

4424

2015-2016 Regular Sessions

I N S E N A T E

March 19, 2015

Introduced by Sens. KLEIN, AVELLA, CARLUCCI, SAVINO, VALESKY -- 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 prohibiting members of the state legislature from receiving earned income from any source other than the state (Part A); to amend the public officers law and the executive law, in relation to authorizing members of the state legislature to place their business interests into blind trusts (Part B); to amend the public officers law, in relation to requiring certain public officers to file financial disclosure statements after their termination of public employment (Part C); and to amend the legislative law, in relation to eligibility for per diem payments to members of the state legislature (Part D)

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

1 Section 1. Legislative intent. It is the policy of the state of New
2 York that a state officer or state employee may not have a direct or
3 indirect interest, including financial and other interests, or engage in
4 a business transaction or professional activity, or incur any obligation
5 of any nature that is in substantial conflict with the proper discharge
6 of the officer's or employee's duties in the public interest. Therefore,
7 in the interests of restoring faith and integrity in government, holding
8 state legislators accountable, and avoiding conflicts of interest,
9 legislators should be prohibited from earning an outside income due to
10 the real or perceived conflicts of that outside activity with the
11 discharge of his or her duties. Accordingly, the legislature finds that
12 if a state legislator creates a qualified blind trust and does not
13 control the interests held by the trust, his or her official actions
14 will not be influenced or appear to be influenced by private consider-
15 ations. Such trusts must be established and operate in a manner that
16 ensures that there is an actual lack of knowledge and control by the

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

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1 legislator with respect to the interests held in trust. Further, in the
2 interests of promoting transparency, the legislature hereby closes the
3 loophole that relieves outgoing legislators of their responsibility to
4 file an annual disclosure statement in their last year of office and
5 increases accountability of the per diem system to curb abuse.

6 S 2. This act enacts into law major components which are necessary to
7 enact ethics reform for members of the state legislature. Each component
8 is wholly contained within a Part identified as Parts A through D. The
9 effective date for each particular provision contained within such Part
10 is set forth in the last section of such Part. Any provision in any
11 section contained within a Part, including the effective date of the
12 Part, which makes a reference to a section "of this act", when used in
13 connection with that particular component, shall be deemed to mean and
14 refer to the corresponding section of the Part in which it is found.
15 Section four of this act sets forth the general effective date of this
16 act.

17 PART A

18 Section 1. The legislative law is amended by adding a new section 5-b
19 to read as follows:

20 S 5-B. PROHIBITION OF OUTSIDE EARNED INCOME FOR MEMBERS. 1. A MEMBER
21 OF THE LEGISLATURE SHALL BE PROHIBITED FROM PERFORMING ANY ACTIVITY FOR
22 COMPENSATION THAT RESULTS IN OUTSIDE EARNED INCOME, EXCEPT AS AUTHORIZED
23 BY THIS SECTION.

24 2. A. FOR PURPOSES OF THIS SECTION, THE TERM "OUTSIDE EARNED INCOME"
25 SHALL INCLUDE, BUT NOT BE LIMITED TO, WAGES, SALARIES, FEES AND OTHER
26 FORMS OF COMPENSATION FOR SERVICES ACTUALLY RENDERED.

27 B. FOR THE PURPOSES OF THIS SECTION, THE TERM "OUTSIDE EARNED INCOME"
28 SHALL NOT INCLUDE:

29 (1) SALARY, BENEFITS AND ALLOWANCES PAID BY THE STATE;

30 (2) INCOME AND ALLOWANCES ATTRIBUTABLE TO SERVICE IN THE RESERVES OF
31 THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR OTHER ACTIVE
32 MILITARY SERVICE;

33 (3) ROYALTIES FROM THE SALE OF A BOOK, ARTISTIC PERFORMANCE OR OTHER
34 INTELLECTUAL PROPERTY; PROVIDED, HOWEVER, THAT NO ADVANCE FEES SHALL BE
35 PERMITTED; OR

36 (4) A PENSION, INVESTMENT, CAPITAL GAINS OR OTHER EARNINGS ACCRUED
37 FROM PRIOR EMPLOYMENT OR ACTUAL SERVICES RENDERED PRIOR TO THE MEMBER
38 TAKING OFFICE.

