

S. 2145

A. 2296

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 11, 2013

IN SENATE -- Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

IN ASSEMBLY -- Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of city of New York, in relation to the rate of regular interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, subchapter two, the fire department pension fund, subchapter two and the board of education retirement system of such city by public employers and other obligors required to make employer contributions to such retirement systems, the establishment of the entry age actuarial cost method of determining employer contributions to such retirement systems, the making of contributions to such retirement systems by such public employers and such other obligors, and the crediting of special interest and additional interest to members of such retirement systems, and the allowance of interest on the funds of such retirement systems; and to amend the education law, in relation to employer contributions to the board of education retirement system of such city

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

1 Section 1. Subparagraph (a) of paragraph 1 of subdivision b of section
2 13-127 of the administrative code of the city of New York is amended by
3 adding two new items (i-a) and (i-b) to read as follows:

4 (I-A) ALL UNFUNDED ACCRUED LIABILITY INSTALLMENTS AS REQUIRED BY
5 SECTION 13-638.2 OF THIS TITLE OR ANY OTHER PROVISION OF LAW; AND

6 (I-B) ANY OTHER PAYMENTS TO THE CONTINGENT RESERVE FUND AS REQUIRED BY
7 APPLICABLE LAW; AND

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

LBD06653-01-3

1 S 2. Subparagraph (c) of paragraph 1 of subdivision b of section
2 13-127 of the administrative code of the city of New York is amended by
3 adding a new item (iv) to read as follows:

4 (IV) THE CITY AND ALL OTHER RESPONSIBLE OBLIGORS (AS DEFINED IN PARA-
5 GRAPH TEN OF SUBDIVISION A OF SECTION 13-638.2 OF THIS TITLE) SHALL MAKE
6 ALL PAYMENTS TO THE RETIREMENT SYSTEM REQUIRED BY APPLICABLE LAW IN
7 ACCORDANCE WITH THE TIME OF PAYMENT REQUIREMENTS SET FORTH IN SUBDIVI-
8 SION C OF SECTION 13-133 OF THIS CHAPTER. ANY RESPONSIBLE OBLIGOR WHICH
9 DOES NOT MAKE ALL OR ANY PORTION OF SUCH REQUIRED PAYMENTS TO THE
10 RETIREMENT SYSTEM IN A TIMELY MANNER IN FISCAL YEAR TWO THOUSAND
11 TWELVE--TWO THOUSAND THIRTEEN, OR IN ANY FISCAL YEAR THEREAFTER, SHALL
12 BE REQUIRED TO PAY INTEREST TO THE RETIREMENT SYSTEM ON SUCH OVERDUE
13 AMOUNTS, AS DETERMINED BY THE ACTUARY. THE ACTUARY SHALL DETERMINE, AT
14 SUCH TIME AS HE OR SHE DEEMS APPROPRIATE, INTEREST PAYMENTS ON SUCH
15 OVERDUE AMOUNTS USING A RATE OF INTEREST EQUIVALENT TO THE VALUATION
16 RATE OF INTEREST (AS DEFINED IN PARAGRAPH ELEVEN OF SUBDIVISION A OF
17 SECTION 13-638.2 OF THIS TITLE). RESPONSIBLE OBLIGORS SHALL MAKE SUCH
18 INTEREST PAYMENTS ON OVERDUE AMOUNTS TO THE RETIREMENT SYSTEM IN THE
19 MANNER AND AT SUCH TIME AS THE ACTUARY DEEMS APPROPRIATE.

20 S 3. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of
21 section 13-127 of the administrative code of the city of New York, as
22 amended by chapter 85 of the laws of 2000, is amended to read as
23 follows:

24 (i) NOTWITHSTANDING THE SUCCEEDING PROVISIONS OF THIS SUBPARAGRAPH OR
25 THE PROVISIONS OF SUBPARAGRAPH (A-ONE), (B) OR (C) OF THIS PARAGRAPH,
26 FOR FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, AND FOR EACH
27 FISCAL YEAR THEREAFTER, THE AMOUNT OF THE NORMAL CONTRIBUTION PAYABLE TO
28 THE CONTINGENT RESERVE FUND SHALL BE DETERMINED PURSUANT TO THE
29 PROVISIONS OF SUBPARAGRAPH (D) OF THIS PARAGRAPH. Upon the basis of the
30 latest mortality and other tables herein authorized and regular inter-
31 est, the actuary shall determine as of June thirtieth, nineteen hundred
32 eighty and as of each succeeding June thirtieth, the amount of the total
33 liability for all benefits provided in this title, in articles eleven
34 and fourteen of the retirement and social security law and in any other
35 law prescribing benefits payable by the retirement system on account of
36 all members and beneficiaries, excluding the liability on account of
37 future increased-take-home-pay contributions, if any, and the liability
38 for benefits attributable to the annuity savings fund, provided, howev-
39 er, that in determining such total liability as of June thirtieth, nine-
40 teen hundred ninety-five and as of each succeeding June thirtieth, the
41 actuary shall include (A) the liability on account of future increased-
42 take-home-pay contributions, if any, (B) the liability on account of
43 future public employer obligations under the provisions of subdivision
44 twenty of section two hundred forty-three of the military law, to pay in
45 behalf of members qualifying for such benefit, member contributions with
46 respect to certain periods of the military service of such members and
47 (C) the liability for benefits attributable to the annuity savings fund.

48 S 4. Paragraph 2 of subdivision b of section 13-127 of the administra-
49 tive code of the city of New York is amended by adding a new subpara-
50 graph (d) to read as follows:

51 (D) (I) NOTWITHSTANDING THE PRECEDING SUBPARAGRAPHS OF THIS PARAGRAPH
52 OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE NORMAL CONTRIBUTION
53 PAYABLE TO THE CONTINGENT RESERVE FUND IN FISCAL YEAR TWO THOUSAND
54 ELEVEN--TWO THOUSAND TWELVE, AND IN EACH FISCAL YEAR THEREAFTER, SHALL
55 BE THE ENTRY AGE NORMAL CONTRIBUTION, AS DETERMINED BY THE ACTUARY
56 PURSUANT TO THIS SUBPARAGRAPH IN A MANNER CONSISTENT WITH THE ENTRY AGE

1 ACTUARIAL COST METHOD. THE ACTUARY SHALL DETERMINE THE ENTRY AGE NORMAL
2 CONTRIBUTION FOR EACH SUCH FISCAL YEAR AS OF JUNE THIRTIETH OF THE
3 SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR IN WHICH SUCH NORMAL
4 CONTRIBUTION IS PAYABLE, BASED ON THE LATEST MORTALITY AND OTHER TABLES
5 APPLICABLE AT THE TIME HE OR SHE PERFORMS SUCH CALCULATIONS, AND THE
6 VALUATION RATE OF INTEREST AS PROVIDED FOR THE RETIREMENT SYSTEM IN
7 PARAGRAPH TWO OF SUBDIVISION B OF SECTION 13-638.2 OF THIS TITLE.

8 (II) IN CALCULATING THE ENTRY AGE NORMAL CONTRIBUTION PAYABLE IN ANY
9 SUCH FISCAL YEAR PURSUANT TO THIS SUBPARAGRAPH, THE ACTUARY, IN HIS OR
10 HER DISCRETION, MAY MAKE CERTAIN ADJUSTMENTS IN THE CALCULATION METHOD-
11 OLOGY, PROVIDED THAT SUCH ADJUSTMENTS ARE GENERALLY ACCEPTED AS CONSIST-
12 ENT WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND ARE DESIGNED, IN
13 GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS
14 FROM THEIR AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO
15 WHICH SUCH MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE
16 ACTUARY. SUCH GENERALLY ACCEPTED ADJUSTMENTS IN THE CALCULATION METHOD-
17 OLOGY, IN THE DISCRETION OF THE ACTUARY, MAY INCLUDE, BUT ARE NOT LIMIT-
18 ED TO, THE CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION (A) ON AN
19 INDIVIDUAL MEMBER BASIS BY CALCULATING THE AMOUNT OF THE ENTRY AGE
20 NORMAL CONTRIBUTION ATTRIBUTABLE TO EACH INDIVIDUAL MEMBER, AND THEN
21 ADDING TOGETHER SUCH INDIVIDUAL MEMBER AMOUNTS, (B) ON AN AGGREGATE
22 BASIS FOR ALL MEMBERS OR (C) ON ANY COMBINATION OF AN INDIVIDUAL MEMBER
23 BASIS AND AN AGGREGATE BASIS WHICH IS CONSISTENT WITH THE ENTRY AGE
24 ACTUARIAL COST METHOD, AND THE PRECEDING PROVISIONS OF THIS ITEM.

25 (III) FOR EACH SUCH FISCAL YEAR, THE ACTUARY, IN HIS OR HER
26 DISCRETION, SHALL DETERMINE, IN ACCORDANCE WITH THE PROVISIONS OF ITEM
27 (II) OF THIS SUBPARAGRAPH, THE METHODOLOGY FOR CALCULATING THE ENTRY AGE
28 NORMAL CONTRIBUTION PAYABLE FOR THAT PARTICULAR FISCAL YEAR.

29 (IV) THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH ITEM
30 (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE ACTUARY TO CALCULATE THE
31 ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL MEMBER BASIS BY (A)
32 MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL
33 MEMBER, AS DETERMINED BY THE ACTUARY, BY THE SALARY EXPECTED TO BE PAID
34 TO THAT MEMBER DURING THE FISCAL YEAR IN WHICH SUCH NORMAL CONTRIBUTION
35 IS PAYABLE, AND (B) CALCULATING THE SUM OF THE INDIVIDUAL ENTRY AGE
36 NORMAL CONTRIBUTIONS ATTRIBUTABLE TO ALL SUCH MEMBERS. THE ACTUARY, IN
37 HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR
38 DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL BASIS
39 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
40 PROVISIONS OF ITEM (II) OF THIS SUBPARAGRAPH.

