



NEW YORK STATE SENATOR

Neil D. Breslin

Senate Bill Provides Governor Authority To Fill Lieutenant Governor Vacancy

NEIL D. BRESLIN June 16, 2010

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Kate Powers kpowers@senate.state.ny.us 518.455.2415

(Albany, NY)- The New York State Senate has passed legislation (S7682), sponsored by Senator Breslin (D-Delmar), which provides authority for a governor to fill the role of the lieutenant governor in the event of a vacancy.

“Though the Courts have ruled the Executive obtains the authority to appointment a Lieutenant Governor in the event of vacancy, this brings much-needed clarity to prevent any crisis in the event of future vacancies” said Senator Breslin. “Our bill provides the Governor with powers of appointment while the Legislature plays the classic role of advise and consent. I believe these updates are a fair, clear-headed approach to dealing with matters of the highest importance to effective governance of New York.”

The measure would modernize the New York Constitution regarding the office of the lieutenant-governor. The prior law allowed for the governor to fill the vacancy by executive appointment, without the need for legislative confirmation. This new measure is modeled after the Twenty-Fifth Amendment to the U.S. Constitution, declaring that:

- The governor's selection must receive bicameral confirmation;
- Eliminates the State Constitutional provision that makes the lieutenant-governor acting governor if the governor leaves the state;
- Allows the governor to cede powers to the lieutenant governor by executive letter in cases of temporary incapacity;
- Allows for temporary succession by joint declaration, in the event that the governor is incapacitated but has not transmitted power by executive letter.

The bill passed 59 to 2, it is currently awaiting action from the Assembly.

For more information about this legislation visit:

<http://open.nysenate.gov/legislation/api/1.0/html/bill/S7682>

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