S T A T E O F N E W Y O R K

126--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. HOYLMAN, ADDABBO, AVELLA, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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:

Section 1. The retirement and social security law is amended by adding a new section 157-a to read as follows:

S 157-A. PENSION FORFEITURE; PER DIEM EXPENSE ACCEPTANCE. 1. ANY STATE OFFICER OR LOCAL OFFICER, AS SUCH TERMS ARE DEFINED IN SECTION TWO OF THE PUBLIC OFFICERS LAW, WHO ACCEPTS COMPENSATION FROM THE STATE IN THE FORM OF REIMBURSEMENT FOR PER DIEM EXPENSES, IN WHOLE OR IN PART, AND IS CONVICTED IN ANY FEDERAL OR STATE COURT OF COMPETENT JURISDICTION OF A FELONY RELATED TO PUBLIC OFFICE, SHALL BE SUBJECT TO FORFEITURE OF RIGHTS OF PRIVILEGES UNDER A PUBLIC RETIREMENT SYSTEM OR PENSION PLAN.

2. THE PROVISIONS OF SUBDIVISIONS TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE, THIRTEEN AND FOURTEEN OF SECTION ONE HUNDRED FIFTY-SEVEN OF THIS ARTICLE SHALL APPLY TO ANY ACTION FOR AN ORDER TO REDUCE OR REVOKE THE PENSION TO WHICH SUCH PUBLIC OFFICIAL IS OTHERWISE ENTITLED FOR SERVICE AS A PUBLIC OFFICIAL.

S 2. Subdivision 2 of section 5 of the legislative law, as amended 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

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

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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. 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 standards 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.

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

S 3. This act shall take effect immediately.