUNITY COLLEGE INDEPENDENT COMMISSION ON LOCAL BOARD OF TRUSTEES NOMINATIONS.

7. "REGIONAL COMMISSIONS." THE STATE UNIVERSITY OF NEW YORK'S REGIONAL COMMUNITY COLLEGE INDEPENDENT COMMISSIONS ON LOCAL BOARD OF TRUSTEES NOMINATIONS.

8. "CANDIDATE." A PERSON WHO HAS REQUESTED THAT THE COMMISSION OR THE REGIONAL COMMISSION CONSIDER HIS OR HER QUALIFICATIONS TO SERVE ON THE LOCAL BOARD OF TRUSTEES OF A STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGE OR REGIONAL COMMUNITY COLLEGE; OR (A) WHO HAS BEEN RECOMMENDED FOR CONSIDERATION BY THE COMMISSION OR REGIONAL COMMISSION BY ANOTHER PERSON, INCLUDING A COMMUNITY OR PROFESSIONAL ORGANIZATION; OR (B) WHO HAS AGREED TO BE CONSIDERED BY THE COMMISSION OR REGIONAL COMMISSION AT SUCH COMMISSION'S REQUEST.

9. "LOCAL APPOINTING AUTHORITY." THE LOCAL LEGISLATIVE BODY OR BOARD, OR OTHER APPROPRIATE GOVERNING AGENCY AUTHORIZED TO APPOINT MEMBERS TO A STATE UNIVERSITY COMMUNITY COLLEGE BOARD OF TRUSTEES PURSUANT TO SECTION SIXTY-THREE HUNDRED SIX OF THIS ARTICLE.

10. "REGIONAL APPOINTING AUTHORITY." THE REGIONAL LEGISLATIVE BODY OR BOARD, OR OTHER APPROPRIATE GOVERNING AGENCY AUTHORIZED TO APPOINT

MEMBERS TO A STATE UNIVERSITY REGIONAL COMMUNITY COLLEGE BOARD OF TRUSTEES PURSUANT TO SECTION SIXTY-THREE HUNDRED TEN OF THIS ARTICLE.

S 8. The education law is amended by adding four new sections 6306-a, 6306-b, 6306-c and 6306-d to read as follows:

S 6306-A. ORGANIZATION OF THE COMMISSIONS. 1. FOR EACH COMMUNITY COLLEGE, EXCLUDING THOSE IN THE CITY OF NEW YORK EXCEPT FOR THE FASHION INSTITUTE OF TECHNOLOGY, THERE IS HEREBY ESTABLISHED A STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGE INDEPENDENT COMMISSION ON LOCAL BOARD OF TRUSTEES NOMINATIONS. EACH COMMISSION SHALL CONSIST OF ELEVEN MEMBERS OF WHOM FOUR SHALL BE APPOINTED BY THE GOVERNOR, FIVE MEMBERS SHALL BE APPOINTED BY THE LOCAL APPOINTING AUTHORITY, ONE MEMBER APPOINTED BY THE PRESIDENT OF THE FACULTY COUNCIL OF COMMUNITY COLLEGES, AND ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE. OF THE FOUR MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL PARTY AND TWO OF SUCH MEMBERS SHALL BE GRADUATES OF THE STATE UNIVERSITY SYSTEM. OF THE FIVE MEMBERS APPOINTED BY THE LOCAL APPOINTING AUTHORITY NO MORE THAN THREE SHALL BE ENROLLED IN THE SAME POLITICAL PARTY. NO MEMBER OF A COMMISSION SHALL HOLD ANY ELECTED PUBLIC OFFICE OR OFFICE IN ANY POLITICAL PARTY OR SHALL BE AN EMPLOYEE OF OR UNDER THE SUPERVISION OF ANY PERSON WHO HOLDS SUCH ELECTED PUBLIC OFFICE OR OFFICE OF A POLITICAL PARTY. NO MEMBER OF A COMMISSION SHALL SERVE IN ANY PUBLIC OR POLITICAL OFFICE WITHIN ONE YEAR OF THE MEMBER'S PERIOD OF SERVICE. THE MEMBERS OF EACH COMMISSION SHALL BE RESIDENTS OF THE STATE.

