

4836--A

2013-2014 Regular Sessions

I N S E N A T E

April 25, 2013

Introduced by Sens. HOYLMAN, KENNEDY, O'BRIEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law and the legislative law, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 157-a to read as follows:
3 S 157-A. PENSION FORFEITURE; PER DIEM EXPENSE ACCEPTANCE. 1. ANY STATE
4 OFFICER OR LOCAL OFFICER, AS SUCH TERMS ARE DEFINED IN SECTION TWO OF
5 THE PUBLIC OFFICERS LAW, WHO ACCEPTS COMPENSATION FROM THE STATE IN THE
6 FORM OF REIMBURSEMENT FOR PER DIEM EXPENSES, IN WHOLE OR IN PART, AND IS
7 CONVICTED IN ANY FEDERAL OR STATE COURT OF COMPETENT JURISDICTION OF A
8 FELONY RELATED TO PUBLIC OFFICE, SHALL BE SUBJECT TO FORFEITURE OF
9 RIGHTS OF PRIVILEGES UNDER A PUBLIC RETIREMENT SYSTEM OR PENSION PLAN.
10 2. THE PROVISIONS OF SUBDIVISIONS TWO, THREE, FOUR, FIVE, SIX, SEVEN,
11 EIGHT, NINE, TEN, ELEVEN, TWELVE, THIRTEEN AND FOURTEEN OF SECTION ONE
12 HUNDRED FIFTY-SEVEN OF THIS ARTICLE SHALL APPLY TO ANY ACTION FOR AN
13 ORDER TO REDUCE OR REVOKE THE PENSION TO WHICH SUCH PUBLIC OFFICIAL IS
14 OTHERWISE ENTITLED FOR SERVICE AS A PUBLIC OFFICIAL.
15 S 2. Subdivision 2 of section 5 of the legislative law, as amended by
16 section 1 of part M-1 of chapter 407 of the laws of 1999, is amended to
17 read as follows:
18 2. A. Each member of the legislature shall receive payment of actual
19 and necessary transportation expenses and a per diem equivalent to the
20 most recent federal per diem rates published by the General Services
21 Administration and set forth in 41 CFR (Code of Federal Regulations)
22 Part 301, App. A, while in travel status in the performance of his or

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

LBD10509-02-3

1 her duties; and such other reasonable expenses as may be necessary for
2 the performance of the member's responsibilities as determined by the
3 temporary president of the senate or speaker of the assembly for their
4 respective houses. The per diem allowances, including partial per diem
5 allowances, shall be made pursuant to regulations promulgated by the
6 temporary president of the senate and the speaker of the assembly for
7 their respective houses, on audit and warrant of the comptroller on
8 vouchers approved by the temporary president of the senate or his or her
9 designee and the speaker of the assembly or his or her designee for
10 their respective houses.

11 B. ANY STATE OFFICER OR LOCAL OFFICER, AS SUCH TERMS ARE DEFINED IN
12 SECTION TWO OF THE PUBLIC OFFICERS LAW, WHO ACCEPTS COMPENSATION FROM
13 THE STATE IN THE FORM OF REIMBURSEMENT FOR PER DIEM EXPENSES, IN WHOLE
14 OR IN PART, AND IS CONVICTED IN ANY FEDERAL OR STATE COURT OF COMPETENT
15 JURISDICTION OF A FELONY RELATED TO PUBLIC OFFICE, SHALL BE SUBJECT TO
16 FORFEITURE OF RIGHTS OF PRIVILEGES UNDER A PUBLIC RETIREMENT SYSTEM OR
17 PENSION PLAN. THE PROVISIONS OF SUBDIVISIONS TWO, THREE, FOUR, FIVE,
18 SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE, THIRTEEN AND FOURTEEN OF
19 SECTION ONE HUNDRED FIFTY-SEVEN OF THE RETIREMENT AND SOCIAL SECURITY
20 LAW SHALL APPLY TO ANY ACTION FOR AN ORDER TO REDUCE OR REVOKE THE
21 PENSION TO WHICH SUCH PUBLIC OFFICIAL IS OTHERWISE ENTITLED FOR SERVICE
22 AS A PUBLIC OFFICIAL.

23 S 3. This act shall take effect immediately.