41 (V) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
42 ACCORDANCE WITH ITEM (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE
43 ACTUARY TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE
44 BASIS BY MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR ALL
45 MEMBERS IN THE AGGREGATE, AS DETERMINED BY THE ACTUARY, BY THE AGGREGATE
46 AMOUNT OF THE SALARIES EXPECTED TO BE PAID TO ALL MEMBERS DURING THE
47 FISCAL YEAR IN WHICH THE NORMAL CONTRIBUTION IS PAYABLE. THE ACTUARY, IN
48 HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR
49 DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE BASIS
50 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
51 PROVISIONS OF ITEM (II) OF THIS SUBPARAGRAPH.

52 (VI) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
53 ACCORDANCE WITH ITEM (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE
54 CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION ON ANY OTHER BASIS
55 WHICH THE ACTUARY DEEMS APPROPRIATE, AND WHICH IS CONSISTENT WITH THE

1 ENTRY AGE ACTUARIAL COST METHOD AND THE PROVISIONS OF ITEM (II) OF THIS
2 SUBPARAGRAPH.

3 (VII) (A) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORD-
4 ANCE WITH ITEM (III) OF THIS SUBPARAGRAPH REQUIRES THE DETERMINATION OF
5 AN ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL MEMBER IN
6 ORDER TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR EACH INDIVIDUAL
7 MEMBER, THE ACTUARY SHALL DETERMINE SUCH RATE FOR EACH SUCH MEMBER IN
8 ACCORDANCE WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS
9 DETERMINED BY THE ACTUARY FOR EACH SUCH MEMBER, SHALL BE CONSISTENT WITH
10 A METHOD DESIGNED, IN GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORK-
11 ING LIFETIME OF THAT PARTICULAR MEMBER FROM HIS OR HER AGE AT ENTRY, THE
12 ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH MEMBER IS EXPECTED TO
13 BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

14 (B) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH
15 ITEM (III) OF THIS SUBPARAGRAPH REQUIRES THE DETERMINATION OF AN ENTRY
16 AGE NORMAL CONTRIBUTION RATE FOR ALL MEMBERS IN THE AGGREGATE IN ORDER
17 TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR ALL MEMBERS IN THE
18 AGGREGATE, THE ACTUARY SHALL DETERMINE SUCH RATE IN ACCORDANCE WITH THE
19 ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS DETERMINED BY THE
20 ACTUARY, SHALL BE CONSISTENT WITH A METHOD DESIGNED, IN GENERAL, TO
21 FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS FROM THEIR
22 AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH
23 MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

24 S 5. Paragraph 1 of subdivision c of section 13-133 of the administra-
25 tive code of the city of New York is amended by adding a new subpara-
26 graph (G) to read as follows:

27 (G) WHERE A RESPONSIBLE OBLIGOR (AS DEFINED IN PARAGRAPH TEN OF SUBDI-
28 VISION A OF SECTION 13-638.2 OF THIS TITLE) IS REQUIRED TO MAKE PAYMENTS
29 TO THE RETIREMENT SYSTEM PURSUANT TO APPLICABLE PROVISIONS OF LAW IN
30 FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN, AND IN ANY
31 FISCAL YEAR THEREAFTER, AND THE PROVISIONS OF THIS SUBDIVISION OR THE
32 PROVISIONS OF ANY OTHER APPLICABLE LAW DO NOT OTHERWISE SPECIFICALLY
33 REQUIRE SUCH RESPONSIBLE OBLIGOR TO MAKE SUCH PAYMENTS BY A PARTICULAR
34 DATE OR DATES DURING SUCH FISCAL YEAR, SUCH RESPONSIBLE OBLIGOR SHALL
35 MAKE SUCH PAYMENTS EITHER (I) IN TOTAL ON OR BEFORE JANUARY FIRST OF
36 SUCH FISCAL YEAR, OR (II) IN TWELVE EQUAL MONTHLY INSTALLMENTS, AS
37 DETERMINED BY THE ACTUARY, WITH EACH MONTHLY INSTALLMENT TO BE PAID ON
38 OR BEFORE THE LAST DAY OF EACH MONTH.

39 S 6. Subparagraph 3 of paragraph (e) of subdivision 4 of section
40 13-194 of the administrative code of the city of New York, as amended by
41 chapter 255 of the laws of 2000, is amended to read as follows:

42 (3) Except as otherwise provided in SUBDIVISION ELEVEN OF THIS SECTION
43 AND IN sections 13-195 and 13-195.1 of this chapter, nothing contained
44 in this section shall create or impose any obligation on the part of the
45 retirement system, or the funds or monies thereof, or authorize such
46 funds or monies to be appropriated or used for any payment under this
47 section or for any purpose thereof.

48 S 7. Section 13-194 of the administrative code of the city of New York
49 is amended by adding a new subdivision 11 to read as follows:

50 11. IN THE EVENT THAT, FOR ANY CALENDAR YEAR COVERED BY A PAYMENT
51 GUARANTEE, THE ASSETS OF THE VARIABLE SUPPLEMENTS FUND ARE NOT SUFFI-
52 CIENT TO PAY BENEFITS UNDER THIS SECTION FOR SUCH YEAR, AN AMOUNT SUFFI-
53 CIENT TO PAY SUCH BENEFITS SHALL BE APPROPRIATED FROM THE CONTINGENT
54 RESERVE FUND OF THE RETIREMENT SYSTEM AND TRANSFERRED TO THE CORRECTION
55 OFFICERS' VARIABLE SUPPLEMENTS FUND.

1 S 8. Subparagraph (a) of paragraph 1 of subdivision b of section
2 13-228 of the administrative code of the city of New York is amended by
3 adding two new items (i-a) and (i-b) to read as follows:

4 (I-A) ALL UNFUNDED ACCRUED LIABILITY INSTALLMENTS AS REQUIRED BY
5 SECTION 13-638.2 OF THIS TITLE OR ANY OTHER PROVISION OF LAW; AND

6 (I-B) ANY OTHER PAYMENTS TO THE CONTINGENT RESERVE FUND AS REQUIRED BY
7 APPLICABLE LAW; AND

8 S 9. Subparagraph (c) of paragraph 1 of subdivision b of section
9 13-228 of the administrative code of the city of New York is amended by
10 adding a new item (iv) to read as follows:

11 (IV) THE CITY SHALL MAKE ALL PAYMENTS TO THE PENSION FUND REQUIRED BY
12 APPLICABLE LAW IN ACCORDANCE WITH THE TIME OF PAYMENT REQUIREMENTS SET
13 FORTH IN SUBDIVISION C OF SECTION 13-231 OF THIS CHAPTER. COMMENCING
14 WITH PAYMENTS DUE IN FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIR-
15 TEEN, IN ANY FISCAL YEAR IN WHICH THE CITY DOES NOT MAKE ALL OR ANY
16 PORTION OF SUCH REQUIRED PAYMENTS TO THE PENSION FUND IN A TIMELY
17 MANNER, THE CITY SHALL BE REQUIRED TO PAY INTEREST TO THE PENSION FUND
18 ON SUCH OVERDUE AMOUNTS, AS DETERMINED BY THE ACTUARY. THE ACTUARY SHALL
19 DETERMINE, AT SUCH TIME AS HE OR SHE DEEMS APPROPRIATE, INTEREST
20 PAYMENTS ON SUCH OVERDUE AMOUNTS USING A RATE OF INTEREST EQUIVALENT TO
21 THE VALUATION RATE OF INTEREST (AS DEFINED IN PARAGRAPH ELEVEN OF SUBDI-
22 VISION A OF SECTION 13-638.2 OF THIS TITLE). THE CITY SHALL MAKE SUCH
23 INTEREST PAYMENTS ON OVERDUE AMOUNTS TO THE PENSION FUND IN THE MANNER
24 AND AT SUCH TIME AS THE ACTUARY DEEMS APPROPRIATE.

25 S 10. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of
26 section 13-228 of the administrative code of the city of New York, as
27 amended by chapter 598 of the laws of 1996, is amended to read as
28 follows:

29 (i) NOTWITHSTANDING THE SUCCEEDING PROVISIONS OF THIS SUBPARAGRAPH OR
30 THE PROVISIONS OF SUBPARAGRAPH (A-ONE), (B), (C) OR (D) OF THIS PARA-
31 GRAPH, FOR FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, AND FOR
32 EACH FISCAL YEAR THEREAFTER, THE AMOUNT OF THE NORMAL CONTRIBUTION PAYA-
33 BLE TO THE CONTINGENT RESERVE FUND SHALL BE DETERMINED PURSUANT TO THE
34 PROVISIONS OF SUBPARAGRAPH (E) OF THIS PARAGRAPH. Upon the basis of the
35 latest mortality and other tables herein authorized and regular inter-
36 est, the actuary shall determine, as of June thirtieth, nineteen hundred
37 eighty and as of each succeeding June thirtieth, the amount of the total
38 liability for all benefits provided in this subchapter, in article elev-
39 en of the retirement and social security law, article fourteen of such
40 law (if and when applicable) and in any other law prescribing benefits
41 payable by the pension fund on account of all members and beneficiaries,
42 excluding the liability on account of future increased-take-home-pay
43 contributions, if any, and the liability for benefits attributable to
44 the annuity savings fund, provided, however, that in determining such
45 total liability for all benefits as of June thirtieth, nineteen hundred
46 ninety-five and as of each succeeding June thirtieth, the actuary shall
47 include (A) the liability on account of future increased-take-home-pay
48 contributions, if any, (B) the liability on account of future public
49 employer obligations under the provisions of subdivision twenty of
50 section two hundred forty-three of the military law, to pay in behalf of
51 members qualifying for such benefit, member contributions with respect
52 to certain periods of the military service of such members and (C) the
53 liability for benefits attributable to the annuity savings fund.