2. OF THE MEMBERS FIRST APPOINTED BY THE GOVERNOR, TWO MEMBERS SHALL HAVE A TWO-YEAR TERM AND TWO MEMBERS SHALL HAVE A THREE-YEAR TERM AS HE OR SHE SHALL DESIGNATE. OF THE MEMBERS FIRST APPOINTED BY THE LOCAL APPOINTING AUTHORITY, TWO MEMBERS SHALL BE APPOINTED FOR A TWO-YEAR TERM, TWO MEMBERS SHALL BE APPOINTED FOR A THREE-YEAR TERM AND ONE MEMBER SHALL BE APPOINTED FOR A FOUR-YEAR TERM, AS SUCH LOCAL APPOINTING AUTHORITY SHALL DESIGNATE. EACH SUBSEQUENT APPOINTMENT BY THE GOVERNOR AND THE LOCAL APPOINTING AUTHORITY SHALL SERVE A TERM FOR FOUR YEARS. THE MEMBER FIRST APPOINTED BY THE PRESIDENT OF THE FACULTY COUNCIL OF COMMUNITY COLLEGES SHALL SERVE A TWO-YEAR TERM. EACH SUBSEQUENT APPOINTMENT BY THE PRESIDENT OF THE FACULTY COUNCIL SHALL BE FOR A TERM OF FOUR YEARS. THE MEMBER FIRST ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE SHALL SERVE A ONE-YEAR TERM. EACH SUBSEQUENT TERM FOR THE ELECTED MEMBER SHALL BE A ONE-YEAR TERM.

3. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER FOR APPOINTMENT TO, OR MEMBERSHIP ON, A COMMISSION. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THE REMAINDER OF THE UNEXPIRED TERM PURSUANT TO THE PROVISIONS OF THIS SECTION.

4. THE MEMBERS OF A COMMISSION SHALL DESIGNATE ONE MEMBER TO SERVE AS CHAIRPERSON FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

5. EACH MEMBER OF A COMMISSION SHALL BE ENTITLED TO RECEIVE HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

6. SEVEN MEMBERS OF A COMMISSION SHALL CONSTITUTE A QUORUM.

S 6306-B. FUNCTIONS OF THE COMMISSIONS. 1. EACH COMMISSION SHALL:

(A) CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT TO THEIR STATE UNIVERSITY COMMUNITY COLLEGE LOCAL BOARD OF TRUSTEES AND, AS VACANCIES OCCUR ON A LOCAL BOARD, SHALL RECOMMEND TO THE GOVERNOR AND LOCAL APPOINTING AUTHORITY PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALI-

FIED TO BE A MEMBER OF SUCH STATE UNIVERSITY COMMUNITY COLLEGE LOCAL BOARD OF TRUSTEES. SUCH QUALIFICATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO: (1) A BACCALAUREATE DEGREE AS THE MINIMUM EDUCATIONAL CRITERIA; (2) FAMILIARITY WITH ADDRESSING POLICY ISSUES IN A UNIONIZED ENVIRONMENT; (3) UNDERSTANDING OF PUBLIC SECTOR INTERGOVERNMENTAL RELATIONS AS THEY RELATE TO HIGHER EDUCATION INSTITUTIONS; (4) UNDERSTANDING OF AND FAMILIARITY WITH THE KINDS OF ISSUES ARISING IN LARGE COMPLEX ORGANIZATIONS; (5) CURRENT INTEREST IN THE INSTITUTION; (6) A COMMITMENT TO PUBLIC HIGHER EDUCATION; (7) A GENERAL BACKGROUND THAT WOULD ALLOW THEM TO MAKE DECISIONS IN THE BEST INTERESTS OF THE INSTITUTION; (8) AN ABILITY TO RECOGNIZE THE SOMETIMES AMBIGUOUS DISTINCTION BETWEEN MANAGEMENT AND GOVERNANCE; AND (9) AN ACTUAL AND PERCEIVED INDEPENDENCE FROM POLITICAL INTERFERENCE IN THE GOVERNANCE OF THE INSTITUTION.

(B) ESTABLISH PROCEDURES TO ASSURE THAT PERSONS WHO MAY BE WELL QUALIFIED FOR APPOINTMENT TO A STATE UNIVERSITY COMMUNITY COLLEGE LOCAL BOARD OF TRUSTEES, OTHER THAN THOSE WHO HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR CONSIDERATION BY OTHERS BE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE COMMISSION.

