

STATE OF NEW YORK

243

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. LUPARDO,
PERRY, WEPRIN -- read once and referred 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 Assem-
bly, do enact as follows:

1 Section 1. Section 350 of the education law is amended by adding two
2 new subdivisions 14 and 15 to read as follows:

3 14. "Commission" means the state university of New York's independent
4 commission on board of trustee's nominations.

5 15. "Candidate" means a person who has requested that the commission
6 consider his or her qualifications to serve on the state university of
7 New York board of trustees; or (a) who has been recommended for consid-
8 eration by the commission by another person, including a community or
9 professional organization; or (b) who has agreed to be considered by the
10 commission at the commission's request.

11 § 2. The education law is amended by adding four new sections 352-b,
12 352-c, 352-d and 352-e to read as follows:

13 § 352-b. Organization of the commission. 1. A state university of New
14 York independent commission on board of trustees' nominations is hereby
15 established. The commission shall consist of eleven members of whom
16 three shall be appointed by the governor and three each, by the speaker
17 of the assembly and the temporary president of the senate, and one each
18 by the chair of the state university of New York faculty senate and by
19 the president of the student assembly of the state university of New
20 York. Of the three members appointed by the governor, no more than two
21 shall be enrolled in the same political party and two of such members
22 shall be graduates of the state university of New York. No member of

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

LBD01928-01-9

1 the commission shall hold any elected public office or office in any
2 political party or shall be an employee of or under the supervision of
3 any person who holds such elected public office or office of a political
4 party. No member of the commission shall serve in any public or poli-
5 tical office within one year of the member's period of service. The
6 members of the commission shall be residents of the state.

7 2. The members first appointed by the governor shall have one, two and
8 three-year terms, respectively, as he or she shall designate. The
9 members first appointed by the speaker of the assembly shall have one,
10 two, and three-year terms, respectively, as he or she shall designate.
11 The member first appointed by the temporary president of the senate
12 shall have one, two and three-year terms, respectively, as he or she
13 shall designate. The member first appointed by the chair of the state
14 university of New York faculty senate shall have a two-year term as he
15 or she shall designate. The member first appointed by the president of
16 the student assembly of the state university of New York shall have a
17 one-year term as he or she shall designate. Each subsequent appointment
18 shall be for a term of one year.

19 3. A vacancy shall be deemed to occur immediately upon the appointment
20 or election of any member to an office that would disqualify him or her
21 for appointment to, or membership on, the commission. A vacancy occur-
22 ring for any reason other than by expiration of term shall be filled by
23 the appointing authority for the remainder of the unexpired term pursu-
24 ant to the provisions of this section.

25 4. The members of the commission shall designate one member to serve
26 as chairperson for a period of two years or until his or her term of
27 office expires, whichever period is shorter.

28 5. Each member of the commission shall be entitled to receive his or
29 her actual and necessary expenses incurred in the discharge of his or
30 her duties.

31 6. Seven members of the commission shall constitute a quorum.

32 § 352-c. Functions of the commission. 1. The commission shall:

33 (a) Consider and evaluate the qualifications of candidates for
34 appointment to the state university of New York board of trustees and,
35 as vacancies occur on such board, the commission shall recommend to the
36 governor persons who by their character, temperament, professional apti-
37 tude and experience are well qualified to be a member of such board.
38 Such qualifications shall include, but not be limited to: (1) a bacca-
39 laureate degree as the minimum educational criteria; (2) familiarity
40 with addressing policy issues in a unionized environment; (3) under-
41 standing of public sector intergovernmental relations as they relate to
42 higher education institutions; (4) understanding of and familiarity with
43 the kinds of issues arising in large complex organizations; (5) current
44 interest in the institution; (6) a commitment to public higher educa-
45 tion; (7) a general background that would allow them to make decisions
46 in the best interests of the institution; (8) an ability to recognize
47 the sometimes ambiguous distinction between management and governance;
48 and (9) an actual and perceived independence from political interference
49 in the governance of the institution.

50 (b) Establish procedures to assure that persons who may be well quali-
51 fied for appointment to the state university of New York board of trus-
52 tees, other than those who have requested consideration or who have been
53 recommended for consideration by others be encouraged to agree to be
54 considered by the commission.

1 (c) Require the production of any books, records, documents or other
2 evidence that it may deem relevant or material to its evaluation of
3 candidates.

4 (d) Require from any court, department, division, board, bureau,
5 commission, or other agency of the state or political subdivision there-
6 of or any public authority such assistance, information and data, as
7 will enable it properly to evaluate the qualifications of candidates.

8 (e) Require the appearance of any candidate before it and interview
9 any person concerning the qualifications of any candidate.

