

# STATE OF NEW YORK

8645

## IN SENATE

February 26, 2024

Introduced by Sen. SKOUFIS -- 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 providing the temporary president of the senate and the speaker of the assembly the ability to appoint members of the state university of New York's board of trustees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

4 1. The state university shall be governed, and all of its corporate  
5 powers exercised, by a board of trustees. Such board shall consist of  
6 eighteen members, [~~fifteen~~ seven of whom shall be appointed by the  
7 governor [~~with the advice and consent of the senate~~ and who shall not  
8 be an employee of, or under direct supervision of, the governor, four of  
9 whom shall be appointed by the temporary president of the senate, four  
10 of whom shall be appointed by the speaker of the assembly, one of whom  
11 shall be the president of the student assembly of the state university,  
12 ex-officio and voting, one of whom shall be the president of the univer-  
13 sity faculty senate, ex-officio and non-voting, and one of whom shall be  
14 the president of the faculty council of community colleges, ex-officio  
15 and non-voting. Such ex-officio members shall be subject to every  
16 provision of any general, special, or local law, ordinance, charter,  
17 code, rule, or regulation applying to the voting members of such board  
18 with respect to the discharge of their duties, including, but not limit-  
19 ed to, those provisions setting forth codes of ethics, disclosure  
20 requirements, and prohibiting business and professional activities. One  
21 member of the board shall be designated by the governor as chairperson  
22 and one as vice-chairperson. Of the members first appointed, two shall  
23 be appointed for a term which shall expire on June thirtieth, nineteen  
24 hundred fifty-two; one for a term which shall expire on June thirtieth,  
25 nineteen hundred fifty-three; two for a term which shall expire on June  
26 thirtieth, nineteen hundred fifty-four; one for a term which shall

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

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1 expire on June thirtieth, nineteen hundred fifty-five; two for a term  
2 which shall expire on June thirtieth, nineteen hundred fifty-six; one  
3 for a term which shall expire on June thirtieth, nineteen hundred  
4 fifty-seven; two for a term which shall expire on June thirtieth, nine-  
5 teen hundred fifty-eight; one for a term which shall expire on June  
6 thirtieth, nineteen hundred fifty-nine; two for a term which shall  
7 expire on June thirtieth, nineteen hundred sixty; and one for a term  
8 which shall expire on June thirtieth, nineteen hundred sixty-one. Vacan-  
9 cies shall be filled for the unexpired term in the same manner as  
10 original appointments are made pursuant to this subdivision and subdivi-  
11 sion one-a of this section. The term of office of each trustee  
12 appointed on or after April first, nineteen hundred eighty-six shall be  
13 seven years, except those of the student member and the faculty members.  
14 Trustees shall receive no compensation for their services but shall be  
15 reimbursed for their expenses actually and necessarily incurred by them  
16 in the performance of their duties under this article.

17 § 2. Section 353 of the education law is amended by adding a new  
18 subdivision 1-a to read as follows:

19 1-a. The appointment of members of such board by the temporary presi-  
20 dent of the senate and the speaker of the assembly pursuant to subdivi-  
21 sion one of this section shall commence when a vacancy occurs from a  
22 member appointed by the governor either through the expiration of such  
23 member's term, or separation of a member prior to an expired term. In  
24 either case, vacancies of members appointed by the governor shall be  
25 filled in an alternating manner between the temporary president of the  
26 senate and the speaker of the assembly. The first such vacancy of a  
27 member appointed by the governor shall be filled by the temporary presi-  
28 dent of the senate and the next such vacancy of a member appointed by  
29 the governor shall be filled by the speaker of the assembly. Such  
30 vacancies shall continue to be filled in such alternating manner until  
31 such time as the composition of such board reflects the number of  
32 appointments authorized by each appointing authority pursuant to subdivi-  
33 sion one of this section. After such time, vacancies on such board  
34 shall be filled by the appointing authority.

35 § 3. This act shall take effect immediately.