(C) REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION OF CANDIDATES.

(D) REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY OF THE STATE, LOCAL GOVERNMENT OR MUNICIPALITY, OR POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES.

(E) REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

(F) COMMUNICATE WITH THE GOVERNOR CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE WHOM IT HAS RECOMMENDED TO THE GOVERNOR AND COMMUNICATE WITH THE SENATE CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE APPOINTED BY THE GOVERNOR.

(G) COMMUNICATE WITH THE LOCAL APPOINTING AUTHORITY CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE WHOM IT HAS RECOMMENDED TO THE LOCAL APPOINTING AUTHORITY.

(H) DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNCTIONS PURSUANT TO THIS ARTICLE.

2. A RECOMMENDATION TO THE GOVERNOR SHALL REQUIRE THE CONCURRENCE OF A QUORUM OF A COMMISSION. THE RECOMMENDATIONS TO THE GOVERNOR SHALL BE TRANSMITTED TO THE GOVERNOR IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE COMMISSION AT THE TIME IT IS SUBMITTED TO THE GOVERNOR. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRPERSON, AND SHALL INCLUDE THE COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS OF EACH CANDIDATE WHO IS RECOMMENDED TO THE GOVERNOR.

3. A RECOMMENDATION TO A LOCAL APPOINTING AUTHORITY SHALL REQUIRE THE CONCURRENCE OF A QUORUM OF A COMMISSION. RECOMMENDATIONS TO A LOCAL APPOINTING AUTHORITY SHALL BE TRANSMITTED TO THE LOCAL APPOINTING AUTHORITY IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE COMMISSION AT THE TIME IT IS SUBMITTED TO THE LOCAL APPOINTING AUTHORITY. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRPERSON, AND SHALL INCLUDE THE COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS OF EACH CANDIDATE WHO IS RECOMMENDED TO THE LOCAL APPOINTING AUTHORITY.

4. NO PERSON SHALL BE RECOMMENDED TO THE GOVERNOR OR A LOCAL APPOINTING AUTHORITY WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF A COMMISSION AS PROVIDED IN SUBDIVISION SIX OF SECTION SIXTY-THREE HUNDRED SIX-A OF THIS ARTICLE, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH A COMMISSION, ON A FORM TO BE PRESCRIBED BY THE COMMISSION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE CANDIDATE'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELEVANT FINANCIAL INFORMATION, WHICH A COMMISSION MAY REQUIRE. EACH COMMISSION SHALL TRANSMIT TO THE GOVERNOR THE FINANCIAL STATEMENT FILED BY EACH CANDIDATE WHO IS RECOMMENDED TO THE GOVERNOR. THE GOVERNOR SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE CANDIDATE WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER CANDIDATES RECOMMENDED TO THE GOVERNOR, BUT NOT APPOINTED BY HIM OR HER SHALL BE CONFIDENTIAL. THE COMMISSION SHALL TRANSMIT TO THE LOCAL APPOINTING AUTHORITY THE FINANCIAL STATEMENT FILED BY EACH CANDIDATE WHO IS RECOMMENDED TO THE LOCAL APPOINTING AUTHORITY. THE LOCAL APPOINTING AUTHORITY SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE CANDIDATE WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER CANDIDATES RECOMMENDED TO THE LOCAL APPOINTING AUTHORITY, BUT NOT APPOINTED BY SUCH AUTHORITY, SHALL BE CONFIDENTIAL.

S 6306-C. RULES OF THE COMMISSIONS. 1. EACH COMMISSION SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT WITH LAW.

2. RULES OF EACH COMMISSION SHALL BE FILED WITH THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE. UPON REQUEST OF ANY PERSON, THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK SHALL FURNISH A COPY OF ANY COMMISSION'S RULES WITHOUT CHARGE.

3. RULES OF EACH COMMISSION MAY PRESCRIBE FORMS AND QUESTIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY ANY COMMISSION, VERIFIED BY CANDIDATES.