10 (f) Communicate with the governor concerning the qualifications of any
11 candidate whom it has recommended to the governor, and communicate with
12 the senate concerning the qualifications of any candidate appointed by
13 the governor.

14 (g) Do all other things necessary and convenient to carry out its
15 functions pursuant to this article.

16 2. A recommendation to the governor shall require the concurrence of a
17 quorum of the commission. The recommendations to the governor shall be
18 transmitted to the governor in a single written report, which shall be
19 released to the public by the commission at the time it is submitted to
20 the governor. The report shall be in writing, signed only by the chair-
21 person, and shall include the commission's findings relating to the
22 character, temperament, professional aptitude, experience, qualifica-
23 tions and fitness of each candidate who is recommended to the governor.

24 3. No person shall be recommended to the governor who has not
25 consented to be a candidate, who has not been personally interviewed by
26 a quorum of the membership of the commission as provided for in subdivi-
27 sion six of section three hundred fifty-two-b of this article, and who
28 has not filed a financial statement with the commission, on a form to be
29 prescribed by the commission. The financial statement shall consist of a
30 sworn statement of the candidate's assets, liabilities and sources of
31 income, and any other relevant financial information, which the commis-
32 sion may require. The commission shall transmit to the governor the
33 financial statement filed by each candidate who is recommended. The
34 governor shall make available to the public the financial statement
35 filed by the candidate who is appointed to fill a vacancy. The financial
36 statements filed by all other candidates recommended to the governor,
37 but not appointed by him or her, shall be confidential.

38 § 352-d. Rules of the commission. 1. The commission shall adopt, and
39 may amend, written rules of procedure not inconsistent with law.

40 2. Rules of the commission shall be filed with the chancellor of the
41 state university of New York and shall be published in the official
42 compilation of codes, rules and regulations of the state. Upon request
43 of any person, the chancellor of the state university of New York shall
44 furnish a copy of the commission's rules without charge.

45 3. Rules of the commission may prescribe forms and questionnaires to
46 be completed and, if required by the commission, verified by candidates.

47 4. Rules of the commission shall provide that upon the completion by
48 the commission of its consideration and evaluation of the qualifications
49 of a candidate, there shall be no reconsideration of such candidate for
50 the vacancy for which he or she was considered, except with the concu-
51 rence of a quorum of the commission.

52 § 352-e. Confidentiality of proceedings and records. 1. All communi-
53 cations to the commission, and its proceedings, and all applications,
54 correspondence, interviews, transcripts, reports and all other papers,
55 files and records of the commission shall be confidential and privileged
56 and, except for the purposes of article two hundred ten of the penal

1 law, shall not be made available to any person except as otherwise
2 provided in this article.

3 2. The governor shall have access to all papers and information relat-
4 ing to persons recommended to him or her by the commission. The senate
5 shall have access to all papers and information relating to the person
6 appointed by the governor to fill a vacancy. All information that is not
7 publicly disclosed in accordance with subdivisions two and three of
8 section three hundred fifty-two-c of this article, or disclosed in
9 connection with the senate's confirmation of the appointment, shall
10 remain confidential and privileged, except for the purposes of article
11 two hundred ten of the penal law.

12 3. The members of the commission shall not publicly divulge the names
13 of, or any information concerning, any candidate except as otherwise
14 provided in this article.

15 § 3. Subdivision 1 of section 353 of the education law, as amended by
16 chapter 268 of the laws of 2011, is amended to read as follows:

