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2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sens. LAVALLE, GALLIVAN, LARKIN, MARCHIONE, MARTINS, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to filling vacancies in the office of regent by appointment

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 and subdivi-  
3     sion 2 as amended by chapter 296 of the laws of 1984 and as designated  
4     by 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  
7     [whose] SEVENTEEN members [shall at all times be four more than the  
8     number of the then existing judicial districts of the state and shall  
9     not be less than fifteen]. The regents in office April first, nineteen  
10    hundred seventy-four shall hold office, in the order of their election,  
11    for such times that the term of one such regent will expire in each year  
12    on the first day of April. Commencing April first, nineteen hundred  
13    seventy-four, each regent shall be elected for a term of seven years,  
14    each such term to expire on the first day of April. Commencing on April  
15    first, nineteen hundred ninety-four, each regent shall be elected for a  
16    term of five years, each such term to expire on the first day of April.  
17    [Each] ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, EACH regent  
18    shall be [elected by the legislature by concurrent resolution in the  
19    preceding March, on or before the first Tuesday of such month. If,  
20    however, the legislature fails to agree on such concurrent resolution by  
21    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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1 session at noon on the second Tuesday of such month and proceed to elect  
2 such regent by joint ballot] APPOINTED AS FOLLOWS:

3 A. OF THE TWO VACANCIES THAT SHALL OCCUR IN THE YEAR TWO THOUSAND  
4 SIXTEEN, TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

5 B. OF THE THREE VACANCIES THAT SHALL OCCUR IN THE YEAR TWO THOUSAND  
6 SEVENTEEN, TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AND ONE MEMBER  
7 SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, PROVIDED, THAT THE  
8 NEXT SUBSEQUENT VACANCY IN THE OFFICE OF REGENT APPOINTED BY THE SPEAKER  
9 OF THE ASSEMBLY PURSUANT TO THIS PARAGRAPH SHALL BE FILLED BY THE TEMPO-  
10 RARY PRESIDENT OF THE SENATE AND THE NEXT SUCH VACANCY BY THE GOVERNOR.  
11 SUCH SUBSEQUENT VACANCY SHALL CONTINUE TO BE FILLED ON A ROTATING BASIS  
12 BY APPOINTMENT BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT  
13 OF THE SENATE AND THE GOVERNOR;

14 C. OF THE TWO VACANCIES THAT SHALL OCCUR IN THE YEAR TWO THOUSAND  
15 EIGHTEEN, ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR AND ONE MEMBER  
16 SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

17 D. OF THE FOUR VACANCIES THAT SHALL OCCUR IN THE YEAR TWO THOUSAND  
18 NINETEEN, ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR, ONE MEMBER  
19 SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER SHALL BE  
20 APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY AND ONE MEMBER SHALL BE  
21 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

22 E. OF THE SIX VACANCIES THAT SHALL OCCUR IN THE YEAR TWO THOUSAND  
23 TWENTY, TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, TWO MEMBERS  
24 SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND TWO  
25 MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

26 2. All vacancies in such office, either for full or unexpired terms,  
27 shall be so filled that there shall always be in the membership of the  
28 board of regents at least one resident of each of the judicial  
29 districts. [A vacancy in the office of regent for other cause than  
30 expiration of term of service shall be filled for the unexpired term by  
31 an election at the session of the legislature immediately following such  
32 vacancy in the manner prescribed in the preceding paragraph, unless the  
33 legislature is in session when such vacancy occurs, in which case the  
34 vacancy shall be filled by such legislature in the manner prescribed in  
35 the preceding paragraph, except as hereinafter provided. However, if  
36 such vacancy occurs after the second Tuesday in March and before a  
37 resolution to adjourn sine die has been adopted by either house, then  
38 the vacancy shall be filled by concurrent resolution, unless the legis-  
39 lature fails to agree on such concurrent resolution within three legis-  
40 lative days after its passage by one house, in which case the two houses  
41 shall meet in joint session at noon on the next legislative day and  
42 proceed to elect such regent by joint ballots; provided, however, that  
43 if the vacancy occur after the adoption by either house of a resolution  
44 to adjourn sine die, then the vacancy shall be filled at the next  
45 session of the legislature in the manner prescribed in the preceding  
46 paragraph.]

47 S. 2. This act shall take effect immediately and shall apply to all  
48 vacancies in the office of regent occurring after such date.