4. RULES OF EACH COMMISSION SHALL PROVIDE THAT UPON THE COMPLETION BY THE COMMISSION OF ITS CONSIDERATION AND EVALUATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSIDERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE OR SHE WAS CONSIDERED, EXCEPT WITH THE CONCURRENCE OF A QUORUM OF THE COMMISSION.

S 6306-D. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. 1. ALL COMMUNICATIONS TO EACH COMMISSION, AND THEIR PROCEEDINGS, AND ALL APPLICATIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER PAPERS, FILES AND RECORDS OF EACH COMMISSION SHALL BE CONFIDENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

2. THE GOVERNOR SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO CANDIDATES RECOMMENDED TO HIM OR HER BY EACH COMMISSION. A LOCAL APPOINTING AUTHORITY SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO CANDIDATES RECOMMENDED TO IT BY A COMMISSION. ALL INFORMATION THAT IS NOT PUBLICLY DISCLOSED IN ACCORDANCE WITH SUBDIVISIONS TWO, THREE AND FOUR OF SECTION SIXTY-THREE HUNDRED SIX-B OF THIS ARTICLE, SHALL REMAIN CONFIDENTIAL AND PRIVILEGED, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW.

3. THE MEMBERS OF EACH COMMISSION SHALL NOT PUBLICLY DIVULGE THE NAMES OF, OR ANY INFORMATION CONCERNING, ANY CANDIDATE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

S 9. Subdivision 1 of section 6306 of the education law, as amended by chapter 268 of the laws of 2003, is amended to read as follows:

1. Each community college, except in the city of New York, shall be administered by a board of trustees of ten members, nine of whom shall be appointed for terms of seven years in annual rotation, and one member elected as herein provided, except that initial appointments shall be made for terms of one to nine years respectively. Five members shall be appointed by the local legislative body or board, or other appropriate governing agency[, one of whom may be a member of such local legislative body or board, or other appropriate governing agency, four,]; PROVIDED, HOWEVER, THAT SUCH TRUSTEES, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE, HAVE BEEN APPROVED BY THE STATE UNIVERSITY OF NEW YORK'S COMMUNITY COLLEGE INDEPENDENT COMMISSION ON LOCAL BOARD OF TRUSTEES NOMINATIONS. NO SUCH TRUSTEE, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE, SHALL BE AN EMPLOYEE OF, OR UNDER THE SUPERVISION OF, ANY OF SUCH APPOINTING AUTHORITIES. FOUR MEMBERS SHALL BE APPOINTED from among persons residing in the sponsoring community, by the governor [and one]; PROVIDED, HOWEVER, THAT SUCH TRUSTEES, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE, HAVE BEEN APPROVED BY THE STATE UNIVERSITY OF NEW YORK'S COMMUNITY COLLEGE INDEPENDENT COMMISSION ON LOCAL BOARD OF TRUSTEES NOMINATIONS. NO SUCH TRUSTEE, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE, SHALL BE AN EMPLOYEE OF, OR UNDER THE SUPERVISION OF, ANY OF SUCH APPOINTING AUTHORITIES. ONE member SHALL BE elected by and from among the students of the college who shall serve as a member of the board for a one-year term, provided, however, that the term of the student member first elected shall be nine months commencing October first, nineteen hundred seventy-five. The student member shall be afforded the same parliamentary privileges as are conferred upon voting members, including but not limited to the right to make and second motions and to place items on the agenda. Such student member shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the 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. The election of the student member shall be conducted in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines established by the state university trustees. In the event that the student member ceases to be a student at the institution, he shall be required to resign. The governor's initial appointments shall be for terms of two, four, six and eight years respectively and those by local authorities for terms of one, three, five, seven and nine years respectively. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection. The board shall select its own [chairman] CHAIRPERSON from among its voting membership. Where two or more local sponsors join in the establishment of a community college, the apportionment of the appointments among them shall be made by the state university trustees. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to the board of trustees of any community college hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial

member shall be deemed to have commenced on the first day of July of the year in which such college was established. The terms of office of all members of the boards of trustees of community colleges heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended. For the purpose of determining such year all initial terms of office of appointed members of the boards of trustees of community colleges heretofore established shall be deemed to have commenced on the first day of July of the year in which such colleges were established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees. In the case of community colleges in the city of New York the year in which any such college was established for the purposes of this subdivision shall mean the year in which it was or may be determined that its board of trustees be appointed and serve in the manner provided by this subdivision.