54 S 11. Paragraph 2 of subdivision b of section 13-228 of the adminis-
55 trative code of the city of New York is amended by adding a new subpara-
56 graph (e) to read as follows:

1 (E) (I) NOTWITHSTANDING THE PRECEDING SUBPARAGRAPHS OF THIS PARAGRAPH
2 OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE NORMAL CONTRIBUTION
3 PAYABLE TO THE CONTINGENT RESERVE FUND IN FISCAL YEAR TWO THOUSAND
4 ELEVEN--TWO THOUSAND TWELVE, AND IN EACH FISCAL YEAR THEREAFTER, SHALL
5 BE THE ENTRY AGE NORMAL CONTRIBUTION, AS DETERMINED BY THE ACTUARY
6 PURSUANT TO THIS SUBPARAGRAPH IN A MANNER CONSISTENT WITH THE ENTRY AGE
7 ACTUARIAL COST METHOD. THE ACTUARY SHALL DETERMINE THE ENTRY AGE NORMAL
8 CONTRIBUTION FOR EACH SUCH FISCAL YEAR AS OF JUNE THIRTIETH OF THE
9 SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR IN WHICH SUCH NORMAL
10 CONTRIBUTION IS PAYABLE, BASED ON THE LATEST MORTALITY AND OTHER TABLES
11 APPLICABLE AT THE TIME HE OR SHE PERFORMS SUCH CALCULATIONS, AND THE
12 VALUATION RATE OF INTEREST AS PROVIDED FOR THE PENSION FUND IN PARAGRAPH
13 TWO OF SUBDIVISION B OF SECTION 13-638.2 OF THIS TITLE.

14 (II) IN CALCULATING THE ENTRY AGE NORMAL CONTRIBUTION PAYABLE IN ANY
15 SUCH FISCAL YEAR PURSUANT TO THIS SUBPARAGRAPH, THE ACTUARY, IN HIS OR
16 HER DISCRETION, MAY MAKE CERTAIN ADJUSTMENTS IN THE CALCULATION METHOD-
17 OLOGY, PROVIDED THAT SUCH ADJUSTMENTS ARE GENERALLY ACCEPTED AS CONSIST-
18 ENT WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND ARE DESIGNED, IN
19 GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS
20 FROM THEIR AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO
21 WHICH SUCH MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE
22 ACTUARY. SUCH GENERALLY ACCEPTED ADJUSTMENTS IN THE CALCULATION METHOD-
23 OLOGY, IN THE DISCRETION OF THE ACTUARY, MAY INCLUDE, BUT ARE NOT LIMIT-
24 ED TO, THE CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION (A) ON AN
25 INDIVIDUAL MEMBER BASIS BY CALCULATING THE AMOUNT OF THE ENTRY AGE
26 NORMAL CONTRIBUTION ATTRIBUTABLE TO EACH INDIVIDUAL MEMBER, AND THEN
27 ADDING TOGETHER SUCH INDIVIDUAL MEMBER AMOUNTS, (B) ON AN AGGREGATE
28 BASIS FOR ALL MEMBERS OR (C) ON ANY COMBINATION OF AN INDIVIDUAL MEMBER
29 BASIS AND AN AGGREGATE BASIS WHICH IS CONSISTENT WITH THE ENTRY AGE
30 ACTUARIAL COST METHOD, AND THE PRECEDING PROVISIONS OF THIS ITEM.

31 (III) FOR EACH SUCH FISCAL YEAR, THE ACTUARY, IN HIS OR HER
32 DISCRETION, SHALL DETERMINE, IN ACCORDANCE WITH THE PROVISIONS OF ITEM
33 (II) OF THIS SUBPARAGRAPH, THE METHODOLOGY FOR CALCULATING THE ENTRY AGE
34 NORMAL CONTRIBUTION PAYABLE FOR THAT PARTICULAR FISCAL YEAR.

35 (IV) THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH ITEM
36 (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE ACTUARY TO CALCULATE THE
37 ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL MEMBER BASIS BY (A)
38 MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL
39 MEMBER, AS DETERMINED BY THE ACTUARY, BY THE SALARY EXPECTED TO BE PAID
40 TO THAT MEMBER DURING THE FISCAL YEAR IN WHICH SUCH NORMAL CONTRIBUTION
41 IS PAYABLE, AND (B) CALCULATING THE SUM OF THE INDIVIDUAL ENTRY AGE
42 NORMAL CONTRIBUTIONS ATTRIBUTABLE TO ALL SUCH MEMBERS. THE ACTUARY, IN
43 HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR
44 DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL BASIS
45 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
46 PROVISIONS OF ITEM (II) OF THIS SUBPARAGRAPH.

47 (V) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
48 ACCORDANCE WITH ITEM (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE
49 ACTUARY TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE
50 BASIS BY MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR ALL
51 MEMBERS IN THE AGGREGATE, AS DETERMINED BY THE ACTUARY, BY THE AGGREGATE
52 AMOUNT OF THE SALARIES EXPECTED TO BE PAID TO ALL MEMBERS DURING THE
53 FISCAL YEAR IN WHICH THE NORMAL CONTRIBUTION IS PAYABLE. THE ACTUARY, IN
54 HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR
55 DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE BASIS

1 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
2 PROVISIONS OF ITEM (II) OF THIS SUBPARAGRAPH.

3 (VI) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
4 ACCORDANCE WITH ITEM (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE
5 CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION ON ANY OTHER BASIS
6 WHICH THE ACTUARY DEEMS APPROPRIATE, AND WHICH IS CONSISTENT WITH THE
7 ENTRY AGE ACTUARIAL COST METHOD AND THE PROVISIONS OF ITEM (II) OF THIS
8 SUBPARAGRAPH.

9 (VII) (A) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORD-
10 ANCE WITH ITEM (III) OF THIS SUBPARAGRAPH REQUIRES THE DETERMINATION OF
11 AN ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL MEMBER IN
12 ORDER TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR EACH INDIVIDUAL
13 MEMBER, THE ACTUARY SHALL DETERMINE SUCH RATE FOR EACH SUCH MEMBER IN
14 ACCORDANCE WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS
15 DETERMINED BY THE ACTUARY FOR EACH SUCH MEMBER, SHALL BE CONSISTENT WITH
16 A METHOD DESIGNED, IN GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORK-
17 ING LIFETIME OF THAT PARTICULAR MEMBER FROM HIS OR HER AGE AT ENTRY, THE
18 ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH MEMBER IS EXPECTED TO
19 BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

20 (B) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH
21 ITEM (III) OF THIS SUBPARAGRAPH REQUIRES THE DETERMINATION OF AN ENTRY
22 AGE NORMAL CONTRIBUTION RATE FOR ALL MEMBERS IN THE AGGREGATE IN ORDER
23 TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR ALL MEMBERS IN THE
24 AGGREGATE, THE ACTUARY SHALL DETERMINE SUCH RATE IN ACCORDANCE WITH THE
25 ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS DETERMINED BY THE
26 ACTUARY, SHALL BE CONSISTENT WITH A METHOD DESIGNED, IN GENERAL, TO
27 FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS FROM THEIR
28 AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH
29 MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

30 S 12. Paragraph 3 of subdivision b of section 13-271 of the adminis-
31 trative code of the city of New York, as amended by chapter 247 of the
32 laws of 1988, is amended to read as follows:

33 (3) Except as otherwise provided in SUBDIVISION F OF THIS SECTION AND
34 IN sections 13-232 and 13-232.1 of this chapter, nothing contained in
35 this subchapter shall create or impose any obligation on the part of
36 pension fund, subchapter one or pension fund, subchapter two or the
37 funds or monies thereof, or authorize such funds or monies to be appro-
38 priated or used for any payment under this subchapter or for any purpose
39 thereof.

40 S 13. Section 13-271 of the administrative code of the city of New
41 York is amended by adding a new subdivision f to read as follows:

42 F. IN THE EVENT THAT THE ASSETS OF THE VARIABLE SUPPLEMENTS FUND ARE
43 NOT SUFFICIENT TO PAY BENEFITS UNDER THIS SECTION FOR ANY CALENDAR YEAR,
44 AN AMOUNT SUFFICIENT TO PAY SUCH BENEFITS SHALL BE APPROPRIATED FROM THE
45 CONTINGENT RESERVE FUND OF PENSION FUND, SUBCHAPTER TWO AND TRANSFERRED
46 TO THE POLICE OFFICERS' VARIABLE SUPPLEMENTS FUND.

47 S 14. Paragraph 3 of subdivision b of section 13-281 of the adminis-
48 trative code of the city of New York, as amended by chapter 479 of the
49 laws of 1993, is amended to read as follows:

50 (3) Except as otherwise provided in SUBDIVISION F OF THIS SECTION AND
51 IN sections 13-232, 13-232.2 and 13-232.3 of this chapter, nothing
52 contained in this subchapter shall create or impose any obligation on
53 the part of pension fund, subchapter one or pension fund, subchapter two
54 or the funds or monies thereof, or authorize such funds or monies to be
55 appropriated or used for any payment under this subchapter or for any
56 purpose thereof.

1 S 15. Section 13-281 of the administrative code of the city of New
2 York is amended by adding a new subdivision f to read as follows:

3 F. IN THE EVENT THAT THE ASSETS OF THE VARIABLE SUPPLEMENTS FUND ARE
4 NOT SUFFICIENT TO PAY BENEFITS UNDER THIS SECTION FOR ANY CALENDAR YEAR,
5 AN AMOUNT SUFFICIENT TO PAY SUCH BENEFITS SHALL BE APPROPRIATED FROM THE
6 CONTINGENT RESERVE FUND OF PENSION FUND, SUBCHAPTER TWO AND TRANSFERRED
7 TO THE POLICE SUPERIOR OFFICERS' VARIABLE SUPPLEMENTS FUND.