17 1. The state university shall be governed, and all of its corporate
18 powers exercised, by a board of trustees. Such board shall consist of
19 eighteen members, fifteen of whom shall be appointed by the governor
20 with the advice and consent of the senate, one of whom shall be the
21 president of the student assembly of the state university, ex-officio
22 and voting, one of whom shall be the president of the university faculty
23 senate, ex-officio and non-voting, and one of whom shall be the presi-
24 dent of the faculty council of community colleges, ex-officio and non-
25 voting; provided, however, that such trustees, except the president of
26 the student assembly of the state university, ex-officio, have been
27 recommended and approved by the state university of New York's independ-
28 ent commission on board of trustees nominations. No such trustee, except
29 the president of the student assembly of the state university serving as
30 an ex-officio member, shall be an employee of, or under the supervision
31 of such appointing authorities. The senate upon receiving the governor's
32 nomination of a trustee to be considered for confirmation shall consult
33 with the chair of the senate higher education committee and shall publi-
34 cize its consideration of said nominee. The senate shall vote to confirm
35 the nominee no earlier than twenty-one days after the nominee's consid-
36 eration has been publicized. Such ex-officio members shall be subject to
37 every provision of any general, special, or local law, ordinance, char-
38 ter, code, rule, or regulation applying to the voting members of such
39 board with respect to the discharge of their duties, including, but not
40 limited to, those provisions setting forth codes of ethics, disclosure
41 requirements, and prohibiting business and professional activities. One
42 member of the board shall be designated by the governor as chairperson
43 and one as vice-chairperson. Of the members first appointed, two shall
44 be appointed for a term which shall expire on June thirtieth, nineteen
45 hundred fifty-two; one for a term which shall expire on June thirtieth,
46 nineteen hundred fifty-three; two for a term which shall expire on June
47 thirtieth, nineteen hundred fifty-four; one for a term which shall
48 expire on June thirtieth, nineteen hundred fifty-five; two for a term
49 which shall expire on June thirtieth, nineteen hundred fifty-six; one
50 for a term which shall expire on June thirtieth, nineteen hundred
51 fifty-seven; two for a term which shall expire on June thirtieth, nine-
52 teen hundred fifty-eight; one for a term which shall expire on June
53 thirtieth, nineteen hundred fifty-nine; two for a term which shall
54 expire on June thirtieth, nineteen hundred sixty; and one for a term
55 which shall expire on June thirtieth, nineteen hundred sixty-one. Vacan-
56 cies 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 members. 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.

§ 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.

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

§ 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.

1 4. The members of the commission shall designate one member to serve
2 as chairperson for a period of two years or until his or her term of
3 office expires, whichever period is shorter.

4 5. Each member of the commission shall be entitled to receive his or
5 her actual and necessary expenses incurred in the discharge of his or
6 her duties.

7 6. Seven members of the commission shall constitute a quorum.

8 § 6203-b. Functions of the commission. 1. The commission shall:

9 (a) Consider and evaluate the qualifications of candidates for
10 appointment to the city university of New York board of trustees and, as
11 vacancies occur on such board, shall recommend to the governor and the
12 mayor of the city of New York, persons who by their character, temper-
13 ament, professional aptitude and experience are well qualified to be a
14 member of such board. Such qualifications shall include, but not be
15 limited to: (1) a baccalaureate degree as the minimum educational crite-
16 ria; (2) familiarity with addressing policy issues in a unionized envi-
17 ronment; (3) understanding of public sector intergovernmental relations
18 as they relate to higher education institutions; (4) understanding of
19 and familiarity with the kinds of issues arising in large complex organ-
20 izations; (5) current interest in the institution; (6) a commitment to
21 public higher education; (7) a general background that would allow them
22 to make decisions in the best interests of the institution; (8) an abil-
23 ity to recognize the sometimes ambiguous distinction between management
24 and governance; and (9) an actual and perceived independence from poli-
25 tical interference in the governance of the institution.

26 (b) Establish procedures to assure that persons who may be well quali-
27 fied for appointment to the city university of New York board of trus-
28 tees, other than those who have requested consideration or who have been
29 recommended for consideration by others be encouraged to agree to be
30 considered by the commission.

31 (c) Require the production of any books, records, documents or other
32 evidence that it may deem relevant or material to its evaluation of
33 candidates.

34 (d) Require from any court, department, division, board, bureau,
35 commission, or other agency of the state or political subdivision there-
36 of or any public authority such assistance, information and data, as
37 will enable it properly to evaluate the qualifications of candidates.

38 (e) Require the appearance of any candidate before it and interview
39 any person concerning the qualifications of any candidate.

40 (f) Communicate with the governor concerning the qualifications of any
41 candidate whom it has recommended to the governor and communicate with
42 the senate concerning the qualifications of any candidate appointed by
43 the governor.

44 (g) Communicate with the mayor of the city of New York concerning the
45 qualifications of any candidate whom it has recommended to the mayor of
46 the city of New York, and communicate with the senate concerning the
47 qualifications of any candidate appointed by the mayor of the city of
48 New York.

49 (h) Do all other things necessary and convenient to carry out its
50 functions pursuant to this article.

51 2. Recommendations to the governor shall require the concurrence of a
52 quorum of the commission. The recommendations to the governor shall be
53 transmitted to the governor in a single written report, which shall be
54 released to the public by the commission at the time it is submitted to
55 the governor. The report shall be in writing, signed only by the chair-
56 person, and shall include the commission's findings relating to the

1 character, temperament, professional aptitude, experience, qualifica-
2 tions and fitness of each candidate who is recommended to the governor.