39 3. A MEMBER OF THE LEGISLATURE WHO KNOWINGLY AND WILLFULLY VIOLATES
40 THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN AN
41 AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS. ASSESSMENT OF A CIVIL
42 PENALTY SHALL BE MADE BY THE JOINT COMMISSION ON PUBLIC ETHICS. SUCH
43 COMMISSION, MAY, IN LIEU OF OR IN ADDITION TO A CIVIL PENALTY, REFER A
44 VIOLATION TO THE APPROPRIATE PROSECUTOR.

45 4. WILLFUL VIOLATION OF THE PROVISIONS OF THIS SECTION IS PUNISHABLE
46 AS A CLASS A MISDEMEANOR.

47 S 2. This act shall take effect January 1, 2017.

48 PART B

49 Section 1. The public officers law is amended by adding a new section
50 73-c to read as follows:

51 S 73-C. BLIND TRUSTS; MEMBERS OF THE LEGISLATURE. 1. A MEMBER OF THE
52 LEGISLATURE WHO HOLDS A FINANCIAL INTEREST IN ANY PARTNERSHIP, LIMITED

1 LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION OR OTHER
2 BUSINESS ENTITY, MAY ELECT TO TRANSFER ANY OR ALL OF SUCH INTEREST, AS
3 WELL AS ANY OTHER OF HIS OR HER FINANCIAL ASSETS, INTO A QUALIFIED BLIND
4 TRUST, UNDER THE TERMS PROVIDED IN THIS SECTION. THE QUALIFIED BLIND
5 TRUST AGREEMENT BETWEEN THE MEMBER AND THE TRUSTEE OF THE QUALIFIED
6 BLIND TRUST, AND ANY SUBSEQUENT AMENDMENTS THERETO, MUST BE APPROVED BY
7 THE JOINT COMMISSION ON PUBLIC ETHICS PRIOR TO THEIR EXECUTION.

8 2. THE MEMBER OF THE LEGISLATURE SHALL NOT ATTEMPT TO INFLUENCE OR
9 EXERCISE ANY CONTROL OVER DECISIONS REGARDING THE MANAGEMENT OF ASSETS
10 IN A QUALIFIED BLIND TRUST. NO SUCH MEMBER NOR ANY PERSON HAVING A BENE-
11 FICIAL INTEREST IN THE QUALIFIED BLIND TRUST SHALL MAKE ANY EFFORT TO
12 OBTAIN INFORMATION WITH RESPECT TO THE HOLDINGS OF THE TRUST, INCLUDING
13 OBTAINING A COPY OF ANY TRUST TAX RETURN FILED OR ANY INFORMATION RELAT-
14 ING THERETO, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

15 3. EXCEPT FOR COMMUNICATIONS THAT CONSIST SOLELY OF REQUESTS FOR
16 DISTRIBUTIONS OF CASH OR OTHER UNSPECIFIED ASSETS OF THE TRUST, THE
17 MEMBER OF THE LEGISLATURE OR ANY PERSON WHO HAS A BENEFICIAL INTEREST
18 SHALL NOT HAVE ANY DIRECT OR INDIRECT COMMUNICATION WITH THE TRUSTEE
19 WITH RESPECT TO THE TRUST, UNLESS SUCH COMMUNICATION IS IN WRITING AND
20 RELATES ONLY TO:

21 (A) A DISTRIBUTION FROM THE TRUST WHICH DOES NOT SPECIFY THE SOURCE OR
22 ASSETS WITHIN THE TRUST FROM WHICH THE DISTRIBUTION IS TO BE MADE IN
23 CASH OR IN KIND;

24 (B) THE GENERAL FINANCIAL INTERESTS AND NEEDS OF THE MEMBER OF THE
25 LEGISLATURE OR THE PERSON WHO HAS A BENEFICIAL INTEREST, INCLUDING, BUT
26 NOT LIMITED TO, AN INTEREST IN MAXIMIZING INCOME OR LONG-TERM CAPITAL
27 GAIN;