8 S 16. Subparagraph (a) of paragraph 1 of subdivision b of section
9 13-331 of the administrative code of the city of New York is amended by
10 adding two new items (i-a) and (i-b) to read as follows:

11 (I-A) ALL UNFUNDED ACCRUED LIABILITY INSTALLMENTS AS REQUIRED BY
12 SECTION 13-638.2 OF THIS TITLE OR ANY OTHER PROVISION OF LAW; AND

13 (I-B) ANY OTHER PAYMENTS TO THE CONTINGENT RESERVE FUND AS REQUIRED BY
14 APPLICABLE LAW; AND

15 S 17. Subparagraph (c) of paragraph 1 of subdivision b of section
16 13-331 of the administrative code of the city of New York is amended by
17 adding a new item (iv) to read as follows:

18 (IV) THE CITY SHALL MAKE ALL PAYMENTS TO THE PENSION FUND REQUIRED BY
19 APPLICABLE LAW IN ACCORDANCE WITH THE TIME OF PAYMENT REQUIREMENTS SET
20 FORTH IN SUBDIVISION C OF SECTION 13-334 OF THIS CHAPTER. COMMENCING
21 WITH PAYMENTS DUE IN FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIR-
22 TEEN, IN ANY FISCAL YEAR IN WHICH THE CITY DOES NOT MAKE ALL OR ANY
23 PORTION OF SUCH REQUIRED PAYMENTS TO THE PENSION FUND IN A TIMELY
24 MANNER, THE CITY SHALL BE REQUIRED TO PAY INTEREST TO THE PENSION FUND
25 ON SUCH OVERDUE AMOUNTS, AS DETERMINED BY THE ACTUARY. THE ACTUARY SHALL
26 DETERMINE, AT SUCH TIME AS HE OR SHE DEEMS APPROPRIATE, INTEREST
27 PAYMENTS ON SUCH OVERDUE AMOUNTS USING A RATE OF INTEREST EQUIVALENT TO
28 THE VALUATION RATE OF INTEREST (AS DEFINED IN PARAGRAPH ELEVEN OF SUBDI-
29 VISION A OF SECTION 13-638.2 OF THIS TITLE). THE CITY SHALL MAKE SUCH
30 INTEREST PAYMENTS ON OVERDUE AMOUNTS TO THE PENSION FUND IN THE MANNER
31 AND AT SUCH TIME AS THE ACTUARY DEEMS APPROPRIATE.

32 S 18. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of
33 section 13-331 of the administrative code of the city of New York, as
34 amended by chapter 249 of the laws of 1996, is amended to read as
35 follows:

36 (i) NOTWITHSTANDING THE SUCCEEDING PROVISIONS OF THIS SUBPARAGRAPH OR
37 THE PROVISIONS OF SUBPARAGRAPH (A-ONE), (B), (C) OR (D) OF THIS PARA-
38 GRAPH, FOR FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, AND FOR
39 EACH FISCAL YEAR THEREAFTER, THE AMOUNT OF THE NORMAL CONTRIBUTION PAYA-
40 BLE TO THE CONTINGENT RESERVE FUND SHALL BE DETERMINED PURSUANT TO THE
41 PROVISIONS OF SUBPARAGRAPH (E) OF THIS PARAGRAPH. Upon the basis of the
42 latest mortality and other tables herein authorized and regular inter-
43 est, the actuary shall determine, as of June thirtieth, nineteen hundred
44 eighty and as of each succeeding June thirtieth, the amount of the total
45 liability for all benefits provided in this subchapter, in article elev-
46 en of the retirement and social security law and in any other law
47 prescribing benefits payable by the pension fund, on account of all
48 members and beneficiaries, excluding the liability on account of future
49 increased-take-home-pay contributions, if any, and the liability for
50 benefits attributable to the annuity savings fund, provided, however,
51 that in determining such total liability for all benefits as of June
52 thirtieth, nineteen hundred ninety-five and as of each succeeding June
53 thirtieth, the actuary shall include (A) the liability on account of
54 future increased-take-home-pay contributions, if any, (B) the liability
55 on account of future public employer obligations under the provisions of
56 subdivision twenty of section two hundred forty-three of the military

1 law, to pay in behalf of members qualifying for such benefit, member
2 contributions with respect to certain periods of the military service of
3 such members and (C) the liability for benefits attributable to the
4 annuity savings fund.

5 S 19. Paragraph 2 of subdivision b of section 13-331 of the adminis-
6 trative code of the city of New York is amended by adding a new subpara-
7 graph (e) to read as follows:

8 (E) (I) NOTWITHSTANDING THE PRECEDING SUBPARAGRAPHS OF THIS PARAGRAPH
9 OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE NORMAL CONTRIBUTION
10 PAYABLE TO THE CONTINGENT RESERVE FUND IN FISCAL YEAR TWO THOUSAND
11 ELEVEN--TWO THOUSAND TWELVE, AND IN EACH FISCAL YEAR THEREAFTER, SHALL
12 BE THE ENTRY AGE NORMAL CONTRIBUTION, AS DETERMINED BY THE ACTUARY
13 PURSUANT TO THIS SUBPARAGRAPH IN A MANNER CONSISTENT WITH THE ENTRY AGE
14 ACTUARIAL COST METHOD. THE ACTUARY SHALL DETERMINE THE ENTRY AGE NORMAL
15 CONTRIBUTION FOR EACH SUCH FISCAL YEAR AS OF JUNE THIRTIETH OF THE
16 SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR IN WHICH SUCH NORMAL
17 CONTRIBUTION IS PAYABLE, BASED ON THE LATEST MORTALITY AND OTHER TABLES
18 APPLICABLE AT THE TIME HE OR SHE PERFORMS SUCH CALCULATIONS, AND THE
19 VALUATION RATE OF INTEREST AS PROVIDED FOR THE PENSION FUND IN PARAGRAPH
20 TWO OF SUBDIVISION B OF SECTION 13-638.2 OF THIS TITLE.

21 (II) IN CALCULATING THE ENTRY AGE NORMAL CONTRIBUTION PAYABLE IN ANY
22 SUCH FISCAL YEAR PURSUANT TO THIS SUBPARAGRAPH, THE ACTUARY, IN HIS OR
23 HER DISCRETION, MAY MAKE CERTAIN ADJUSTMENTS IN THE CALCULATION METHOD-
24 OLOGY, PROVIDED THAT SUCH ADJUSTMENTS ARE GENERALLY ACCEPTED AS CONSIST-
25 ENT WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND ARE DESIGNED, IN
26 GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS
27 FROM THEIR AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO
28 WHICH SUCH MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE
29 ACTUARY. SUCH GENERALLY ACCEPTED ADJUSTMENTS IN THE CALCULATION METHOD-
30 OLOGY, IN THE DISCRETION OF THE ACTUARY, MAY INCLUDE, BUT ARE NOT LIMIT-
31 ED TO, THE CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION (A) ON AN
32 INDIVIDUAL MEMBER BASIS BY CALCULATING THE AMOUNT OF THE ENTRY AGE
33 NORMAL CONTRIBUTION ATTRIBUTABLE TO EACH INDIVIDUAL MEMBER, AND THEN
34 ADDING TOGETHER SUCH INDIVIDUAL MEMBER AMOUNTS, (B) ON AN AGGREGATE
35 BASIS FOR ALL MEMBERS OR (C) ON ANY COMBINATION OF AN INDIVIDUAL MEMBER
36 BASIS AND AN AGGREGATE BASIS WHICH IS CONSISTENT WITH THE ENTRY AGE
37 ACTUARIAL COST METHOD, AND THE PRECEDING PROVISIONS OF THIS ITEM.

38 (III) FOR EACH SUCH FISCAL YEAR, THE ACTUARY, IN HIS OR HER
39 DISCRETION, SHALL DETERMINE, IN ACCORDANCE WITH THE PROVISIONS OF ITEM
40 (II) OF THIS SUBPARAGRAPH, THE METHODOLOGY FOR CALCULATING THE ENTRY AGE
41 NORMAL CONTRIBUTION PAYABLE FOR THAT PARTICULAR FISCAL YEAR.

42 (IV) THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH ITEM
43 (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE ACTUARY TO CALCULATE THE
44 ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL MEMBER BASIS BY (A)
45 MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL
46 MEMBER, AS DETERMINED BY THE ACTUARY, BY THE SALARY EXPECTED TO BE PAID
47 TO THAT MEMBER DURING THE FISCAL YEAR IN WHICH SUCH NORMAL CONTRIBUTION
48 IS PAYABLE, AND (B) CALCULATING THE SUM OF THE INDIVIDUAL ENTRY AGE
49 NORMAL CONTRIBUTIONS ATTRIBUTABLE TO ALL SUCH MEMBERS. THE ACTUARY, IN
50 HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR
51 DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL BASIS
52 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
53 PROVISIONS OF ITEM (II) OF THIS SUBPARAGRAPH.

54 (V) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
55 ACCORDANCE WITH ITEM (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE
56 ACTUARY TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE

1 BASIS BY MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR ALL
2 MEMBERS IN THE AGGREGATE, AS DETERMINED BY THE ACTUARY, BY THE AGGREGATE
3 AMOUNT OF THE SALARIES EXPECTED TO BE PAID TO ALL MEMBERS DURING THE
4 FISCAL YEAR IN WHICH THE NORMAL CONTRIBUTION IS PAYABLE. THE ACTUARY, IN
5 HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR
6 DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE BASIS
7 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
8 PROVISIONS OF ITEM (II) OF THIS SUBPARAGRAPH.

9 (VI) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
10 ACCORDANCE WITH ITEM (III) OF THIS SUBPARAGRAPH MAY PROVIDE FOR THE
11 CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION ON ANY OTHER BASIS
12 WHICH THE ACTUARY DEEMS APPROPRIATE, AND WHICH IS CONSISTENT WITH THE
13 ENTRY AGE ACTUARIAL COST METHOD AND THE PROVISIONS OF ITEM (II) OF THIS
14 SUBPARAGRAPH.

