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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 Sen. MARCELLINO -- 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 election of  
regents

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 whose  
7     members shall at all times be [four more than the number of the then]  
8     THIRTEEN, ONE REPRESENTING EACH existing judicial [districts] DISTRICT  
9     of the state [and shall not be less than fifteen. The regents in office  
10    April first, nineteen hundred seventy-four shall hold office, in the  
11    order of their election, for such times that the term of one such regent  
12    will expire in each year on the first day of April. Commencing April  
13    first, nineteen hundred seventy-four, each regent shall be elected for a  
14    term of seven years, each such term to expire on the first day of  
15    April]. Commencing on April first, nineteen hundred ninety-four, each  
16    regent shall be elected for a term of five years, each such term to  
17    expire on the first day of April. COMMENCING ON JANUARY FIRST, TWO  
18    THOUSAND SIXTEEN, EACH REGENT SHALL BE ELECTED FOR A TERM OF FOUR YEARS,  
19    EACH SUCH TERM TO EXPIRE ON THE THIRTY-FIRST DAY OF DECEMBER. Each  
20    regent shall be elected [by the legislature by concurrent resolution in  
21    the preceding March, on or before the first Tuesday of such month. If,  
22    however, the legislature fails to agree on such concurrent resolution by  
23    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] AT A GENERAL ELECTION HELD IN NOVEMBER.

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

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

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

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

42 S 3. This act shall take effect immediately.