

4424

2015-2016 Regular Sessions

I N   S E N A T E

March 19, 2015

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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

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

2. THE MEMBER OF THE LEGISLATURE SHALL NOT ATTEMPT TO INFLUENCE OR EXERCISE ANY CONTROL OVER DECISIONS REGARDING THE MANAGEMENT OF ASSETS IN A QUALIFIED BLIND TRUST. NO SUCH MEMBER NOR ANY PERSON HAVING A BENEFICIAL INTEREST IN THE QUALIFIED BLIND TRUST SHALL MAKE ANY EFFORT TO OBTAIN INFORMATION WITH RESPECT TO THE HOLDINGS OF THE TRUST, INCLUDING OBTAINING A COPY OF ANY TRUST TAX RETURN FILED OR ANY INFORMATION RELATING THERETO, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

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

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

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

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

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

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

5. IN ORDER TO CONSTITUTE A QUALIFIED BLIND TRUST, THE TRUST ESTABLISHED BY THE MEMBER OF THE LEGISLATURE MUST MEET THE FOLLOWING REQUIREMENTS:

(A) THE APPOINTED TRUSTEE SHALL BE A BANK, TRUST COMPANY OR OTHER INSTITUTIONAL FIDUCIARY, OR AN INDIVIDUAL WHO IS AN ATTORNEY, CERTIFIED PUBLIC ACCOUNTANT, BROKER OR INVESTMENT ADVISOR. IF THE TRUSTEE IS AN INDIVIDUAL OR IF THE TRUSTEE IS A BANK, TRUST COMPANY OR OTHER INSTITUTIONAL FIDUCIARY, THE INDIVIDUAL RESPONSIBLE FOR MANAGING THE TRUST SHALL NOT BE:

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

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

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

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

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

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

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

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

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

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

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

IDENTITY	CATEGORY OF VALUE	SOURCE	TRUSTEE NAME, ADDRESS AND OCCUPATION
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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.