The provisions of this subdivision shall not apply to community college regional boards of trustees.

S 10. The education law is amended by adding four new sections 6310-a, 6310-b, 6310-c and 6310-d to read as follows:

S 6310-A. ORGANIZATION OF REGIONAL COMMISSIONS. 1. FOR EACH COMMUNITY COLLEGE REGION AND COMMUNITY COLLEGE SPONSORED BY SUCH REGION, THERE IS HEREBY ESTABLISHED A STATE UNIVERSITY OF NEW YORK REGIONAL COMMUNITY COLLEGE INDEPENDENT COMMISSION ON LOCAL BOARD OF TRUSTEES NOMINATIONS. EACH COMMISSION SHALL CONSIST OF ELEVEN MEMBERS OF WHOM FOUR SHALL BE APPOINTED BY THE GOVERNOR, FIVE MEMBERS SHALL BE APPOINTED BY THE REGIONAL APPOINTING AUTHORITY, ONE MEMBER APPOINTED BY THE PRESIDENT OF THE FACULTY COUNCIL OF COMMUNITY COLLEGES AND ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE. OF THE FOUR MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL PARTY AND TWO OF SUCH MEMBERS SHALL BE GRADUATES OF THE STATE UNIVERSITY SYSTEM. OF THE FIVE MEMBERS APPOINTED BY THE REGIONAL APPOINTING AUTHORITY NO MORE THAN THREE SHALL BE ENROLLED IN THE SAME POLITICAL PARTY. NO MEMBER OF A REGIONAL COMMISSION SHALL HOLD ANY ELECTED PUBLIC OFFICE OR OFFICE IN ANY POLITICAL PARTY OR SHALL BE AN EMPLOYEE OF OR UNDER THE SUPERVISION OF ANY PERSON WHO HOLDS SUCH ELECTED PUBLIC OFFICE OR OFFICE OF A POLITICAL PARTY. NO MEMBER OF A REGIONAL COMMISSION SHALL SERVE IN ANY PUBLIC OR POLITICAL PARTY. NO MEMBER OF A REGIONAL COMMISSION SHALL SERVE IN ANY PUBLIC OR POLITICAL OFFICE WITHIN ONE YEAR OF THE MEMBER'S PERIOD OF SERVICE. THE MEMBERS OF EACH REGIONAL COMMISSION SHALL BE RESIDENTS OF THE STATE.

2. OF THE MEMBERS FIRST APPOINTED BY THE GOVERNOR, TWO MEMBERS SHALL SERVE A TWO-YEAR TERM AND TWO MEMBERS SHALL SERVE A THREE-YEAR TERM AS HE OR SHE SHALL DESIGNATE. OF THE MEMBERS FIRST APPOINTED BY THE REGIONAL APPOINTING AUTHORITY, TWO MEMBERS SHALL SERVE A TWO-YEAR TERM, TWO MEMBERS SHALL SERVE A THREE-YEAR TERM AND ONE MEMBER SHALL SERVE A FOUR-YEAR TERM, AS SUCH LOCAL APPOINTING AUTHORITY SHALL DESIGNATE. EACH SUBSEQUENT APPOINTMENT BY THE GOVERNOR AND THE REGIONAL APPOINTING AUTHORITY SHALL BE FOR A TERM OF FOUR YEARS. THE MEMBER FIRST APPOINTED BY THE PRESIDENT OF THE FACULTY COUNCIL OF COMMUNITY COLLEGES SHALL

SERVE A TWO-YEAR TERM. EACH SUBSEQUENT APPOINTMENT BY THE PRESIDENT OF THE FACULTY COUNCIL SHALL SERVE FOR A TERM OF FOUR YEARS. THE MEMBER FIRST ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE SHALL SERVE A ONE-YEAR TERM. EACH SUBSEQUENT TERM FOR THE ELECTED MEMBER SHALL BE A ONE-YEAR TERM.

3. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER FOR APPOINTMENT TO, OR MEMBERSHIP ON, A REGIONAL COMMISSION. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE REGIONAL APPOINTING AUTHORITY FOR THE REMAINDER OF THE UNEXPIRED TERM PURSUANT TO THE PROVISIONS OF THIS SECTION.