28 (C) A NOTIFICATION OF THE TRUSTEE OF A LAW OR REGULATION SUBSEQUENTLY
29 APPLICABLE TO THE MEMBER OF THE LEGISLATURE WHICH PROHIBITS THE MEMBER
30 FROM HOLDING AN ASSET AND DIRECTS THAT THE ASSET NOT BE HELD BY THE
31 TRUST; OR

32 (D) A DIRECTION TO THE TRUSTEE TO SELL ALL OF AN ASSET INITIALLY
33 PLACED IN THE TRUST BY THE MEMBER OF THE LEGISLATURE WHICH, IN THE
34 DETERMINATION OF SUCH MEMBER, CREATES A CONFLICT OF INTEREST OR THE
35 APPEARANCE THEREOF DUE TO THE SUBSEQUENT ASSUMPTION OF DUTIES BY THE
36 MEMBER.

37 4. THE MEMBER OF THE LEGISLATURE SHALL REPORT THE BENEFICIAL INTEREST
38 IN THE QUALIFIED BLIND TRUST AND ITS VALUE AS AN ASSET ON HIS OR HER
39 ANNUAL STATEMENT OF FINANCIAL DISCLOSURE.

40 5. IN ORDER TO CONSTITUTE A QUALIFIED BLIND TRUST, THE TRUST ESTAB-
41 LISHED BY THE MEMBER OF THE LEGISLATURE MUST MEET THE FOLLOWING REQUIRE-
42 MENTS:

43 (A) THE APPOINTED TRUSTEE SHALL BE A BANK, TRUST COMPANY OR OTHER
44 INSTITUTIONAL FIDUCIARY, OR AN INDIVIDUAL WHO IS AN ATTORNEY, CERTIFIED
45 PUBLIC ACCOUNTANT, BROKER OR INVESTMENT ADVISOR. IF THE TRUSTEE IS AN
46 INDIVIDUAL OR IF THE TRUSTEE IS A BANK, TRUST COMPANY OR OTHER INSTITU-
47 TIONAL FIDUCIARY, THE INDIVIDUAL RESPONSIBLE FOR MANAGING THE TRUST
48 SHALL NOT BE:

49 (I) THE MEMBER'S SPOUSE, CHILD, PARENT, GRANDPARENT, GRANDCHILD,
50 BROTHER, SISTER, PARENT-IN-LAW, BROTHER-IN-LAW, SISTER-IN-LAW, AUNT,
51 UNCLE, OR FIRST COUSIN, OR THE SPOUSE OF ANY SUCH PERSON;

52 (II) A PERSON WHO IS AN ELECTED OR APPOINTED PUBLIC OFFICER OR A
53 PUBLIC EMPLOYEE;

54 (III) A PERSON WHO HAS BEEN APPOINTED OR RECOMMENDED TO SERVE IN AN
55 AGENCY BY THE LEGISLATURE OR ANY MEMBER OR MEMBERS OF THE LEGISLATURE;
56 OR

1 (IV) A BUSINESS ASSOCIATE OR PRINCIPAL OF THE MEMBER OF THE LEGISLA-
2 TURE.

3 (B) ALL ASSETS IN THE TRUST SHALL BE FREE OF ANY RESTRICTIONS WITH
4 RESPECT TO THEIR TRANSFER OR SALE. THE TRUST SHALL NOT CONTAIN INVEST-
5 MENTS OR ASSETS THE TRANSFER OF WHICH BY THE TRUSTEE IS IMPROBABLE OR
6 IMPRACTICAL WITHOUT THE MEMBER'S KNOWLEDGE.

