STATE OF NEW YORK

5749

2017-2018 Regular Sessions

IN ASSEMBLY

February 15, 2017

Introduced by M. of A. BENEDETTO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to district office staffing requirements during assembly member vacancies

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

Section 1. Section 7 of the legislative law, as amended by chapter 506 of the laws of 1960, the closing paragraph as added by chapter 141 of the laws of 1994, is amended to read as follows:

§ 7. Officers and employees of the assembly. **1.** The assembly may choose a clerk, a sergeant-at-arms and a stenographer. When an appropriation has been made for the services, temporary or otherwise, of officers and employees of the assembly and their appointment is not otherwise authorized by law, the speaker of the assembly may appoint such officers and employees and fix their compensation, respectively, within the amount provided by appropriation. The majority leader of the assembly may appoint a counsel to majority leader, an assistant counsel to majority leader, a secretary to majority leader, and a clerk to majority leader. The minority leader of the assembly may appoint a counsel to minority leader, a clerk to minority, an assistant clerk to minority, a secretary to minority leader, a clerk to minority leader, an assistant clerk to minority leader, a ways and means minority clerk, two stenographers, a clerk-chauffeur and a messenger to minority. In case of the death or resignation of the clerk of the assembly, or his **or her** inability to exercise the powers and/or discharge the duties of said office, notwithstanding any other provisions of law the speaker of the assembly shall appoint an acting clerk or designate the assistant clerk as acting clerk to serve until a clerk is chosen by the assembly to fill the vacancy or until the disability shall cease. The acting clerk so appointed or designated as such shall have and exercise all of the

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

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powers of the clerk of the assembly until a clerk has been chosen and has qualified or until the disability shall cease.

2. Whenever the speaker of the assembly is authorized or required, singly or jointly, to certify or approve warrants or vouchers for the compensation of any person, it shall be sufficient if he **or she** execute the first such warrant or voucher, and thereafter the same may be certified or approved by his **or her** designee or designees, so long as the rate of such compensation is not increased, and upon proof by affidavit or otherwise that the same is due. Such designation shall be in writing and filed in the office of the speaker and in the office of the comptroller, and shall remain in effect during the term of office of the speaker unless sooner revoked by him **or her**.

3. Notwithstanding any law to the contrary, the speaker of the assembly or his or her designee may authorize expenditures to be made from appropriations or reappropriations made to the assembly ways and means committee, or the allocable portion of an appropriation or reappropriation so made to a legislative council, commission or task force the expenditures from which are for assembly purposes in whole or in allocable part. The speaker of the assembly may effect such authorization by filing his or her approval of such authorization with the state comptroller.

4. In the event of a vacancy of an assembly member, in order to protect the interests of the constituents of a district where there is such a vacancy, the speaker of the assembly or his or her designee shall appoint at least two people to continue the office services of such vacant assembly member's district office until such vacancy is filled.

§ 2. This act shall take effect immediately.