3 3. Recommendations to the mayor of the city of New York shall require
4 the concurrence of a quorum of the commission. Recommendations to the
5 mayor of the city of New York shall be transmitted to the mayor of the
6 city of New York in a single written report, which shall be released to
7 the public by the commission at the time it is submitted to the mayor of
8 the city of New York. The report shall be in writing, signed only by
9 the chairperson, and shall include the commission's findings relating to
10 the character, temperament, professional aptitude, experience, quali-
11 fications and fitness of each candidate who is recommended to the mayor
12 of the city of New York.

13 4. No person shall be recommended to the governor or the mayor of the
14 city of New York who has not consented to be a candidate, who has not
15 been personally interviewed by a quorum of the membership of the commis-
16 sion as provided for in subdivision six of section sixty-two hundred
17 three-a of this article, and who has not filed a financial statement
18 with the commission, on a form to be prescribed by the commission. The
19 financial statement shall consist of a sworn statement of the candi-
20 date's assets, liabilities and sources of income, and any other relevant
21 financial information, which the commission may require. The commission
22 shall transmit to the governor the financial statement filed by each
23 candidate who is recommended to the governor. The governor shall make
24 available to the public the financial statement filed by the candidate
25 who is appointed to fill a vacancy. The financial statements filed by
26 all other candidates recommended to the governor, but not appointed by
27 him or her shall be confidential. The commission shall transmit to the
28 mayor of the city of New York the financial statement filed by each
29 candidate who is recommended to the mayor of the city of New York. The
30 mayor of the city of New York shall make available to the public the
31 financial statement filed by the candidate who is appointed to fill a
32 vacancy. The financial statements filed by all other candidates recom-
33 ended to the mayor of the city of New York, but not appointed by him or
34 her shall be confidential.

35 § 6203-c. Rules of the commission. 1. The commission shall adopt, and
36 may amend, written rules of procedure not inconsistent with law.

37 2. Rules of the commission shall be filed with the chancellor of the
38 city university of New York and shall be published in the official
39 compilation of codes, rules and regulations of the city and the adminis-
40 trative code of the city of New York. Upon request of any person, the
41 chancellor of the city university of New York shall furnish a copy of
42 the commission's rules without charge.

43 3. Rules of the commission may prescribe forms and questionnaires to
44 be completed and, if required by the commission, verified by candidates.

45 4. Rules of the commission shall provide that upon the completion by
46 the commission of its consideration and evaluation of the qualifications
47 of a candidate, there shall be no reconsideration of such candidate for
48 the vacancy for which he or she was considered, except with the concu-
49 rence of a quorum of the commission.

50 § 6203-d. Confidentiality of proceedings and records. 1. All communi-
51 cations to the commission, and its proceedings, and all applications,
52 correspondence, interviews, transcripts, reports and all other papers,
53 files and records of the commission shall be confidential and privileged
54 and, except for the purposes of article two hundred ten of the penal
55 law, shall not be made available to any person except as otherwise
56 provided in this article.

1 2. The governor and the mayor of the city of New York shall have
2 access to all papers and information relating to persons recommended to
3 him or her by the commission. The senate shall have access to all papers
4 and information relating to the person appointed by the governor and the
5 mayor of the city of New York to fill a vacancy. All information that is
6 not publicly disclosed in accordance with subdivisions two, three and
7 four of section sixty-two hundred three-b of this article, or disclosed
8 in connection with the senate's confirmation of the appointment, shall
9 remain confidential and privileged, except for the purposes of article
10 two hundred ten of the penal law.

11 3. The members of the commission shall not publicly divulge the names
12 of, or any information concerning, any candidate except as otherwise
13 provided in this article.

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

17 (a) The board of trustees shall consist of seventeen trustees. Ten of
18 the trustees shall be appointed by the governor with the advice and
19 consent of the senate; provided, however, that no such trustees shall be
20 an employee of, or under the supervision of, any of such appointing
21 authorities. Five of the trustees shall be appointed by the mayor of
22 the city of New York with the advice and consent of the senate;
23 provided, however, that no such trustee shall be an employee of, or
24 under the supervision of, any of such appointing authorities. The senate
25 upon receiving the governor's nomination of a trustee to be considered
26 for confirmation shall consult with the chair of the senate higher
27 education committee and shall publicize its consideration of said nomi-
28 nee. The senate shall vote to confirm the nominee no earlier than twen-
29 ty-one days after the nominee's consideration has been publicized. One
30 ex-officio trustee shall be the chairperson of the university student
31 senate. One ex-officio non-voting trustee shall be the chairperson of
32 the university faculty senate. Such trustees, except the chairperson of
33 the university student senate, ex-officio, and the chairperson of the
34 faculty senate, ex-officio, must be recommended and approved by the city
35 university of New York's independent commission on board of trustees
36 nominations.