7 (C) THE TRUST AGREEMENT SHALL:

8 (I) CONTAIN A STATEMENT THAT ITS PURPOSE IS TO REMOVE FROM THE GRANTOR
9 CONTROL AND KNOWLEDGE OF INVESTMENT OF TRUST ASSETS SO THAT CONFLICTS
10 BETWEEN THE GRANTOR'S RESPONSIBILITIES AS A MEMBER OF THE LEGISLATURE
11 AND HIS OR HER PRIVATE INTERESTS ARE ELIMINATED;

12 (II) GIVE THE TRUSTEE COMPLETE DISCRETION TO MANAGE THE TRUST, INCLUD-
13 ING, BUT NOT LIMITED TO, THE POWER TO DISPOSE OF AND ACQUIRE TRUST
14 ASSETS WITHOUT CONSULTING OR NOTIFYING THE COVERED MEMBER OF THE LEGIS-
15 LATURE OR THE PERSON HAVING A BENEFICIAL INTEREST IN THE TRUST;

16 (III) PROHIBIT COMMUNICATION BETWEEN THE TRUSTEE AND THE MEMBER OF THE
17 LEGISLATURE, OR THE PERSON WHO HAS A BENEFICIAL INTEREST IN THE TRUST,
18 CONCERNING THE HOLDINGS OR SOURCES OF INCOME OF THE TRUST, EXCEPT
19 AMOUNTS OF CASH VALUE OR NET INCOME OR LOSS, IF SUCH REPORT DOES NOT
20 IDENTIFY ANY ASSET OR HOLDING, OR EXCEPT AS PROVIDED IN THIS SECTION;

21 (IV) PROVIDE THAT THE TRUST TAX RETURN IS PREPARED BY THE TRUSTEE OR
22 HIS OR HER DESIGNEE AND THAT ANY INFORMATION RELATING THERETO IS NOT
23 DISCLOSED TO THE MEMBER OF THE LEGISLATURE OR TO THE PERSON WHO HAS A
24 BENEFICIAL INTEREST, EXCEPT AS PROVIDED IN THIS SECTION;

25 (V) PERMIT THE TRUSTEE TO NOTIFY THE PUBLIC OFFICER OF THE DATE OF
26 DISPOSITION AND VALUE AT DISPOSITION OF ANY ORIGINAL INVESTMENT OR
27 INTEREST IN REAL PROPERTY TO THE EXTENT REQUIRED BY FEDERAL TAX LAW SO
28 THAT THE INFORMATION CAN BE REPORTED ON THE MEMBER'S APPLICABLE TAX
29 RETURNS; AND

30 (VI) PROHIBIT THE TRUSTEE FROM DISCLOSING TO THE MEMBER OF THE LEGIS-
31 LATURE OR THE PERSON WHO HAS A BENEFICIAL INTEREST ANY INFORMATION
32 CONCERNING REPLACEMENT ASSETS TO THE TRUST, EXCEPT FOR THE MINIMUM TAX
33 INFORMATION NECESSARY TO ENABLE THE PUBLIC OFFICIAL TO COMPLETE AN INDI-
34 VIDUAL TAX RETURN REQUIRED BY LAW.

35 (D) WITHIN FIVE BUSINESS DAYS AFTER A BLIND TRUST AGREEMENT IS
36 EXECUTED, THE MEMBER OF THE LEGISLATURE SHALL FILE WITH THE JOINT
37 COMMISSION ON PUBLIC ETHICS:

38 (I) A COPY OF THE QUALIFIED BLIND TRUST AGREEMENT;

39 (II) THE ACKNOWLEDGMENT BY THE TRUSTEE THAT HE OR SHE HAS AGREED TO
40 SERVE AS TRUSTEE;

41 (III) A CERTIFICATION BY THE TRUSTEE ON A FORM PRESCRIBED BY SUCH
42 COMMISSION THAT THE TRUST MEETS ALL OF THE REQUIREMENTS OF THIS SECTION;
43 AND

44 (IV) A COMPLETE LIST OF ASSETS PLACED IN THE TRUST BY THE PUBLIC OFFI-
45 CER.

46 6. THE JOINT COMMISSION ON PUBLIC ETHICS SHALL POST ON ITS WEBSITE FOR
47 THE PUBLIC A COPY OF ALL DOCUMENTS RELATING TO A MEMBER'S QUALIFIED
48 BLIND TRUST AGREEMENT, TRUSTEE ACKNOWLEDGMENT, TRUSTEE CERTIFICATION, A
49 LIST OF ASSETS PLACED IN THE TRUST AND THE TRUSTEE'S ANNUAL STATEMENTS
50 FILED PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION. SUCH COMMISSION
51 SHALL REDACT ANY SENSITIVE PERSONAL IDENTIFYING INFORMATION FROM PUBLIC
52 VIEW.

