

STATE OF NEW YORK

5038

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sens. LANZA, BORRELLO, ORTT, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

1 Section 1. Section 7 of the public officers law, as amended by chapter
2 230 of the laws of 1949, is amended to read as follows:
3 § 7. Appointment by the governor and senate. 1. An appointment to an
4 office by the governor by and with the advice and consent of the senate,
5 shall be made by communicating to the senate, while in session, a writ-
6 ten nomination of a person for the office, designating the residence of
7 the nominee, and if nominated to be an officer of a political subdivi-
8 sion of the state, designating also such subdivision, and if nominating
9 two or more persons to the same office for different terms, designating
10 the term for which each is nominated. If such nomination be of a succes-
11 sor to a predecessor in the same office, it may be made and acted upon
12 by the senate after the expiration of the term or occurrence of a vacan-
13 cy in the office of such predecessor, or at any time during the legisla-
14 tive session of the calendar year in which the term of office of such
15 predecessor shall expire or in which the office shall become vacant. If
16 the appointment be made before the expiration of the term of such prede-
17 cessor, the term of office of the appointee shall commence upon the
18 expiration of the term of such predecessor, or if made to fill a vacan-
19 cy, upon the occurrence of such vacancy, or immediately if a vacancy
20 already exist. If the senate shall reject such nomination, the secretary
21 of the senate shall forthwith communicate, by writing, signed by him and
22 by the president of the senate, to the governor the fact of such
23 rejection. If the senate shall confirm such nomination the appointment
24 shall be deemed complete, and thereupon duplicate certificates of the

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

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1 confirmation shall be made and signed by the president and secretary of
2 the senate, who shall cause one to be delivered to the governor and the
3 other to the secretary of state, who shall record the same in his office
4 in a book kept for that purpose.

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

12 (a) shall be deemed void; and

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

15 3. Notwithstanding subdivision one of this section, when an appoint-
16 ment to an office by the governor by and with the advice and consent of
17 the senate is communicated, in the form of a written nomination of a
18 person for the office, the senate shall hold a hearing on such nomi-
19 nation within fifteen days after the communication of such nomination.
20 If the senate acts to confirm or reject such nomination without having
21 held a hearing within fifteen days of the communication of such nomi-
22 nation, then such action to confirm or reject such nominations shall be
23 deemed void.

24 § 2. This act shall take effect immediately.