15 (VII) (A) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORD-
16 ANCE WITH ITEM (III) OF THIS SUBPARAGRAPH REQUIRES THE DETERMINATION OF
17 AN ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL MEMBER IN
18 ORDER TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR EACH INDIVIDUAL
19 MEMBER, THE ACTUARY SHALL DETERMINE SUCH RATE FOR EACH SUCH MEMBER IN
20 ACCORDANCE WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS
21 DETERMINED BY THE ACTUARY FOR EACH SUCH MEMBER, SHALL BE CONSISTENT WITH
22 A METHOD DESIGNED, IN GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORK-
23 ING LIFETIME OF THAT PARTICULAR MEMBER FROM HIS OR HER AGE AT ENTRY, THE
24 ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH MEMBER IS EXPECTED TO
25 BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

26 (B) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH
27 ITEM (III) OF THIS SUBPARAGRAPH REQUIRES THE DETERMINATION OF AN ENTRY
28 AGE NORMAL CONTRIBUTION RATE FOR ALL MEMBERS IN THE AGGREGATE IN ORDER
29 TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR ALL MEMBERS IN THE
30 AGGREGATE, THE ACTUARY SHALL DETERMINE SUCH RATE IN ACCORDANCE WITH THE
31 ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS DETERMINED BY THE
32 ACTUARY, SHALL BE CONSISTENT WITH A METHOD DESIGNED, IN GENERAL, TO
33 FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS FROM THEIR
34 AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH
35 MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

36 S 20. Paragraph 1 of subdivision a of section 13-527 of the adminis-
37 trative code of the city of New York is amended by adding two new
38 subparagraphs (a-1) and (a-2) to read as follows:

39 (A-1) ALL UNFUNDED ACCRUED LIABILITY INSTALLMENTS AS REQUIRED BY
40 SECTION 13-638.2 OF THIS TITLE OR ANY OTHER PROVISION OF LAW; AND

41 (A-2) ANY OTHER PAYMENTS TO THE CONTINGENT RESERVE FUND AS REQUIRED BY
42 APPLICABLE LAW; AND

43 S 21. Paragraph 3 of subdivision a of section 13-527 of the adminis-
44 trative code of the city of New York is amended by adding a new subpara-
45 graph (iv) to read as follows:

46 (IV) THE CITY AND ALL OTHER RESPONSIBLE OBLIGORS (AS DEFINED IN PARA-
47 GRAPH TEN OF SUBDIVISION A OF SECTION 13-638.2 OF THIS TITLE) SHALL MAKE
48 ALL PAYMENTS TO THE RETIREMENT SYSTEM REQUIRED BY APPLICABLE LAW IN
49 ACCORDANCE WITH THE TIME OF PAYMENT REQUIREMENTS SET FORTH IN SUBDIVI-
50 SION (C) OF SECTION 13-533 OF THIS CHAPTER. ANY RESPONSIBLE OBLIGOR
51 WHICH DOES NOT MAKE ALL OR ANY PORTION OF SUCH REQUIRED PAYMENTS TO THE
52 RETIREMENT SYSTEM IN A TIMELY MANNER IN FISCAL YEAR TWO THOUSAND
53 TWELVE--TWO THOUSAND THIRTEEN, OR IN ANY FISCAL YEAR THEREAFTER, SHALL
54 BE REQUIRED TO PAY INTEREST TO THE RETIREMENT SYSTEM ON SUCH OVERDUE
55 AMOUNTS, AS DETERMINED BY THE ACTUARY. THE ACTUARY SHALL DETERMINE, AT
56 SUCH TIME AS HE OR SHE DEEMS APPROPRIATE, INTEREST PAYMENTS ON SUCH

1 OVERDUE AMOUNTS USING A RATE OF INTEREST EQUIVALENT TO THE VALUATION
2 RATE OF INTEREST (AS DEFINED IN PARAGRAPH ELEVEN OF SUBDIVISION A OF
3 SECTION 13-638.2 OF THIS TITLE). RESPONSIBLE OBLIGORS SHALL MAKE SUCH
4 INTEREST PAYMENTS ON OVERDUE AMOUNTS TO THE RETIREMENT SYSTEM IN THE
5 MANNER AND AT SUCH TIME AS THE ACTUARY DEEMS APPROPRIATE.

6 S 22. Paragraph 1 of subdivision b of section 13-527 of the adminis-
7 trative code of the city of New York, as amended by chapter 85 of the
8 laws of 2000, is amended to read as follows:

9 (1) NOTWITHSTANDING THE SUCCEEDING PROVISIONS OF THIS PARAGRAPH OR THE
10 PROVISIONS OF PARAGRAPH ONE-A, TWO, THREE OR FOUR OF THIS SUBDIVISION,
11 FOR FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, AND FOR EACH
12 FISCAL YEAR THEREAFTER, THE AMOUNT OF THE NORMAL CONTRIBUTION PAYABLE TO
13 THE CONTINGENT RESERVE FUND SHALL BE DETERMINED PURSUANT TO THE
14 PROVISIONS OF PARAGRAPH FIVE OF THIS SUBDIVISION. Upon the basis of the
15 latest mortality and other tables herein authorized and regular inter-
16 est, the actuary shall determine as of June thirtieth, nineteen hundred
17 eighty and as of each succeeding June thirtieth, the amount of the total
18 liability for all benefits provided in this chapter, in articles eleven
19 and fourteen of the retirement and social security law and in any other
20 law prescribing benefits payable by the retirement system on account of
21 all contributors and beneficiaries, excluding the liability on account
22 of future increased-take-home-pay contributions, if any, and the liabil-
23 ity for benefits attributable to the annuity savings fund and to the
24 variable annuity savings fund, provided, however, that in determining
25 such total liability as of June thirtieth, nineteen hundred ninety-five
26 and as of each succeeding June thirtieth, the actuary shall include (a)
27 the liability on account of future reserve-for-increased-take-home-pay
28 contributions, if any, (b) the liability on account of future city obli-
29 gations under the provisions of subdivision twenty of section two
30 hundred forty-three of the military law, to pay in behalf of contribu-
31 tors qualifying for such benefit, member contributions with respect to
32 certain periods of the military service of such contributors, and (c)
33 the liability for benefits attributable to the annuity savings fund and
34 to the variable annuity savings fund, and provided further that in
35 determining such total liability as of June thirtieth, nineteen hundred
36 ninety-nine and as of each succeeding June thirtieth, the actuary shall
37 include any other liability, as determined by the actuary, for benefits
38 attributable to the variable annuity programs, and provided further that
39 in determining such total liability as of June thirtieth, two thousand
40 and as of each succeeding June thirtieth, the actuary shall include the
41 amount, if any, as estimated by the actuary, of the total liability of
42 the retirement system on account of payments which the retirement system
43 may be required to make to any other fund without a corresponding offset
44 in the liabilities of the retirement system.

45 S 23. Subdivision b of section 13-527 of the administrative code of
46 the city of New York is amended by adding a new paragraph 5 to read as
47 follows:

48 (5) (A) NOTWITHSTANDING THE PRECEDING PARAGRAPHS OF THIS SUBDIVISION
49 OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE NORMAL CONTRIBUTION
50 PAYABLE TO THE CONTINGENT RESERVE FUND IN FISCAL YEAR TWO THOUSAND
51 ELEVEN--TWO THOUSAND TWELVE, AND IN EACH FISCAL YEAR THEREAFTER, SHALL
52 BE THE ENTRY AGE NORMAL CONTRIBUTION, AS DETERMINED BY THE ACTUARY
53 PURSUANT TO THIS PARAGRAPH IN A MANNER CONSISTENT WITH THE ENTRY AGE
54 ACTUARIAL COST METHOD. THE ACTUARY SHALL DETERMINE THE ENTRY AGE NORMAL
55 CONTRIBUTION FOR EACH SUCH FISCAL YEAR AS OF JUNE THIRTIETH OF THE
56 SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR IN WHICH SUCH NORMAL

1 CONTRIBUTION IS PAYABLE, BASED ON THE LATEST MORTALITY AND OTHER TABLES
2 APPLICABLE AT THE TIME HE OR SHE PERFORMS SUCH CALCULATIONS, AND THE
3 VALUATION RATE OF INTEREST AS PROVIDED FOR THE RETIREMENT SYSTEM IN
4 PARAGRAPH TWO OF SUBDIVISION B OF SECTION 13-638.2 OF THIS TITLE.

5 (B) IN CALCULATING THE ENTRY AGE NORMAL CONTRIBUTION PAYABLE IN ANY
6 SUCH FISCAL YEAR PURSUANT TO THIS PARAGRAPH, THE ACTUARY, IN HIS OR HER
7 DISCRETION, MAY MAKE CERTAIN ADJUSTMENTS IN THE CALCULATION METHODOLOGY,
8 PROVIDED THAT SUCH ADJUSTMENTS ARE GENERALLY ACCEPTED AS CONSISTENT WITH
9 THE ENTRY AGE ACTUARIAL COST METHOD, AND ARE DESIGNED, IN GENERAL, TO
10 FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS FROM THEIR
11 AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH
12 MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.
13 SUCH GENERALLY ACCEPTED ADJUSTMENTS IN THE CALCULATION METHODOLOGY, IN
14 THE DISCRETION OF THE ACTUARY, MAY INCLUDE, BUT ARE NOT LIMITED TO, THE
15 CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION (I) ON AN INDIVIDUAL
16 MEMBER BASIS BY CALCULATING THE AMOUNT OF THE ENTRY AGE NORMAL CONTRIB-
17 UTION ATTRIBUTABLE TO EACH INDIVIDUAL MEMBER, AND THEN ADDING TOGETHER
18 SUCH INDIVIDUAL MEMBER AMOUNTS, (II) ON AN AGGREGATE BASIS FOR ALL
19 MEMBERS OR (III) ON ANY COMBINATION OF AN INDIVIDUAL MEMBER BASIS AND AN
20 AGGREGATE BASIS WHICH IS CONSISTENT WITH THE ENTRY AGE ACTUARIAL COST
21 METHOD, AND THE PRECEDING PROVISIONS OF THIS SUBPARAGRAPH.

22 (C) FOR EACH SUCH FISCAL YEAR, THE ACTUARY, IN HIS OR HER DISCRETION,
23 SHALL DETERMINE, IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPH (B)
24 OF THIS PARAGRAPH, THE METHODOLOGY FOR CALCULATING THE ENTRY AGE NORMAL
25 CONTRIBUTION PAYABLE FOR THAT PARTICULAR FISCAL YEAR.

26 (D) THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH
27 SUBPARAGRAPH (C) OF THIS PARAGRAPH MAY PROVIDE FOR THE ACTUARY TO CALCU-
28 LATE THE ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL MEMBER BASIS BY
29 (I) MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVID-
30 UAL MEMBER, AS DETERMINED BY THE ACTUARY, BY THE SALARY EXPECTED TO BE
31 PAID TO THAT MEMBER DURING THE FISCAL YEAR IN WHICH SUCH NORMAL CONTRIB-
32 UTION IS PAYABLE, AND (II) CALCULATING THE SUM OF THE INDIVIDUAL ENTRY
33 AGE NORMAL CONTRIBUTIONS ATTRIBUTABLE TO ALL SUCH MEMBERS. THE ACTUARY,
34 IN HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY
35 FOR DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL BASIS
36 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
37 PROVISIONS OF SUBPARAGRAPH (B) OF THIS PARAGRAPH.