53 7. THE TRUSTEE ANNUALLY SHALL FILE WITH SUCH COMMISSION A SIGNED
54 STATEMENT, UNDER PENALTY OF PERJURY, STATING THAT HE OR SHE HAS NOT
55 REVEALED ANY INFORMATION TO THE GRANTOR OTHER THAN AS PERMITTED UNDER

1 THIS SECTION AND THAT, TO THE BEST OF THE TRUSTEE'S KNOWLEDGE, THE TRUST
2 IS IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

3 8. IF THE QUALIFIED BLIND TRUST IS REVOKED WHILE THE MEMBER OF THE
4 LEGISLATURE IS IN OFFICE, OR IF SUCH MEMBER LEARNS OF ANY REPLACEMENT
5 ASSETS THAT HAVE BEEN ADDED TO THE TRUST, THE MEMBER OF THE LEGISLATURE
6 SHALL FILE AN AMENDMENT TO HIS OR HER MOST RECENT FINANCIAL DISCLOSURE
7 STATEMENT. THE AMENDMENT SHALL BE FILED NO LATER THAN SIXTY DAYS AFTER
8 THE DATE OF REVOCATION OR THE ADDITION OF THE REPLACEMENT ASSETS. THE
9 COVERED MEMBER SHALL DISCLOSE THE PREVIOUSLY UNREPORTED PRO RATA SHARE
10 OF THE TRUST'S INTERESTS IN INVESTMENTS OR INCOME DERIVING FROM ANY SUCH
11 INVESTMENTS. FOR PURPOSES OF THIS SECTION, ANY REPLACEMENT ASSET THAT
12 BECOMES KNOWN TO THE MEMBER SHALL THEREAFTER BE TREATED AS THOUGH IT
13 WERE AN ORIGINAL ASSET OF THE TRUST.

14 9. (A) A TRUSTEE OF A QUALIFIED BLIND TRUST SHALL NOT KNOWINGLY AND
15 WILLFULLY, OR NEGLIGENTLY, (I) DISCLOSE ANY INFORMATION TO AN INTERESTED
16 PARTY WITH RESPECT TO SUCH TRUST UNLESS PERMITTED BY LAW; (II) ACQUIRE
17 ANY HOLDING OF THE OWNERSHIP WHICH IS PROHIBITED BY THE TRUST INSTRU-
18 MENT; (III) SOLICIT ADVICE FROM ANY INTERESTED PARTY WITH RESPECT TO
19 SUCH TRUST; OR (IV) FAIL TO FILE ANY DOCUMENT REQUIRED BY LAW FOR THE
20 QUALIFIED BLIND TRUST.

21 (B) A REPORTING INDIVIDUAL SHALL NOT KNOWINGLY AND WILLFULLY, OR
22 NEGLIGENTLY, (I) SOLICIT OR RECEIVE ANY INFORMATION WITH RESPECT TO A
23 QUALIFIED BLIND TRUST OF WHICH HE OR SHE IS AN INTERESTED PARTY; OR (II)
24 FAIL TO FILE ANY DOCUMENT REQUIRED BY LAW FOR THE QUALIFIED BLIND TRUST.

25 (C) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION IN AN APPROPRIATE
26 COURT OF JURISDICTION AGAINST ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY
27 VIOLATES THE PROVISIONS OF PARAGRAPH (A) OR (B) OF THIS SUBDIVISION. THE
28 COURT IN WHICH SUCH ACTION IS BROUGHT MAY ASSESS AGAINST SUCH INDIVIDUAL
29 A CIVIL PENALTY IN ANY AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS. THE
30 ATTORNEY GENERAL MAY BRING A CIVIL ACTION IN AN APPROPRIATE COURT OF
31 JURISDICTION AGAINST ANY INDIVIDUAL WHO NEGLIGENTLY VIOLATES THE
32 PROVISIONS OF PARAGRAPH (A) OR (B) OF THIS SUBDIVISION. THE COURT IN
33 WHICH SUCH ACTION IS BROUGHT MAY ASSESS AGAINST SUCH INDIVIDUAL A CIVIL
34 PENALTY IN ANY AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS.

