



NEW YORK STATE SENATOR

Dean G. Skelos

Statement by Senate Republican Leader Dean Skelos

DEAN G. SKELOS September 22, 2009



Today, the Court of Appeals has cast aside a pair of solid lower court rulings that found the Governor has no legal or constitutional basis to impose a Lieutenant Governor on the people of the State of New York. The court has given new power and authority to an unelected governor where no such power had existed under the state constitution.

In his dissent, Justice Pigott highlighted the scenario that an unelected Governor could appoint a Lieutenant Governor, with no scrutiny by the electorate and no confirmation by the Senate. Should that Lieutenant

Governor become Governor, he or she could then appoint another unelected person to serve as Lieutenant Governor without even the basic confirmation hearing and vote that is required of agency commissioners and other members of state boards.

The court's decision to allow the state's highest offices to be filled with no accountability whatsoever to the public or to their elected representatives in the Legislature, is dangerous to democracy.

I strongly disagree with the Court's ruling today and every New Yorker should be troubled by it. Five lower court judges previously ruled against the Governor's appointment, as did three on the Court of Appeals. Attorney General Cuomo also said the appointment was unconstitutional. One thing is clear -- we must change the law.

We need to clarify the process of filling the office of Lieutenant Governor to ensure accountability to the people through election or, minimally, Senate confirmation.

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