37 § 7. Section 6301 of the education law is amended by adding five new
38 subdivisions 7, 8, 9, 10 and 11 to read as follows:

39 7. "Commissions." The state university of New York's community college
40 independent commission on local board of trustees nominations.

41 8. "Regional commissions." The state university of New York's regional
42 community college independent commissions on local board of trustees
43 nominations.

44 9. "Candidate." A person who has requested that the commission or the
45 regional commission consider his or her qualifications to serve on the
46 local board of trustees of a state university of New York community
47 college or regional community college; or (a) who has been recommended
48 for consideration by the commission or regional commission by another
49 person, including a community or professional organization; or (b) who
50 has agreed to be considered by the commission or regional commission at
51 such commission's request.

52 10. "Local appointing authority." The local legislative body or board,
53 or other appropriate governing agency authorized to appoint members to a
54 state university community college board of trustees pursuant to section
55 sixty-three hundred six of this article.

11. "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.

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

§ 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.

§ 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

1 the governor and local appointing authority persons who by their charac-
2 ter, temperament, professional aptitude and experience are well quali-
3 fied to be a member of such state university community college local
4 board of trustees. Such qualifications shall include, but not be limited
5 to: (1) a baccalaureate degree as the minimum educational criteria; (2)
6 familiarity with addressing policy issues in a unionized environment;
7 (3) understanding of public sector intergovernmental relations as they
8 relate to higher education institutions; (4) understanding of and famil-
9 iariry with the kinds of issues arising in large complex organizations;
10 (5) current interest in the institution; (6) a commitment to public
11 higher education; (7) a general background that would allow them to make
12 decisions in the best interests of the institution; (8) an ability to
13 recognize the sometimes ambiguous distinction between management and
14 governance; and (9) an actual and perceived independence from political
15 interference in the governance of the institution.

16 (b) Establish procedures to assure that persons who may be well quali-
17 fied for appointment to a state university community college local board
18 of trustees, other than those who have requested consideration or who
19 have been recommended for consideration by others be encouraged to agree
20 to be considered by the commission.

21 (c) Require the production of any books, records, documents or other
22 evidence that it may deem relevant or material to its evaluation of
23 candidates.

24 (d) Require from any court, department, division, board, bureau,
25 commission, or other agency of the state, local government or munici-
26 pality, or political subdivision thereof or any public authority such
27 assistance, information and data, as will enable it properly to evaluate
28 the qualifications of candidates.

29 (e) Require the appearance of any candidate before it and interview
30 any person concerning the qualifications of any candidate.

31 (f) Communicate with the governor concerning the qualifications of any
32 candidate whom it has recommended to the governor and communicate with
33 the senate concerning the qualifications of any candidate appointed by
34 the governor.

35 (g) Communicate with the local appointing authority concerning the
36 qualifications of any candidate whom it has recommended to the local
37 appointing authority.

38 (h) Do all other things necessary and convenient to carry out its
39 functions pursuant to this article.

40 2. A recommendation to the governor shall require the concurrence of a
41 quorum of a commission. The recommendations to the governor shall be
42 transmitted to the governor in a single written report, which shall be
43 released to the public by the commission at the time it is submitted to
44 the governor. The report shall be in writing, signed only by the chair-
45 person, and shall include the commission's findings relating to the
46 character, temperament, professional aptitude, experience, qualifica-
47 tions and fitness of each candidate who is recommended to the governor.

48 3. A recommendation to a local appointing authority shall require the
49 concurrence of a quorum of a commission. Recommendations to a local
50 appointing authority shall be transmitted to the local appointing
51 authority in a single written report, which shall be released to the
52 public by the commission at the time it is submitted to the local
53 appointing authority. The report shall be in writing, signed only by the
54 chairperson, and shall include the commission's findings relating to the
55 character, temperament, professional aptitude, experience, qualifica-

1 tions and fitness of each candidate who is recommended to the local
2 appointing authority.

3 4. No person shall be recommended to the governor or a local appoint-
4 ing authority who has not consented to be a candidate, who has not been
5 personally interviewed by a quorum of the membership of a commission as
6 provided in subdivision six of section sixty-three hundred six-a of this
7 article, and who has not filed a financial statement with a commission,
8 on a form to be prescribed by the commission. The financial statement
9 shall consist of a sworn statement of the candidate's assets, liabil-
10 ities and sources of income, and any other relevant financial informa-
11 tion, which a commission may require. Each commission shall transmit to
12 the governor the financial statement filed by each candidate who is
13 recommended to the governor. The governor shall make available to the
14 public the financial statement filed by the candidate who is appointed
15 to fill a vacancy. The financial statements filed by all other candi-
16 dates recommended to the governor, but not appointed by him or her shall
17 be confidential. The commission shall transmit to the local appointing
18 authority the financial statement filed by each candidate who is recom-
19 ended to the local appointing authority. The local appointing authority
20 shall make available to the public the financial statement filed by the
21 candidate who is appointed to fill a vacancy. The financial statements
22 filed by all other candidates recommended to the local appointing
23 authority, but not appointed by such authority, shall be confidential.

