

# STATE OF NEW YORK

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1820

2017-2018 Regular Sessions

## IN SENATE

January 11, 2017

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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:

1 Section 1. Subdivision 2 of section 5 of the legislative law, as added  
2 by section 7 of part CC of chapter 56 of the laws of 2015, is amended to  
3 read as follows:

4 2. (a) Each member of the legislature, upon verification of attend-  
5 ance, which shall be by electronic verification when practicable, in  
6 compliance with the policies set forth by the speaker of the assembly  
7 and the temporary president of the senate for their respective bodies,  
8 shall be eligible to receive payment of actual and necessary travel  
9 expenses and a per diem equivalent to the most recent federal per diem  
10 rates published by the general services administration as set forth in  
11 41 CFR (Code of Federal Regulations) Part 301, App. A, for the time in  
12 which the member was in travel status in the performance of his or her  
13 duties during the months in which the legislature is scheduled to be in  
14 regular session, provided, however, that if legislative passage of the  
15 budget, as defined in subdivision three of this section, has not  
16 occurred prior to the first day of any fiscal year, any such per diem  
17 payments to be paid on or after such day shall be permanently forfeited  
18 by such members from the first day of the fiscal year until the day that  
19 the legislature passes the budget. Members shall be eligible to receive  
20 per diem payments for any days worked after such passage. During the  
21 months when the legislature is not scheduled to be in regular session,  
22 members shall receive such actual and necessary travel expenses and per  
23 diems, in compliance with verification policies and in accord with stan-

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

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1 dards and limits for reimbursable events set forth by the speaker of the  
2 assembly and the temporary president of the senate for their respective  
3 bodies. The per diem allowances including partial per diem allowances  
4 shall be made on audit and warrant of the comptroller on vouchers  
5 approved by the temporary president of the senate or his or her designee  
6 and speaker of the assembly or his or her designee for their respective  
7 houses.

8 (b) Each house shall make available on its website all documentation  
9 otherwise available to the public pursuant to section eighty-eight of  
10 the public officers law related to the payment of travel expenses and  
11 per diems.

12 § 2. This act shall take effect immediately.