



NEW YORK STATE SENATOR

John J. Flanagan

## Legislature to Reinforce Commitment to Ethics Reform by Stripping Corrupt Public Officials of Pension Benefits & Regulating Outside Income for Legislators

JOHN J. FLANAGAN January 30, 2017

| ISSUE: **GOVERNMENT OPERATIONS**



Senate Majority Leader John Flanagan and Assembly Speaker Carl Heastie today announced the Legislature's intent to pass legislation that takes steps to amend the New York State Constitution to allow the state to reduce or revoke the pension of a public officer that has been convicted of a felony related to his or her official duties. The Legislature also intends to pass a joint resolution setting new requirements for members that earn additional income

from outside employment.

Majority Leader Flanagan said, “There must be zero tolerance for public corruption, and these ethics reforms are crucial to holding officials accountable and making sure they don’t profit from abusing their positions. Now the measure will go to the voters so that they can have the opportunity to join with us in taking a strong stand against corruption.”

“The Assembly Majority believes that public officials who violate the public’s trust and engage in corruption should face the consequences of their actions including the forfeiture of taxpayer funded pensions,” said Speaker Heastie. “We also support measures to monitor legislators’ outside income and ensure the highest ethical standards in state government. Although we strongly believe that the vast majority of public officials serve with integrity, we hope that these measures will not only protect taxpayers and restore their faith in government, but also discourage any public officials from misusing their position for personal gain.”

“From the Governor, to the Legislature to local elected officials – if you violate the public trust and are convicted of a felony, you should forfeit the privilege of a public pension. A public officer has a duty to maintain the public trust. The taxpayers have demanded exactly this type of reform. I have been proud to fight for this legislation,” stated Senator Thomas Croci, sponsor of the bill in the Senate. “The voters will now have the opportunity to enact this historic constitutional reform on Election Day.”

“Taxpayer-funded pensions are for individuals who have committed their lives to public service through years of hard work – not for those who have exploited their position and broken the public’s trust,” said Assemblyman David Buchwald, sponsor of the bill in the Assembly. “This constitutional amendment is designed to discourage public officials from taking part in unscrupulous practices that hurt New Yorkers and tarnish the reputation of

our state government.”

### **Stripping Pensions from Corrupt Public Officials**

In 2011, New York State enacted the Public Integrity Reform Act which stated that any public official that joined the retirement system on or after November 13, 2011, is subject to pension forfeiture if convicted of certain felonies related to their public office. However, many public officials joined the retirement system before that date. The New York State Constitution states that public pensions involve a contractual relationship that cannot be reduced or impaired, unless of course, the State Constitution itself is amended.

Under the measure, a public officer convicted of a felony directly related to his or her duties could be subject to pension reduction or revocation following notice and a court hearing (S.418/A.1749). The court’s decision to reduce or revoke pension benefits would consider factors such as the severity of the crime and whether a reduction might be proportionate to the offense. Public officers include elected officials, direct gubernatorial appointees, municipal managers, department heads, chief fiscal officers and policy-makers.

The proposal would also allow the court to order pension benefits to be paid to an innocent spouse, minor dependents or other dependent family members after consideration of their financial needs and resources.

The legislation must pass both houses of the Legislature in two consecutive legislative sessions. Both the Assembly and the Senate passed the measure during the legislative session last year. Following its passage in both houses this year, it would then appear on the ballot in November for voter approval to change the New York State Constitution.

### **Ensuring Outside Income Does Not Conflict With Official Duties**

Under the joint resolution (B.404/C.25) passed today, any member of the Legislature earning more than \$5,000 income through outside employment must submit a written request for an advisory opinion to the Legislative Ethics Commission to ensure the employment is consistent with the New York State Public Officers Law.