STATE OF NEW YORK

3970

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

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 added by section 7 of part CC of chapter 56 of the laws of 2015, is amended to read as follows:

2. (a) Each member of the legislature, upon verification of attendance, which shall be by electronic verification when practicable, in compliance with the policies set forth by the speaker of the assembly and the temporary president of the senate for their respective bodies, shall be eligible to receive payment of actual and necessary travel expenses and a per diem equivalent to the most recent federal per diem rates published by the general services administration as set forth in 41 CFR (Code of Federal Regulations) Part 301, App. A, for the time in which the member was in travel status in the performance of his or her duties during the months in which the legislature is scheduled to be in regular session**, 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**. During the months when the legislature is not scheduled to be in regular session, members shall receive such actual and necessary travel expenses and per 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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dards and limits for reimbursable events set forth by the speaker of the assembly and the temporary president of the senate for their respective bodies. The per diem allowances including partial per diem allowances shall be made on audit and warrant of the comptroller on vouchers approved by the temporary president of the senate or his or her designee and speaker of the assembly or his or her designee for their respective houses.

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

§ 2. This act shall take effect immediately.