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

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I N A S S E M B L Y

January 9, 2014

Introduced by M. of A. GRAF, McDONOUGH, MONTESANO, LUPINACCI, BORELLI, CROUCH, RAIA, RA, GIGLIO, McLAUGHLIN, BARCLAY, BLANKENBUSH, GARBARINO, FINCH, P. LOPEZ, HAWLEY -- Multi-Sponsored by -- M. of A. CERETTO, DiPIETRO, OAKS, THIELE -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the election of regents

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 and 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] THIRTEEN, ONE REPRESENTING EACH existing judicial [districts] DISTRICT 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. COMMENCING ON JANUARY FIRST, TWO THOUSAND FIFTEEN, EACH REGENT SHALL BE ELECTED FOR A TERM OF FOUR YEARS, EACH SUCH TERM TO EXPIRE ON THE THIRTY-FIRST DAY OF DECEMBER. Each regent shall be elected [by the legislature by concurrent resolution in the preceding March, on or before the first Tuesday of such month. If, however, the legislature fails to agree on such concurrent resolution by the first Tuesday of such month, then the two houses shall meet in joint

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

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session at noon on the second Tuesday of such month and proceed to elect such regent by joint ballot] AT A GENERAL ELECTION HELD IN NOVEMBER.

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] A SPECIAL 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 Tuesday in March 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 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] THAT MUST BE CALLED BY THE GOVERNOR TO FILL SUCH POSITION.

S 2. Section 203 of the education law is amended to read as follows:

S 203. [Officers. The elective officers of the university shall be a chancellor and a vice-chancellor who shall serve without salary, and such other officers as are deemed necessary by the regents, all of whom shall be chosen by ballot by the regents and] CHANCELLOR. THE REGENTS SHALL CHOOSE BY BALLOT FROM THE THIRTEEN MEMBERS OF THE REGENTS A CHANCELLOR WHO shall hold office during their pleasure; [but] no election, removal or change of salary of [an elective officer] A CHANCELLOR shall be made by less than six votes in favor thereof. Each regent [and each elective officer] shall, before entering on his OR HER duties, take and file with the secretary of state the oath of office required of state officers.

The chancellor shall preside at all convocations and at all meetings of the regents, and confer all degrees which they shall authorize. In his OR HER absence or inability to act[, the vice-chancellor, or if he be also absent,] the senior regent present[,] shall perform all the duties and have all the powers of the chancellor.

S 3. This act shall take effect immediately.