24 § 6306-c. Rules of the commissions. 1. Each commission shall adopt,
25 and may amend, written rules of procedure not inconsistent with law.

26 2. Rules of each commission shall be filed with the chancellor of the
27 state university of New York and shall be published in the official
28 compilation of codes, rules and regulations of the state. Upon request
29 of any person, the chancellor of the state university of New York shall
30 furnish a copy of any commission's rules without charge.

31 3. Rules of each commission may prescribe forms and questionnaires to
32 be completed and, if required by any commission, verified by candidates.

33 4. Rules of each commission shall provide that upon the completion by
34 the commission of its consideration and evaluation of the qualifications
35 of a candidate, there shall be no reconsideration of such candidate for
36 the vacancy for which he or she was considered, except with the concu-
37 rence of a quorum of the commission.

38 § 6306-d. Confidentiality of proceedings and records. 1. All communi-
39 cations to each commission, and their proceedings, and all applications,
40 correspondence, interviews, transcripts, reports and all other papers,
41 files and records of each commission shall be confidential and privi-
42 leged and, except for the purposes of article two hundred ten of the
43 penal law, shall not be made available to any person except as otherwise
44 provided in this article.

45 2. The governor shall have access to all papers and information relat-
46 ing to candidates recommended to him or her by each commission. A local
47 appointing authority shall have access to all papers and information
48 relating to candidates recommended to it by a commission. All informa-
49 tion that is not publicly disclosed in accordance with subdivisions two,
50 three and four of section sixty-three hundred six-b of this article,
51 shall remain confidential and privileged, except for the purposes of
52 article two hundred ten of the penal law.

53 3. The members of each commission shall not publicly divulge the names
54 of, or any information concerning, any candidate except as otherwise
55 provided in this article.

§ 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 determin-

ing 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.

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

§ 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

1 authority shall be for a term of four years. The member first appointed
2 by the president of the faculty council of community colleges shall
3 serve a two-year term. Each subsequent appointment by the president of
4 the faculty council shall serve for a term of four years. The member
5 first elected by and from among the students of the college shall serve
6 a one-year term. Each subsequent term for the elected member shall be a
7 one-year term.

8 3. A vacancy shall be deemed to occur immediately upon the appointment
9 or election of any member to an office that would disqualify him or her
10 for appointment to, or membership on, a regional commission. A vacancy
11 occurring for any reason other than by expiration of term shall be
12 filled by the regional appointing authority for the remainder of the
13 unexpired term pursuant to the provisions of this section.

14 4. The members of each regional commission shall designate one member
15 to serve as chairperson for a period of two years or until his or her
16 term of office expires, whichever period is shorter.

17 5. Each member of a regional commission shall be entitled to receive
18 his or her actual and necessary expenses incurred in the discharge of
19 his or her duties.

20 6. Seven members of a regional commission shall constitute a quorum.

21 § 6310-b. Functions of regional commissions. 1. Each regional commis-
22 sion:

23 (a) Shall consider and evaluate the qualifications of candidates for
24 appointment to their state university regional community college local
25 board of trustees and, as vacancies occur on a regional local board,
26 shall recommend to the governor and regional appointing authority
27 persons who by their character, temperament, professional aptitude and
28 experience are well qualified to be a member of such state university
29 regional community college local board of trustees. Such qualifications
30 shall include, but not be limited to: (1) a baccalaureate degree as the
31 minimum educational criteria; (2) familiarity with addressing policy
32 issues in a unionized environment; (3) understanding of public sector
33 intergovernmental relations as they relate to higher education insti-
34 tutions; (4) understanding of and familiarity with the kinds of issues
35 arising in large complex organizations; (5) current interest in the
36 institution; (6) a commitment to public higher education; (7) a general
37 background that would allow them to make decisions in the best interests
38 of the institution; (8) an ability to recognize the sometimes ambiguous
39 distinction between management and governance; and (9) an actual and
40 perceived independence from political interference in the governance of
41 the institution.

42 (b) Establish procedures to assure that persons who may be well quali-
43 fied for appointment to a state university regional community college
44 local board of trustees, other than those who have requested consider-
45 ation or who have been recommended for consideration by others, are
46 encouraged to agree to be considered by the regional commission.

47 (c) Require the production of any books, records, documents or other
48 evidence that it may deem relevant or material to its evaluation of
49 candidates.