4. THE MEMBERS OF EACH REGIONAL COMMISSION SHALL DESIGNATE ONE MEMBER TO SERVE AS CHAIRPERSON FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

5. EACH MEMBER OF A REGIONAL COMMISSION SHALL BE ENTITLED TO RECEIVE HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

6. SEVEN MEMBERS OF A REGIONAL COMMISSION SHALL CONSTITUTE A QUORUM.

S 6310-B. FUNCTIONS OF REGIONAL COMMISSIONS. 1. EACH REGIONAL COMMISSION:

(A) SHALL CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT TO THEIR STATE UNIVERSITY REGIONAL COMMUNITY COLLEGE LOCAL BOARD OF TRUSTEES AND, AS VACANCIES OCCUR ON A REGIONAL LOCAL BOARD, SHALL RECOMMEND TO THE GOVERNOR AND REGIONAL APPOINTING AUTHORITY PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALIFIED TO BE A MEMBER OF SUCH STATE UNIVERSITY REGIONAL COMMUNITY COLLEGE LOCAL BOARD OF TRUSTEES. SUCH QUALIFICATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO: (1) A BACCALAUREATE DEGREE AS THE MINIMUM EDUCATIONAL CRITERIA; (2) FAMILIARITY WITH ADDRESSING POLICY ISSUES IN A UNIONIZED ENVIRONMENT; (3) UNDERSTANDING OF PUBLIC SECTOR INTERGOVERNMENTAL RELATIONS AS THEY RELATE TO HIGHER EDUCATION INSTITUTIONS; (4) UNDERSTANDING OF AND FAMILIARITY WITH THE KINDS OF ISSUES ARISING IN LARGE COMPLEX ORGANIZATIONS; (5) CURRENT INTEREST IN THE INSTITUTION; (6) A COMMITMENT TO PUBLIC HIGHER EDUCATION; (7) A GENERAL BACKGROUND THAT WOULD ALLOW THEM TO MAKE DECISIONS IN THE BEST INTERESTS OF THE INSTITUTION; (8) AN ABILITY TO RECOGNIZE THE SOMETIMES AMBIGUOUS DISTINCTION BETWEEN MANAGEMENT AND GOVERNANCE; AND (9) AN ACTUAL AND PERCEIVED INDEPENDENCE FROM POLITICAL INTERFERENCE IN THE GOVERNANCE OF THE INSTITUTION.

(B) ESTABLISH PROCEDURES TO ASSURE THAT PERSONS WHO MAY BE WELL QUALIFIED FOR APPOINTMENT TO A STATE UNIVERSITY REGIONAL COMMUNITY COLLEGE LOCAL BOARD OF TRUSTEES, OTHER THAN THOSE WHO HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR CONSIDERATION BY OTHERS, ARE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE REGIONAL COMMISSION.

(C) REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION OF CANDIDATES.

(D) REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY OF THE STATE, LOCAL GOVERNMENT OR MUNICIPALITY, OR POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES.

(E) REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

(F) COMMUNICATE WITH THE GOVERNOR CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE WHOM IT HAS RECOMMENDED TO THE GOVERNOR AND COMMUNICATE WITH

THE SENATE CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE APPOINTED BY THE GOVERNOR.

(G) COMMUNICATE WITH THE REGIONAL APPOINTING AUTHORITY CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE WHOM IT HAS RECOMMENDED TO THE REGIONAL APPOINTING AUTHORITY.

(H) DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNCTIONS PURSUANT TO THIS ARTICLE.

2. A RECOMMENDATION TO THE GOVERNOR SHALL REQUIRE THE CONCURRENCE OF A QUORUM OF A REGIONAL COMMISSION. THE RECOMMENDATIONS TO THE GOVERNOR SHALL BE TRANSMITTED TO THE GOVERNOR IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE COMMISSION AT THE TIME IT IS SUBMITTED TO THE GOVERNOR. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRPERSON, AND SHALL INCLUDE THE COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS OF EACH CANDIDATE WHO IS RECOMMENDED TO THE GOVERNOR.

