

STATE OF NEW YORK

4138

2017-2018 Regular Sessions

IN SENATE

February 3, 2017

Introduced by Sens. LAVALLE, GALLIVAN, LARKIN, MARCHIONE, RANZENHOFER --
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 filling vacancies in
the office of regent by appointment

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
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 eighteen, 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~~
22 ~~session at noon on the second Tuesday of such month and proceed to elect~~
23 ~~such regent by joint ballot~~ appointed as follows:

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

LBD07874-01-7

1 a. of the two vacancies that shall occur in the year two thousand
2 eighteen, one member shall be appointed by the governor and one member
3 shall be appointed by the temporary president of the senate;

4 b. of the four vacancies that shall occur in the year two thousand
5 nineteen, one member shall be appointed by the governor, one member
6 shall be appointed by the speaker of the assembly, one member shall be
7 appointed by the minority leader of the assembly and one member shall be
8 appointed by the minority leader of the senate;

9 c. of the six vacancies that shall occur in the year two thousand
10 twenty, two members shall be appointed by the governor, two members
11 shall be appointed by the temporary president of the senate and two
12 members shall be appointed by the speaker of the assembly;

13 d. of the two vacancies that shall occur in the year two thousand
14 twenty-one, two members shall be appointed by the governor; and

15 e. of the three vacancies that shall occur in the year two thousand
16 twenty-two, two members shall be appointed by the governor and one
17 member shall be appointed by the speaker of the assembly, provided, that
18 the next subsequent vacancy in the office of regent appointed by the
19 speaker of the assembly pursuant to this paragraph shall be filled by
20 the temporary president of the senate and the next such vacancy by the
21 governor. Such subsequent vacancy shall continue to be filled on a
22 rotating basis by appointment by the speaker of the assembly, the tempo-
23 rary president of the senate and the governor.

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

45 § 2. This act shall take effect immediately and shall apply to all
46 vacancies in the office of regent occurring after such date.