50 (d) Require from any court, department, division, board, bureau,
51 commission, or other agency of the state, local government or munici-
52 pality, or political subdivision thereof or any public authority such
53 assistance, information and data, as will enable it properly to evaluate
54 the qualifications of candidates.

55 (e) Require the appearance of any candidate before it and interview
56 any person concerning the qualifications of any candidate.

1 (f) Communicate with the governor concerning the qualifications of any
2 candidate whom it has recommended to the governor and communicate with
3 the senate concerning the qualifications of any candidate appointed by
4 the governor.

5 (g) Communicate with the regional appointing authority concerning the
6 qualifications of any candidate whom it has recommended to the regional
7 appointing authority.

8 (h) Do all other things necessary and convenient to carry out its
9 functions pursuant to this article.

10 2. A recommendation to the governor shall require the concurrence of a
11 quorum of a regional commission. The recommendations to the governor
12 shall be transmitted to the governor in a single written report, which
13 shall be released to the public by the commission at the time it is
14 submitted to the governor. The report shall be in writing, signed only
15 by the chairperson, and shall include the commission's findings relating
16 to the character, temperament, professional aptitude, experience, quali-
17 fications and fitness of each candidate who is recommended to the gover-
18 nor.

19 3. A recommendation to a regional appointing authority shall require
20 the concurrence of a quorum of a regional commission. Recommendations to
21 a regional appointing authority shall be transmitted to the regional
22 appointing authority in a single written report, which shall be released
23 to the public by the regional commission at the time it is submitted to
24 the regional appointing authority. The report shall be in writing,
25 signed only by the chairperson, and shall include the regional commis-
26 sion's findings relating to the character, temperament, professional
27 aptitude, experience, qualifications and fitness of each candidate who
28 is recommended to a regional appointing authority.

29 4. No person shall be recommended to the governor or a regional
30 appointing authority who has not consented to be a candidate, who has
31 not been personally interviewed by a quorum of the membership of a
32 regional commission as provided for by subdivision six of section
33 sixty-three hundred ten-a of this article, and who has not filed a
34 financial statement with a regional commission, on a form to be
35 prescribed by the regional commission. The financial statement shall
36 consist of a sworn statement of the candidate's assets, liabilities and
37 sources of income, and any other relevant financial information, which a
38 regional commission may require. Each regional commission shall transmit
39 to the governor the financial statement filed by each candidate who is
40 recommended to the governor. The governor shall make available to the
41 public the financial statement filed by the candidate who is appointed
42 to fill a vacancy. The financial statements filed by all other candi-
43 dates recommended to the governor, but not appointed by him or her shall
44 be confidential. The regional commission shall transmit to the regional
45 appointing authority the financial statement filed by each candidate who
46 is recommended to the regional appointing authority. The regional
47 appointing authority shall make available to the public the financial
48 statement filed by the candidate who is appointed to fill a vacancy. The
49 financial statements filed by all other candidates recommended to the
50 regional appointing authority, but not appointed by such authority,
51 shall be confidential.

52 § 6310-c. Rules of regional commissions. 1. Each regional commission
53 shall adopt, and may amend, written rules of procedure not inconsistent
54 with law.

55 2. Rules of each regional commission shall be filed with the chancel-
56 lor of the state university of New York and shall be published in the

1 official compilation of codes, rules and regulations of the state. Upon
2 request of any person, the chancellor of the state university of New
3 York shall furnish a copy of any regional commission's rules without
4 charge.

5 3. Rules of each regional commission may prescribe forms and question-
6 naires to be completed and, if required by any regional commission,
7 verified by candidates.

8 4. Rules of each regional commission shall provide that upon the
9 completion by the regional commission of its consideration and evalu-
10 ation of the qualifications of a candidate, there shall be no reconsid-
11 eration of such candidate for the vacancy for which he or she was
12 considered, except with the concurrence of a quorum of the regional
13 commission.

14 § 6310-d. Confidentiality of proceedings and records. 1. All communi-
15 cations to each regional commission, and their proceedings, and all
16 applications, correspondence, interviews, transcripts, reports and all
17 other papers, files and records of each regional commission shall be
18 confidential and privileged and, except for the purposes of article two
19 hundred ten of the penal law, shall not be made available to any person
20 except as otherwise provided in this article.

21 2. The governor shall have access to all papers and information relat-
22 ing to candidates recommended to him or her by each regional commission.
23 A regional appointing authority shall have access to all papers and
24 information relating to candidates recommended to it by a regional
25 commission. All information that is not publicly disclosed in accordance
26 with subdivisions two, three and four of section sixty-three hundred
27 ten-b of this article, shall remain confidential and privileged, except
28 for the purposes of article two hundred ten of the penal law.