35 S 2. The opening paragraph of paragraph 11 of subdivision 3 of section
36 73-a of the public officers law, as amended by section 5 of part A of
37 chapter 399 of the laws of 2011, is amended and a new paragraph 11-a is
38 added to read as follows:

39 List the identity and value, if reasonably ascertainable, of each inter-
40 est in a trust (OTHER THAN A QUALIFIED BLIND TRUST), estate or other
41 beneficial interest, including retirement plans (other than retire-
42 ment plans of the state of New York or the city of New York), and
43 deferred compensation plans (e.g., 401, 403(b), 457, etc.) estab-
44 lished in accordance with the internal revenue code, in which the
45 REPORTING INDIVIDUAL held a beneficial interest in EXCESS of \$1,000
46 at any time during the preceding year. Do NOT report interests in a
47 trust, estate or other beneficial interest established by or for, or
48 the estate of, a relative.

49 11-A. LIST THE IDENTITY, VALUE AND SOURCE OF PRINCIPAL OF EACH QUALIFIED
50 BLIND TRUST, AND THE NAME, ADDRESS AND OCCUPATION OF THE TRUSTEE OF
51 EACH SUCH QUALIFIED BLIND TRUST.

52	IDENTITY	CATEGORY	SOURCE	TRUSTEE
53		OF VALUE		NAME, ADDRESS
54				AND OCCUPATION

1
2
3
4 S 3. Paragraph (e) of subdivision 9 of section 94 of the executive
5 law, as amended by section 6 of part A of chapter 399 of the laws of
6 2011, is amended to read as follows:

7 (e) Make available forms:

8 (I) for annual statements of financial disclosure required to be filed
9 pursuant to section seventy-three-a of the public officers law;

10 (II) FOR QUALIFIED BLIND TRUST AGREEMENTS;

11 (III) FOR CERTIFICATION OF INDEPENDENCE OF A TRUSTEE OF A QUALIFIED
12 BLIND TRUST;

13 (IV) FOR A TRUSTEE ACKNOWLEDGMENT OF A QUALIFIED BLIND TRUST; AND

14 (V) FOR ANNUAL STATEMENTS BY TRUSTEES OF A QUALIFIED BLIND TRUST OF
15 SUCH TRUSTEES AND SUCH TRUST'S COMPLIANCE WITH SECTION SEVENTY-THREE-C
16 OF THE PUBLIC OFFICERS LAW;

17 S 4. This act shall take effect January 1, 2016.

18 PART C

19 Section 1. Paragraph (k) of subdivision 2 of section 73-a of the
20 public officers law is relettered paragraph (l) and a new paragraph (k)
21 is added to read as follows:

22 (K) THE TERMINATION OF PUBLIC OFFICE OR EMPLOYMENT, OR POLITICAL PARTY
23 POSITION, SHALL NOT RELIEVE ANY PERSON, REQUIRED TO FILE A FINANCIAL
24 DISCLOSURE STATEMENT PURSUANT TO SECTION SEVENTY-THREE OF THIS ARTICLE,
25 OF THE DUTY TO FILE SUCH A STATEMENT FOR THE CALENDAR YEAR OR PARTIAL
26 CALENDAR YEAR DURING WHICH SUCH PERSON LAST HELD PUBLIC OFFICE OR
27 EMPLOYMENT, OR A POLITICAL PARTY POSITION.

28 S 2. This act shall take effect January 1, 2016.

29 PART D

30 Section 1. Section 5 of the legislative law is amended by adding a new
31 subdivision 2-a to read as follows:

32 2-A. NOTWITHSTANDING ANY PROVISION OF SUBDIVISION TWO OF THIS SECTION
33 TO THE CONTRARY:

34 A. NO MEMBER OF THE LEGISLATURE SHALL RECEIVE A PER DIEM ALLOWANCE OR
35 PARTIAL PER DIEM ALLOWANCE UNLESS SUCH MEMBER SIGNS IN OR IS OTHERWISE
36 MARKED AS PRESENT BY THE JOURNAL CLERK OF HIS OR HER HOUSE OF THE LEGIS-
37 LATURE, OR SUBMITS A RECORD OF HIS OR HER ATTENDANCE AT A MEETING, EVENT
38 OR HEARING ON OFFICIAL LEGISLATIVE BUSINESS.

