S T A T E O F N E W Y O R K

4236

2011-2012 Regular Sessions

I N S E N A T E

March 24, 2011

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to eliminating per diem payments to members of the legislature when the legislature has not passed a budget by the first day of the fiscal year

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 5 of the legislative law, as amended by section 1 of part M-1 of chapter 407 of the laws of 1999, is amended to read as follows:

2. Each member of the legislature shall receive payment of actual and necessary transportation expenses and a per diem equivalent to the most recent federal per diem rates published by the General Services Administration and set forth in 41 CFR (Code of Federal Regulations) Part 301, App. A, while in travel status in the performance of his or her duties; and such other reasonable expenses as may be necessary for the performance of the member's responsibilities as determined by the temporary president of the senate or speaker of the assembly for their respective houses PROVIDED, HOWEVER, THAT IF LEGISLATIVE PASSAGE OF THE BUDGET, AS DEFINED IN SUBDIVISION THREE OF THIS SECTION, HAS NOT OCCURRED PRIOR TO THE FIRST DAY OF ANY FISCAL YEAR, ANY SUCH PER DIEM PAYMENTS TO BE PAID ON OR AFTER SUCH DAY SHALL BE PERMANENTLY FORFEITED BY SUCH MEMBERS FROM THE FIRST DAY OF THE FISCAL YEAR UNTIL THE DAY THAT THE LEGISLATURE PASSES THE BUDGET. MEMBERS SHALL BE ELIGIBLE TO RECEIVE PER DIEM PAYMENTS FOR ANY DAYS WORKED AFTER SUCH PASSAGE. The per diem allowances, including partial per diem allowances, shall be made pursuant to regulations promulgated by the temporary president of the senate and the speaker of the assembly for their respective houses, on audit and warrant of the comptroller on vouchers approved by the temporary presi-

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

LBD10070-03-1

dent of the senate or his or her designee and the speaker of the assembly or his or her designee for their respective houses.

S 2. This act shall take effect immediately.