3. A RECOMMENDATION TO A REGIONAL APPOINTING AUTHORITY SHALL REQUIRE THE CONCURRENCE OF A QUORUM OF A REGIONAL COMMISSION. RECOMMENDATIONS TO A REGIONAL APPOINTING AUTHORITY SHALL BE TRANSMITTED TO THE REGIONAL APPOINTING AUTHORITY IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE REGIONAL COMMISSION AT THE TIME IT IS SUBMITTED TO THE REGIONAL APPOINTING AUTHORITY. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRPERSON, AND SHALL INCLUDE THE REGIONAL COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS OF EACH CANDIDATE WHO IS RECOMMENDED TO A REGIONAL APPOINTING AUTHORITY.

4. NO PERSON SHALL BE RECOMMENDED TO THE GOVERNOR OR A REGIONAL APPOINTING AUTHORITY WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF A REGIONAL COMMISSION AS PROVIDED FOR BY SUBDIVISION SIX OF SECTION SIXTY-THREE HUNDRED TEN-A OF THIS ARTICLE, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH A REGIONAL COMMISSION, ON A FORM TO BE PRESCRIBED BY THE REGIONAL COMMISSION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE CANDIDATE'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELEVANT FINANCIAL INFORMATION, WHICH A REGIONAL COMMISSION MAY REQUIRE. EACH REGIONAL COMMISSION SHALL TRANSMIT TO THE GOVERNOR THE FINANCIAL STATEMENT FILED BY EACH CANDIDATE WHO IS RECOMMENDED TO THE GOVERNOR. THE GOVERNOR SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE CANDIDATE WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER CANDIDATES RECOMMENDED TO THE GOVERNOR, BUT NOT APPOINTED BY HIM OR HER SHALL BE CONFIDENTIAL. THE REGIONAL COMMISSION SHALL TRANSMIT TO THE REGIONAL APPOINTING AUTHORITY THE FINANCIAL STATEMENT FILED BY EACH CANDIDATE WHO IS RECOMMENDED TO THE REGIONAL APPOINTING AUTHORITY. THE REGIONAL APPOINTING AUTHORITY SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE CANDIDATE WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER CANDIDATES RECOMMENDED TO THE REGIONAL APPOINTING AUTHORITY, BUT NOT APPOINTED BY SUCH AUTHORITY, SHALL BE CONFIDENTIAL.

S 6310-C. RULES OF REGIONAL COMMISSIONS. 1. EACH REGIONAL COMMISSION SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT WITH LAW.

2. RULES OF EACH REGIONAL COMMISSION SHALL BE FILED WITH THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE. UPON REQUEST OF ANY PERSON, THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW

YORK SHALL FURNISH A COPY OF ANY REGIONAL COMMISSION'S RULES WITHOUT CHARGE.

3. RULES OF EACH REGIONAL COMMISSION MAY PRESCRIBE FORMS AND QUESTIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY ANY REGIONAL COMMISSION, VERIFIED BY CANDIDATES.

4. RULES OF EACH REGIONAL COMMISSION SHALL PROVIDE THAT UPON THE COMPLETION BY THE REGIONAL COMMISSION OF ITS CONSIDERATION AND EVALUATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSIDERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE OR SHE WAS CONSIDERED, EXCEPT WITH THE CONCURRENCE OF A QUORUM OF THE REGIONAL COMMISSION.

S 6310-D. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. 1. ALL COMMUNICATIONS TO EACH REGIONAL COMMISSION, AND THEIR PROCEEDINGS, AND ALL APPLICATIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER PAPERS, FILES AND RECORDS OF EACH REGIONAL COMMISSION SHALL BE CONFIDENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

2. THE GOVERNOR SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO CANDIDATES RECOMMENDED TO HIM OR HER BY EACH REGIONAL COMMISSION. A REGIONAL APPOINTING AUTHORITY SHALL HAVE ACCESS TO ALL PAPERS AND INFORMATION RELATING TO CANDIDATES RECOMMENDED TO IT BY A REGIONAL COMMISSION. ALL INFORMATION THAT IS NOT PUBLICLY DISCLOSED IN ACCORDANCE WITH SUBDIVISIONS TWO, THREE AND FOUR OF SECTION SIXTY-THREE HUNDRED TEN-B OF THIS ARTICLE, SHALL REMAIN CONFIDENTIAL AND PRIVILEGED, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW.

