STATE OF NEW YORK

7246

2021-2022 Regular Sessions

IN SENATE

June 9, 2021

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public officers law, in relation to certain appointments by the governor and the senate

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

Section 1. Section 7 of the public officers law, as amended by chapter 230 of the laws of 1949, is amended to read as follows:

§ 7. Appointment by the governor and senate. **1.** An appointment to an office by the governor by and with the advice and consent of the senate, shall be made by communicating to the senate, while in session, a written nomination of a person for the office, designating the residence of the nominee, and if nominated to be an officer of a political subdivision of the state, designating also such subdivision, and if nominating two or more persons to the same office for different terms, designating the term for which each is nominated. If such nomination be of a successor to a predecessor in the same office, it may be made and acted upon by the senate after the expiration of the term or occurrence of a vacancy in the office of such predecessor, or at any time during the legislative session of the calendar year in which the term of office of such predecessor shall expire or in which the office shall become vacant. If the appointment be made before the expiration of the term of such predecessor, the term of office of the appointee shall commence upon the expiration of the term of such predecessor, or if made to fill a vacancy, upon the occurrence of such vacancy, or immediately if a vacancy already exist. If the senate shall reject such nomination, the secretary of the senate shall forthwith communicate, by writing, signed by him and by the president of the senate, to the governor the fact of such rejection. If the senate shall confirm such nomination the appointment shall be deemed complete, and thereupon duplicate certificates of the confirmation shall be made and signed by the president and secretary of

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

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the senate, who shall cause one to be delivered to the governor and the other to the secretary of state, who shall record the same in his office in a book kept for that purpose.

2. Notwithstanding subdivision one of this section, when an appointment to an office by the governor by and with the advice and consent of the senate is communicated, in the form of a written nomination of a person for the office, the senate shall wait at least thirty days to confirm or reject such nomination from the date such written nomination was received. If the senate acts to confirm or reject such nomination within thirty days, such action:

(a) shall be deemed void; and

(b) shall not be reconsidered until thirty days have elapsed from the date of such illegal confirmation or rejection.

3. Notwithstanding subdivision one of this section, when an appointment to an office by the governor by and with the advice and consent of the senate is communicated, in the form of a written nomination of a person for the office, the senate shall hold a hearing on such nomination within fifteen days after the communication of such nomination. If the senate acts to confirm or reject such nomination without having held a hearing within fifteen days of the communication of such nomination, then such action to confirm or reject such nominations shall be deemed void.

§ 2. This act shall take effect immediately.