38 (E) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
39 ACCORDANCE WITH SUBPARAGRAPH (C) OF THIS PARAGRAPH MAY PROVIDE FOR THE
40 ACTUARY TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE
41 BASIS BY MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR ALL
42 MEMBERS IN THE AGGREGATE, AS DETERMINED BY THE ACTUARY, BY THE AGGREGATE
43 AMOUNT OF THE SALARIES EXPECTED TO BE PAID TO ALL MEMBERS DURING THE
44 FISCAL YEAR IN WHICH THE NORMAL CONTRIBUTION IS PAYABLE. THE ACTUARY, IN
45 HIS OR HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR
46 DETERMINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE BASIS
47 WHICH HE OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE
48 PROVISIONS OF SUBPARAGRAPH (B) OF THIS PARAGRAPH.

49 (F) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
50 ACCORDANCE WITH SUBPARAGRAPH (C) OF THIS PARAGRAPH MAY PROVIDE FOR THE
51 CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION ON ANY OTHER BASIS
52 WHICH THE ACTUARY DEEMS APPROPRIATE, AND WHICH IS CONSISTENT WITH THE
53 ENTRY AGE ACTUARIAL COST METHOD AND THE PROVISIONS OF SUBPARAGRAPH (B)
54 OF THIS PARAGRAPH.

55 (G) (I) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE
56 WITH SUBPARAGRAPH (C) OF THIS PARAGRAPH REQUIRES THE DETERMINATION OF AN

ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL MEMBER IN ORDER TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR EACH INDIVIDUAL MEMBER, THE ACTUARY SHALL DETERMINE SUCH RATE FOR EACH SUCH MEMBER IN ACCORDANCE WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS DETERMINED BY THE ACTUARY FOR EACH SUCH MEMBER, SHALL BE CONSISTENT WITH A METHOD DESIGNED, IN GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIME OF THAT PARTICULAR MEMBER FROM HIS OR HER AGE AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH MEMBER IS EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

(II) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH SUBPARAGRAPH (C) OF THIS PARAGRAPH REQUIRES THE DETERMINATION OF AN ENTRY AGE NORMAL CONTRIBUTION RATE FOR ALL MEMBERS IN THE AGGREGATE IN ORDER TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR ALL MEMBERS IN THE AGGREGATE, THE ACTUARY SHALL DETERMINE SUCH RATE IN ACCORDANCE WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS DETERMINED BY THE ACTUARY, SHALL BE CONSISTENT WITH A METHOD DESIGNED, IN GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS FROM THEIR AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

S 24. Subdivision (c) of section 13-533 of the administrative code of the city of New York is amended by adding a new paragraph 2-a to read as follows:

(2-A) WHERE A RESPONSIBLE OBLIGOR (AS DEFINED IN PARAGRAPH TEN OF SUBDIVISION A OF SECTION 13-638.2 OF THIS TITLE) IS REQUIRED TO MAKE PAYMENTS TO THE RETIREMENT SYSTEM PURSUANT TO APPLICABLE PROVISIONS OF LAW IN FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN, AND IN ANY FISCAL YEAR THEREAFTER, AND THE PROVISIONS OF THIS SUBDIVISION OR THE PROVISIONS OF ANY OTHER APPLICABLE LAW DO NOT OTHERWISE SPECIFICALLY REQUIRE SUCH RESPONSIBLE OBLIGOR TO MAKE SUCH PAYMENTS BY A PARTICULAR DATE OR DATES DURING SUCH FISCAL YEAR, SUCH RESPONSIBLE OBLIGOR SHALL MAKE SUCH PAYMENTS EITHER (A) IN TOTAL ON OR BEFORE JANUARY FIRST OF SUCH FISCAL YEAR, OR (B) IN TWELVE EQUAL MONTHLY INSTALLMENTS, AS DETERMINED BY THE ACTUARY, WITH EACH MONTHLY INSTALLMENT TO BE PAID ON OR BEFORE THE LAST DAY OF EACH MONTH.

S 25. Paragraph 2 of subdivision b of section 13-638.2 of the administrative code of city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) With respect to each retirement system, such rate of interest shall be as hereinafter set forth in this paragraph:

Retirement System	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
NYCERS	[8] 7%	July 1, [2004] 2011 to June 30, [2012] 2016
NYCTRS	[8] 7%	July 1, [2004] 2011 to June 30, [2012] 2016
PPF	[8] 7%	July 1, [2004] 2011 to June 30, [2012] 2016
FPPF	[8] 7%	July 1, [2004] 2011 to June 30, [2012] 2016
BERS	[8] 7%	July 1, [2004] 2011 to

June 30, [2012] 2016

S 26. Paragraph 2 of subdivision f of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) Such special interest shall be allowed at the rates and for the periods set forth below in this paragraph:

	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
Retirement System		
NYCERS	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
NYCTRS	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
PPF	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
FPF	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
BERS	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016

S 27. Paragraph 2 of subdivision g of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) Such additional interest shall be included at the rates and for the periods set forth below in this paragraph:

	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
Retirement System		
NYCERS	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
NYCTRS	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
PPF	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
FPF	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016
BERS	1 1/4%	July 1, [2004] 2011 to June 30, [2012] 2016

S 28. Paragraph 2 of subdivision i of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) Such supplementary interest shall be allowed at the rates and for the periods set forth below in this paragraph:

		Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
1			
2			
3			
4			
5	Retirement		
6	System		
7			
8	NYCERS	[1] 0%	July 1, [2004] 2011 to
9			June 30, [2012] 2016
10	NYCTRS	[1] 0%	July 1, [2004] 2011 to
11			June 30, [2012] 2016
12	PPF	[1] 0%	July 1, [2004] 2011 to
13			June 30, [2012] 2016
14	FPPF	[1] 0%	July 1, [2004] 2011 to
15			June 30, [2012] 2016
16	BERS	[1] 0%	July 1, [2004] 2011 to
17			June 30, [2012] 2016

18 S 29. Subparagraph (i) of paragraph 1 of subdivision k of section
19 13-638.2 of the administrative code of the city of New York, as added by
20 chapter 85 of the laws of 2000, is amended to read as follows:

21 (i) Subject to the provisions of subparagraphs (iii) and (iv) of this
22 paragraph, in any case where the valuation rate of interest for a
23 retirement system is changed by law for any period beginning on or after
24 July first, two thousand four, or where the board of trustees of a
25 retirement system, for any period beginning on or after July first,
26 nineteen hundred ninety-nine, adopts changed actuarial tables used in
27 valuing the liabilities of such retirement system, or where a signif-
28 icant change in an actuarial valuation method (as defined in paragraph
29 sixteen of subdivision a of this section) is made for any period begin-
30 ning on or after July first, nineteen hundred ninety-nine in relation to
31 a retirement system, the actuary thereof shall calculate, as of June
32 thirtieth next preceding the first day of the fiscal year for which such
33 changed rate or changed tables or significant change in an actuarial
34 valuation method first becomes or became effective, an unfunded accrued
35 liability adjustment applicable to each responsible obligor in relation
36 to such retirement system, PROVIDED, HOWEVER, THAT NO UNFUNDED ACCRUED
37 LIABILITY ADJUSTMENT SHALL BE ESTABLISHED UNDER THIS SUBDIVISION FOR ANY
38 RETIREMENT SYSTEM WITH RESPECT TO ANY CHANGE IN THE VALUATION RATE OF
39 INTEREST, CHANGE IN ACTUARIAL TABLES OR SIGNIFICANT CHANGE IN AN ACTUAR-
40 IAL VALUATION METHOD WHERE SUCH CHANGED VALUATION RATE OF INTEREST,
41 ACTUARIAL TABLES OR ACTUARIAL VALUATION METHOD APPLIES TO SUCH RETIRE-
42 MENT SYSTEM WITH RESPECT TO ANY ACTUARIAL VALUATION PERFORMED BY THE
43 ACTUARY AS OF JUNE THIRTIETH, TWO THOUSAND TEN OR AS OF ANY DATE THERE-
44 AFTER.

45 S 30. Section 13-638.2 of the administrative code of the city of New
46 York is amended by adding a new subdivision k-1 to read as follows:

47 K-1. ALL INSTALLMENTS OF CONTRIBUTION RESULTING FROM ANY UNFUNDED
48 ACCRUED LIABILITY ESTABLISHED FOR ANY RETIREMENT SYSTEM PRIOR TO THE
49 ESTABLISHMENT OF THE UNFUNDED ACCRUED LIABILITY AS OF JUNE THIRTIETH,
50 TWO THOUSAND TEN FOR THE RETIREMENT SYSTEMS PURSUANT TO THE PROVISIONS
51 OF PARAGRAPH ONE OF SUBDIVISION K-2 OF THIS SECTION WHICH ARE PAYABLE TO
52 ANY RETIREMENT SYSTEM ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN ARE
53 HEREBY CANCELED AND SHALL NOT BE DUE AND PAYABLE ON OR AFTER SUCH JULY
54 FIRST.

1 S 31. Section 13-638.2 of the administrative code of the city of New
2 York is amended by adding a new subdivision k-2 to read as follows:

3 K-2. (1) (I) THE ACTUARY FOR EACH OF THE RETIREMENT SYSTEMS (AS
4 DEFINED IN PARAGRAPH ONE OF SUBDIVISION A OF THIS SECTION), UPON THE
5 BASIS OF THE LATEST MORTALITY AND OTHER TABLES APPLICABLE AT THE TIME HE
6 OR SHE PERFORMS THE CALCULATIONS, AND THE VALUATION RATE OF INTEREST (AS
7 DEFINED IN PARAGRAPH ELEVEN OF SUBDIVISION A OF THIS SECTION), SHALL
8 CALCULATE SEPARATELY FOR EACH OF THE RETIREMENT SYSTEMS, AS OF JUNE
9 THIRTIETH, TWO THOUSAND TEN AND AS OF EACH SUCCEEDING JUNE THIRTIETH, AN
10 UNFUNDED ACCRUED LIABILITY FOR EACH OF THE RETIREMENT SYSTEMS IN ACCORD-
11 ANCE WITH THE SUCCEEDING SUBPARAGRAPHS OF THIS PARAGRAPH.