29 3. The members of each regional commission shall not publicly divulge
30 the names of, or any information concerning, any candidate except as
31 otherwise provided in this article.

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

34 1. Each community college region and community college sponsored by
35 such region shall be administered by a single board of trustees of four-
36 teen members, thirteen of whom shall be appointed for terms of seven
37 years, as set forth in this subdivision, and one member elected as here-
38 in provided, except that initial appointments shall be made for terms of
39 one to nine years respectively. Seven members shall be appointed by the
40 local legislative bodies or boards of those counties eligible to appoint
41 members to the community college regional board of trustees; provided,
42 however, that such trustees, except the one member elected by and from
43 among the students of the college, have been recommended and approved by
44 the state university of New York's regional independent commission on
45 local board of trustees nominations. No such trustee, except the one
46 member elected by and from among the students of the college, shall be
47 an employee of, or under the supervision of such appointing authorities.

48 ~~[The seven locally appointed members of such board may include one~~
49 ~~member from the local legislative body or board of each county eligible~~
50 ~~to appoint members to the community college regional board of trustees.]~~

51 Membership in a community college regional board of trustees shall be
52 apportioned among the counties participating in such board in accordance
53 with the number of full-time equivalent students attending a community
54 college sponsored by such regional board who are residents of the
55 respective participating counties, and in accordance with such further
56 regulations as may be prescribed by the state university trustees. Six

1 members shall be appointed by the governor [~~and one~~]; provided, however,
2 that such trustees, except the one member elected by and from among the
3 students of the college, have been approved by the state university of
4 New York's regional community college independent commission on local
5 board of trustees nominations. No such trustee, except the one member
6 elected by and from among the students of the college, shall be an
7 employee of, or under the supervision of, any of such appointing author-
8 ities. One member shall be elected by and from among the students of the
9 college who shall serve as a member of the board for a one-year term,
10 provided, however, that the term of the student member first elected
11 shall be nine months commencing October first, nineteen hundred eighty-
12 four. The student member shall be afforded the same parliamentary privi-
13 leges as are conferred upon members, including but not limited to the
14 right to make and second motions and to place items on the agenda. Such
15 student member shall be subject to every provision of any general,
16 special or local law, ordinance, charter, code, rule or regulation
17 applying to the members of such board with respect to the discharge of
18 their duties including, but not limited to, those provisions setting
19 forth codes of ethics, disclosure requirements and prohibiting business
20 and professional activities. The election of the student member shall be
21 conducted in accordance with rules and regulations promulgated by the
22 respective representative campus student association in accordance with
23 guidelines established by the state university trustees. In the event
24 that the student member ceases to be a student at the institution, he
25 shall be required to resign. The governor's initial appointments shall
26 be as follows: (a) two individuals shall be appointed for terms of two
27 and four years respectively; (b) two individuals for terms of six years
28 and two individuals for terms of eight years. Appointments by local
29 authorities shall be as follows: (a) three individuals for terms of one,
30 three and five years, respectively; (b) two individuals for terms of
31 seven years, and two individuals for terms of nine years. Vacancies
32 shall be filled for unexpired terms in the same manner as original
33 selections by the authority responsible for the original selection. The
34 board shall select its own [~~chairman~~] chairperson from among its voting
35 membership. Trustees shall receive no compensation for their services
36 but shall be reimbursed for their expenses actually and necessarily
37 incurred by them in the performance of their duties under this article.
38 Members initially appointed or elected under this subdivision to any
39 community college regional board of trustees hereafter established shall
40 take office immediately upon their selection and qualification, but for
41 purposes of determining the expiration of their respective terms and the
42 commencement of the terms of their successors, the term of office of
43 each such initial member shall be deemed to have commenced on the first
44 day of July of the year in which such college was established. The terms
45 of office of all members of community college regional boards of trus-
46 tees heretofore established, appointed or elected as provided in this
47 subdivision, shall terminate on the thirtieth day of June of the calen-
48 dar year within which such terms expire under the provisions of this
49 subdivision as hereby amended. For the purpose of determining such year
50 all initial terms of office of appointed members of the community
51 college regional board of trustees heretofore established shall be
52 deemed to have commenced on the first day of July of the year in which
53 such community college regions were established and the terms of their
54 successors for full terms, if any, shall be deemed to have commenced
55 upon the expiration of the number of years from such date for which such
56 initial appointments were made.

1 The one member elected by and from among the students of the college
2 may be removed by such students in accordance with rules and regulations
3 promulgated by the respective representative campus student association
4 in accordance with guidelines promulgated by the state university trus-
5 tees.

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