

**TITLE 1:  
GENERAL PROVISIONS**

**§ 122. Ratification.**

The legislature does hereby ratify and deem to have expended for a public purpose and the Department of Finance shall pay as requested all expenses incurred by members of the 11<sup>th</sup> Legislature which were incurred and submitted to the Department of Finance. However, the Department of Finance may reasonably require such information necessary for the justification of such expenditures, provided that it shall have the burden to show that an expenditure was incurred for political or personal activities based on clear and convincing evidence before a request is denied.

**Source:** PL 12-2, § 2(a).

**Commission Comment:** PL 12-2 that created this section took effect on March 31, 2000. PL 12-2 contained findings and purpose, severability, and savings clauses as follows:

Section 1. Findings and purpose. The legislature finds despite its best efforts to fulfill its Constitutionally mandated duty to define “Public Purpose” there is still some confusion at the Department of Finance. As there has been no written guidance provided by the Department of Finance, the members have had to rely on past practice and procedure. This has resulted in many expenditures made by members of the 11th Legislature having payment denied by the Department of Finance. As such, we find a necessary to ratify those pending expenditures which would have been paid under past practice, and are not for personal or political gain.

. . .

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstances should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes law.