12 (II) THE ACTUARY SHALL CALCULATE, AS OF THE APPLICABLE JUNE THIRTIETH,
13 AN AMOUNT EQUAL TO THE SUM OF (A) THE TOTAL ACTUARIAL PRESENT VALUE OF
14 ALL BENEFITS PAYABLE BY THE RETIREMENT SYSTEM PURSUANT TO APPLICABLE
15 LAW, AS DETERMINED BY THE ACTUARY, AND (B) THE LIABILITY OF THE RETIRE-
16 MENT SYSTEM, AS DETERMINED BY THE ACTUARY, FOR AMOUNTS WHICH THE RETIRE-
17 MENT SYSTEM MAY BE REQUIRED BY APPLICABLE LAW TO PAY TO ANY OTHER FUND
18 ON ACCOUNT OF RELATED BENEFITS FINANCED THROUGH THE RETIREMENT SYSTEM,
19 WITHOUT A CORRESPONDING OFFSET IN THE LIABILITIES OF THE RETIREMENT
20 SYSTEM.

21 (III) THE UNFUNDED ACCRUED LIABILITY OF THE RETIREMENT SYSTEM AS OF
22 THE APPLICABLE JUNE THIRTIETH SHALL BE THE AMOUNT OBTAINED BY DEDUCTING
23 FROM THE AMOUNT OF SUCH TOTAL LIABILITY OF THE RETIREMENT SYSTEM ON
24 ACCOUNT OF BENEFITS, AS DETERMINED BY THE ACTUARY PURSUANT TO SUBPARA-
25 GRAPH (II) OF THIS PARAGRAPH, THE SUM OF:

26 (A) THE ACTUARIAL PRESENT VALUE OF ENTRY AGE NORMAL CONTRIBUTIONS
27 PAYABLE TO THE RETIREMENT SYSTEM, AS DETERMINED BY THE ACTUARY AS OF THE
28 APPLICABLE JUNE THIRTIETH IN A MANNER CONSISTENT WITH THE ENTRY AGE
29 ACTUARIAL COST METHOD, AND WITH THE APPLICABLE METHODOLOGIES SET FORTH
30 FOR NYCERS IN SUBPARAGRAPH (D) OF PARAGRAPH TWO OF SUBDIVISION B OF
31 SECTION 13-127 OF THIS TITLE, FOR THE PPF IN SUBPARAGRAPH (E) OF PARA-
32 GRAPH TWO OF SUBDIVISION B OF SECTION 13-228 OF THIS TITLE, FOR THE FPF
33 IN SUBPARAGRAPH (E) OF PARAGRAPH TWO OF SUBDIVISION B OF SECTION 13-331
34 OF THIS TITLE, FOR THE NYCTRS IN PARAGRAPH FIVE OF SUBDIVISION B OF
35 SECTION 13-527 OF THIS TITLE OR FOR BERS IN ITEM (V) OF SUBPARAGRAPH
36 FOUR OF PARAGRAPH (C) OF SUBDIVISION SIXTEEN OF SECTION TWENTY-FIVE
37 HUNDRED SEVENTY-FIVE OF THE EDUCATION LAW;

38 (B) THE PRESENT VALUE OF FUTURE MEMBER CONTRIBUTIONS OF ALL MEMBERS OF
39 THE RETIREMENT SYSTEM, AS DETERMINED BY THE ACTUARY AS OF THE APPLICABLE
40 JUNE THIRTIETH;

41 (C) THE TOTAL FUNDS ON HAND OF THE RETIREMENT SYSTEM, AS DETERMINED BY
42 THE ACTUARY AS OF THE APPLICABLE JUNE THIRTIETH; AND

43 (D) THE PRESENT VALUE OF FUTURE INSTALLMENTS OF UNFUNDED ACCRUED
44 LIABILITY CONTRIBUTIONS TO THE RETIREMENT SYSTEM.

45 (IV) THE ACTUARY, IN DETERMINING THE UNFUNDED ACCRUED LIABILITY PURSU-
46 ANT TO THIS PARAGRAPH, MAY MAKE ANY ADJUSTMENTS WHICH HE OR SHE DEEMS
47 APPROPRIATE DUE TO THE CALCULATION OF THE UNFUNDED ACCRUED LIABILITY AS
48 OF THE SECOND JUNE THIRTIETH PRECEDING THE FISCAL YEAR IN WHICH THE
49 FIRST INSTALLMENT OF SUCH UNFUNDED ACCRUED LIABILITY BECOMES PAYABLE OR
50 CREDITABLE.

51 (2) (I) THE UNFUNDED ACCRUED LIABILITY CALCULATED BY THE ACTUARY AS OF
52 JUNE THIRTIETH, TWO THOUSAND TEN FOR EACH RETIREMENT SYSTEM PURSUANT TO
53 PARAGRAPH ONE OF THIS SUBDIVISION SHALL BE KNOWN AS THE "2010 UAL" OR,
54 WITH RESPECT TO NYCERS AS THE "NYCERS 2010 UAL", WITH RESPECT TO NYCTRS
55 AS THE "NYCTRS 2010 UAL", WITH RESPECT TO THE PPF AS THE "PPF 2010 UAL",

1 WITH RESPECT TO THE FPF AS THE "FPF 2010 UAL" AND WITH RESPECT TO BERS
2 AS THE "BERS 2010 UAL".

3 (II) THE 2010 UAL FOR EACH RETIREMENT SYSTEM SHALL BE AMORTIZED IN
4 TWENTY-ONE ANNUAL INSTALLMENTS, AS DETERMINED BY THE ACTUARY, PAYABLE
5 OVER A PERIOD OF TWENTY-TWO FISCAL YEARS FOLLOWING ITS ESTABLISHMENT AS
6 OF JUNE THIRTIETH, TWO THOUSAND TEN, WITH PAYMENTS COMMENCING WITH THE
7 TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE FISCAL YEAR. THE ACTUARY FOR
8 EACH OF THE RETIREMENT SYSTEMS SHALL DETERMINE THE SCHEDULE OF CONTRIB-
9 UTION INSTALLMENTS SO THAT EACH INSTALLMENT AFTER THE FIRST SHALL EQUAL
10 ONE HUNDRED THREE PER CENTUM OF THE NEXT PRECEDING INSTALLMENT.

11 (3) (I) THE UNFUNDED ACCRUED LIABILITY CALCULATED PURSUANT TO PARA-
12 GRAPH ONE OF THIS SUBDIVISION BY THE ACTUARY AS OF JUNE THIRTIETH, TWO
13 THOUSAND ELEVEN, AND AS OF EACH SUCCEEDING JUNE THIRTIETH, SHALL BE
14 KNOWN AS A "POST-2010 UAL ADJUSTMENT". WITH RESPECT TO EACH RETIREMENT
15 SYSTEM, SUCH UNFUNDED ACCRUED LIABILITY SHALL BE KNOWN BY THE NAME
16 CONSISTING OF THE APPLICABLE ABBREVIATION FOR THE RETIREMENT SYSTEM, AS
17 DEFINED IN PARAGRAPH THREE, FOUR, FIVE, SIX OR SEVEN OF SUBDIVISION A OF
18 THIS SECTION, FOLLOWED BY THE CALENDAR YEAR AS OF WHICH THE UNFUNDED
19 ACCRUED LIABILITY WAS ESTABLISHED, FOLLOWED BY THE TERM "UAL ADJUST-
20 MENT".

21 (II) EACH POST-2010 UAL ADJUSTMENT FOR EACH RETIREMENT SYSTEM SHALL BE
22 AMORTIZED IN EQUAL INSTALLMENTS PAYABLE OR CREDITABLE, AS DETERMINED BY
23 THE ACTUARY, AS FOLLOWS:

24 (A) THAT PORTION OF A POST-2010 UAL ADJUSTMENT WHICH IS ATTRIBUTABLE
25 TO ACTUARIAL GAINS OR LOSSES, AS DETERMINED BY THE ACTUARY, SHALL BE
26 AMORTIZED IN FOURTEEN ANNUAL INSTALLMENTS, AS DETERMINED BY THE ACTUARY,
27 PAYABLE OR CREDITABLE OVER A PERIOD OF FIFTEEN FISCAL YEARS FOLLOWING
28 THE JUNE THIRTIETH AS OF WHICH THE UNFUNDED ACCRUED LIABILITY WAS ESTAB-
29 LISHED, WITH PAYMENTS OR CREDITS COMMENCING WITH THE SECOND FISCAL YEAR
30 SUCCEEDING THE JUNE THIRTIETH AS OF WHICH THE UNFUNDED ACCRUED LIABILITY
31 WAS ESTABLISHED, PROVIDED, HOWEVER, THAT THE PORTION OF A POST-2010 UAL
32 ADJUSTMENT WHICH IS ATTRIBUTABLE TO ACTUARIAL GAINS AND LOSSES SHALL BE
33 AN AMOUNT EQUAL TO THE TOTAL AMOUNT OF SUCH POST-2010 UAL ADJUSTMENT
34 MINUS AN AMOUNT EQUAL TO THE SUM OF THE PORTIONS OF SUCH POST-2010 UAL
35 ADJUSTMENT, IF ANY, WHICH ARE ATTRIBUTABLE TO (1) CHANGES IN THE VALU-
36 ATION RATE OF INTEREST, CHANGES IN ACTUARIAL TABLES AND CHANGES IN ACTU-
37 ARIAL METHODS, AS DETERMINED BY THE ACTUARY PURSUANT TO ITEM (B) OF THIS
38 SUBPARAGRAPH, AND (2) RECENTLY ENACTED CHANGES IN BENEFITS WHICH WERE
39 NOT INCORPORATED IN THE UNFUNDED ACCRUED LIABILITY ESTABLISHED AS OF THE
40 PRECEDING JUNE THIRTIETH, AS DETERMINED BY THE ACTUARY PURSUANT TO ITEM
41 (C) OF THIS SUBPARAGRAPH;