3. THE MEMBERS OF EACH REGIONAL COMMISSION SHALL NOT PUBLICLY DIVULGE THE NAMES OF, OR ANY INFORMATION CONCERNING, ANY CANDIDATE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

S 11. Subdivision 1 of section 6310 of the education law, as amended by chapter 268 of the laws of 2003, is amended to read as follows:

1. Each community college region and community college sponsored by such region shall be administered by a single board of trustees of fourteen members, thirteen of whom shall be appointed for terms of seven years, as set forth in this subdivision, and one member elected as herein provided, except that initial appointments shall be made for terms of one to nine years respectively. Seven members shall be appointed by the local legislative bodies or boards of those counties eligible to appoint members to the community college regional board of trustees; PROVIDED, HOWEVER, THAT SUCH TRUSTEES, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE, HAVE BEEN RECOMMENDED AND APPROVED BY THE STATE UNIVERSITY OF NEW YORK'S REGIONAL INDEPENDENT COMMISSION ON LOCAL BOARD OF TRUSTEES NOMINATIONS. NO SUCH TRUSTEE, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE, SHALL BE AN EMPLOYEE OF, OR UNDER THE SUPERVISION OF SUCH APPOINTING AUTHORITIES. [The seven locally appointed members of such board may include one member from the local legislative body or board of each county eligible to appoint members to the community college regional board of trustees.] Membership in a community college regional board of trustees shall be apportioned among the counties participating in such board in accordance with the number of full-time equivalent students attending a community college sponsored by such regional board who are residents of the respective participating counties, and in accordance with such further regulations as may be prescribed by the state university trustees. Six members shall be appointed by the governor [and one]; PROVIDED, HOWEVER, THAT SUCH TRUSTEES, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE

STUDENTS OF THE COLLEGE, HAVE BEEN APPROVED BY THE STATE UNIVERSITY OF NEW YORK'S REGIONAL COMMUNITY COLLEGE INDEPENDENT COMMISSION ON LOCAL BOARD OF TRUSTEES NOMINATIONS. NO SUCH TRUSTEE, EXCEPT THE ONE MEMBER ELECTED BY AND FROM AMONG THE STUDENTS OF THE COLLEGE, SHALL BE AN EMPLOYEE OF, OR UNDER THE SUPERVISION OF, ANY OF SUCH APPOINTING AUTHORITIES. ONE member SHALL BE elected by and from among the students of the college who shall serve as a member of the board for a one-year term, provided, however, that the term of the student member first elected shall be nine months commencing October first, nineteen hundred eighty-four. The student member shall be afforded the same parliamentary privileges as are conferred upon members, including but not limited to the right to make and second motions and to place items on the agenda. Such student member shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the 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. The election of the student member shall be conducted in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines established by the state university trustees. In the event that the student member ceases to be a student at the institution, he shall be required to resign. The governor's initial appointments shall be as follows: (a) two individuals shall be appointed for terms of two and four years respectively; (b) two individuals for terms of six years and two individuals for terms of eight years. Appointments by local authorities shall be as follows: (a) three individuals for terms of one, three and five years, respectively; (b) two individuals for terms of seven years, and two individuals for terms of nine years. Vacancies shall be filled for unexpired terms in the same manner as original selections by the authority responsible for the original selection. The board shall select its own [chairman] CHAIRPERSON from among its voting membership. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article. Members initially appointed or elected under this subdivision to any community college regional board of trustees hereafter established shall take office immediately upon their selection and qualification, but for purposes of determining the expiration of their respective terms and the commencement of the terms of their successors, the term of office of each such initial member shall be deemed to have commenced on the first day of July of the year in which such college was established. The terms of office of all members of community college regional boards of trustees heretofore established, appointed or elected as provided in this subdivision, shall terminate on the thirtieth day of June of the calendar year within which such terms expire under the provisions of this subdivision as hereby amended. For the purpose of determining such year all initial terms of office of appointed members of the community college regional board of trustees heretofore established shall be deemed to have commenced on the first day of July of the year in which such community college regions were established and the terms of their successors for full terms, if any, shall be deemed to have commenced upon the expiration of the number of years from such date for which such initial appointments were made.

The one member elected by and from among the students of the college may be removed by such students in accordance with rules and regulations

promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees.

S 12. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to appointments made on or after such effective date.