39 B. NO MEMBER OF THE LEGISLATURE SHALL RECEIVE A PER DIEM ALLOWANCE OR
40 PARTIAL PER DIEM ALLOWANCE UNLESS THE ALLOWANCE IS SUBMITTED FOR ONE OF
41 THE FOLLOWING DAYS:

42 (I) THE MEMBER ATTENDS A SESSION OF HIS OR HER HOUSE OF THE LEGISLA-
43 TURE;

44 (II) THE MEMBER ATTENDS A HEARING OR PUBLIC FORUM OF THE SENATE OR
45 ASSEMBLY, OR A JOINT HEARING OF BOTH HOUSES;

46 (III) THE MEMBER ATTENDS A MEETING OF A COMMITTEE, TASK FORCE OR
47 COMMISSION OF THE SENATE OR ASSEMBLY;

48 (IV) THE MEMBER HAS TRAVELED THE DAY BEFORE OR DEPARTED THE DAY AFTER
49 A DAY OF CONDUCTING LEGISLATIVE BUSINESS ENUMERATED IN SUBPARAGRAPH (I),

50 (II) OR (III) OF THIS PARAGRAPH; AND

51 (V) A MEMBER MAY ALSO RECEIVE THE APPLICABLE FULL OR PARTIAL PER DIEM
52 ALLOWANCE FOR UP TO FOURTEEN ADDITIONAL DAYS OF LEGISLATIVE BUSINESS PER

1 CALENDAR YEAR FOR DAYS WHICH DO NOT OTHERWISE CONSTITUTE DAYS UNDER
2 SUBPARAGRAPH (I), (II), (III) OR (IV) OF THIS PARAGRAPH.

3 C. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION,
4 NO MEMBER OF THE LEGISLATURE SHALL RECEIVE A PER DIEM ALLOWANCE OR
5 PARTIAL PER DIEM ALLOWANCE FOR MEALS OR LODGING FOR OFFICIAL LEGISLATIVE
6 BUSINESS CONDUCTED MORE THAN FIFTY MILES FROM THE CAPITOL; PROVIDED,
7 HOWEVER, THAT MEMBERS OF THE LEGISLATURE MAY RECEIVE REIMBURSEMENT FOR
8 ACTUAL AND NECESSARY TRANSPORTATION, LODGING AND MEAL EXPENSES IF THE
9 VOUCHER FOR THOSE EXPENSES INCLUDES ACTUAL AND ITEMIZED RECEIPTS FOR ALL
10 EXPENSES INCURRED, AS WELL AS A RECORD OF ATTENDANCE AT THE MEETING,
11 EVENT OR HEARING ON OFFICIAL LEGISLATIVE BUSINESS. CLAIMS FOR REIMBURSE-
12 MENT FOR OVERNIGHT STAYS SHALL INCLUDE A DETAILED LODGING BILL WITH THE
13 TRAVELER'S NAME, DATES OF STAY AND EXPENSES INCURRED.

14 S 2. This act shall take effect April 1, 2015.

15 S 3. Severability clause. If any clause, sentence, paragraph, subdi-
16 vision, section or part of this act shall be adjudged by any court of
17 competent jurisdiction to be invalid, such judgment shall not affect,
18 impair or invalidate the remainder thereof, but shall be confined in its
19 operation to the clause, sentence, paragraph, subdivision, section or
20 part thereof directly involved in the controversy in which such judgment
21 shall have been rendered. It is hereby declared to be the intent of the
22 legislature that this act would have been enacted even if such invalid
23 provisions had not been included in this act.

24 S 4. This act shall take effect immediately; provided, however, that
25 the applicable effective date of Parts A through D of this act shall be
26 as specifically set forth in the last section of such Parts.