42 (B) THAT PORTION OF A POST-2010 UAL ADJUSTMENT WHICH IS ATTRIBUTABLE
43 TO CHANGES IN THE VALUATION RATE OF INTEREST, CHANGES IN ACTUARIAL
44 TABLES OR CHANGES IN ACTUARIAL METHODS, AS DETERMINED BY THE ACTUARY,
45 SHALL BE AMORTIZED IN NINETEEN ANNUAL INSTALLMENTS, AS DETERMINED BY THE
46 ACTUARY, PAYABLE OR CREDITABLE OVER A PERIOD OF TWENTY FISCAL YEARS
47 FOLLOWING THE JUNE THIRTIETH AS OF WHICH THE UNFUNDED ACCRUED LIABILITY
48 WAS ESTABLISHED, WITH PAYMENTS OR CREDITS COMMENCING WITH THE SECOND
49 FISCAL YEAR SUCCEEDING THE JUNE THIRTIETH AS OF WHICH THE UNFUNDED
50 ACCRUED LIABILITY WAS ESTABLISHED; OR

51 (C) THAT PORTION OF A POST-2010 UAL ADJUSTMENT WHICH IS ATTRIBUTABLE
52 TO RECENTLY ENACTED CHANGES IN BENEFITS WHICH WERE NOT INCORPORATED IN
53 THE UNFUNDED ACCRUED LIABILITY ESTABLISHED AS OF THE PRECEDING JUNE
54 THIRTIETH, AS DETERMINED BY THE ACTUARY, SHALL, UNLESS AN AMORTIZATION
55 PERIOD OF A DIFFERENT LENGTH IS SPECIFIED BY THE LAW ENACTING SUCH BENE-
56 FIT CHANGES, BE PAYABLE OR CREDITABLE IN ANNUAL INSTALLMENTS OVER A

1 PERIOD OF FISCAL YEARS COMPARABLE IN LENGTH TO THE NUMBER OF YEARS WHICH
2 IS ONE LESS THAN THE NUMBER OF YEARS OF THE REMAINING WORKING LIFETIMES
3 OF MEMBERS COVERED BY THE BENEFIT CHANGES, AS DETERMINED BY THE ACTUARY,
4 WITH THE PAYMENT OR CREDIT OF SUCH ANNUAL INSTALLMENTS COMMENCING WITH
5 THE SECOND FISCAL YEAR SUCCEEDING THE JUNE THIRTIETH AS OF WHICH THE
6 UNFUNDED ACCRUED LIABILITY WAS ESTABLISHED, PROVIDED, HOWEVER, THAT
7 WHERE THE LENGTH OF THE AMORTIZATION PERIOD FOR THE BENEFIT CHANGES IS
8 NOT SPECIFIED IN THE LAW ENACTING THE BENEFIT CHANGES, THE ACTUARY, IN
9 HIS OR HER DISCRETION, AND IN LIEU OF AMORTIZING THE PORTION OF THE
10 UNFUNDED ACCRUED LIABILITY ATTRIBUTABLE TO THE BENEFIT CHANGES OVER A
11 PERIOD OF FISCAL YEARS COMPARABLE IN LENGTH TO THE NUMBER OF YEARS WHICH
12 IS ONE LESS THAN THE NUMBER OF YEARS OF THE REMAINING WORKING LIFETIMES
13 OF MEMBERS COVERED BY THE BENEFIT CHANGES, MAY SELECT AN AMORTIZATION
14 PERIOD THAT IS REASONABLY CONSISTENT WITH PAST PRACTICE FOR AMORTIZING
15 UNFUNDED ACCRUED LIABILITY ATTRIBUTABLE TO THE PARTICULAR TYPE OF BENE-
16 FIT CHANGES.

17 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WITH
18 RESPECT TO ANY INSTALLMENT OF AN UNFUNDED ACCRUED LIABILITY OR AN
19 UNFUNDED ACCRUED LIABILITY ADJUSTMENT, IN THE EVENT THAT SUCH RETIREMENT
20 SYSTEM HAS MORE THAN ONE RESPONSIBLE OBLIGOR, THE ACTUARY FOR THAT
21 RETIREMENT SYSTEM SHALL DETERMINE AND SHALL ALLOCATE TO EACH SUCH
22 RESPONSIBLE OBLIGOR ITS SHARE OF THAT INSTALLMENT, AS DETERMINED TO BE
23 APPROPRIATE BY THE ACTUARY. EACH RESPONSIBLE OBLIGOR'S SHARE OF EACH
24 SUCH INSTALLMENT SHALL BE EITHER A CHARGE OR A CREDIT WITH RESPECT TO
25 SUCH RESPONSIBLE OBLIGOR FOR THE APPLICABLE FISCAL YEAR.

26 (5) FOR EACH FISCAL YEAR, COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO
27 THOUSAND TWELVE FISCAL YEAR, THE ACTUARY SHALL DETERMINE WHETHER THE SUM
28 OF THE CHARGES AND CREDITS APPLICABLE TO EACH RESPONSIBLE OBLIGOR FOR
29 SUCH FISCAL YEAR WITH RESPECT TO THE APPLICABLE RETIREMENT SYSTEM SHALL
30 CONSTITUTE A TOTAL CHARGE OR A TOTAL CREDIT. WHERE SUCH AMOUNT FOR SUCH
31 RESPONSIBLE OBLIGOR FOR SUCH FISCAL YEAR WITH RESPECT TO SUCH RETIREMENT
32 SYSTEM IS A TOTAL CHARGE, THE RESPONSIBLE OBLIGOR SHALL PAY AN AMOUNT
33 EQUAL TO SUCH TOTAL CHARGE TO THE RETIREMENT SYSTEM IN A TIMELY MANNER,
34 AS REQUIRED BY PARAGRAPH SIX OF THIS SUBDIVISION. WHERE SUCH AMOUNT FOR
35 SUCH RESPONSIBLE OBLIGOR FOR SUCH FISCAL YEAR WITH RESPECT TO SUCH
36 RETIREMENT SYSTEM IS A TOTAL CREDIT, THE AMOUNT OF EMPLOYER CONTRIB-
37 UTIONS OTHERWISE PAYABLE BY SUCH RESPONSIBLE OBLIGOR TO SUCH RETIREMENT
38 SYSTEM FOR SUCH FISCAL YEAR PURSUANT TO APPLICABLE PROVISIONS OF LAW, AS
39 DETERMINED BY THE ACTUARY, SHALL BE REDUCED BY THE AMOUNT OF SUCH TOTAL
40 CREDIT, PROVIDED, HOWEVER, THAT SUCH TOTAL AMOUNT OF EMPLOYER CONTRIB-
41 UTIONS OTHERWISE PAYABLE BY SUCH RESPONSIBLE OBLIGOR TO SUCH RETIREMENT
42 SYSTEM FOR SUCH FISCAL YEAR SHALL NOT BE REDUCED BELOW AN AMOUNT EQUIV-
43 ALENT TO THE AMOUNT PAYABLE BY SUCH RESPONSIBLE OBLIGOR FOR SUCH FISCAL
44 YEAR FOR ADMINISTRATIVE EXPENSES, AS DETERMINED BY THE ACTUARY IN
45 ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION F OF SECTION 13-103 OF
46 THIS TITLE FOR NYCERS, SUBDIVISION H OF SECTION 13-216 OF THIS TITLE FOR
47 THE PPF, SUBDIVISION D OF SECTION 13-518 OF THIS TITLE FOR THE NYCTRS OR
48 PARAGRAPH (E) OF SUBDIVISION TWENTY-THREE OF SECTION TWENTY-FIVE HUNDRED
49 SEVENTY-FIVE OF THE EDUCATION LAW FOR BERS, AND SHALL NOT BE REDUCED
50 BELOW ZERO FOR THE FPF, PROVIDED FURTHER, THAT WHERE A TOTAL CREDIT FOR
51 A RESPONSIBLE OBLIGOR WITH RESPECT TO A RETIREMENT SYSTEM HAS BEEN
52 OFFSET AGAINST EMPLOYER CONTRIBUTIONS OTHERWISE PAYABLE BY SUCH OBLIGOR
53 TO SUCH RETIREMENT SYSTEM FOR SUCH FISCAL YEAR BY THE MAXIMUM AMOUNT
54 PERMISSIBLE PURSUANT TO THE PRECEDING PROVISIONS OF THIS PARAGRAPH, AND
55 ALL OR A PORTION OF SUCH CREDIT REMAINS AFTER SUCH OFFSET, THE REMAINING
56 CREDIT SHALL BE CARRIED FORWARD, TOGETHER WITH INTEREST CALCULATED ON

1 SUCH AMOUNT AT THE VALUATION RATE OF INTEREST, AS A CREDIT FOR SUCH
2 OBLIGOR FOR THE FOLLOWING FISCAL YEAR, AS DETERMINED BY THE ACTUARY.

3 (6) ALL RESPONSIBLE OBLIGORS SHALL MAKE ALL UNFUNDED ACCRUED LIABILITY
4 PAYMENTS TO A RETIREMENT SYSTEM REQUIRED PURSUANT TO THE PROVISIONS OF
5 THIS SUBDIVISION IN ACCORDANCE WITH THE TIME OF PAYMENT REQUIREMENTS SET
6 FORTH IN SUBDIVISION C OF SECTION 13-133 OF THIS TITLE FOR NYCERS,
7 SUBDIVISION C OF SECTION 13-231 OF THIS TITLE FOR THE PPF, SUBDIVISION C
8 OF SECTION 13-334 OF THIS TITLE FOR THE FPF, SUBDIVISION (C) OF SECTION
9 13-533 OF THIS TITLE FOR THE NYCTRS OR PARAGRAPH (J) OF SUBDIVISION
10 SIXTEEN OF SECTION TWENTY-FIVE HUNDRED SEVENTY-FIVE OF THE EDUCATION LAW
11 FOR BERS.

12 S 32. Subdivision d of section 13-705 of the administrative code of
13 the city of New York, as amended by chapter 152 of the laws of 2006, is
14 amended to read as follows:

15 d. In each city fiscal year, beginning with investment expenses paid
16 during the nineteen hundred ninety-eight--nineteen hundred ninety-nine
17 fiscal year, whenever the income, interest or dividends derived from
18 deposits or investments of the funds of a retirement system are used
19 pursuant to subdivision b of this section to pay the expenses incurred
20 by such retirement system in acquiring, managing or protecting invest-
21 ments of its funds, the monies so paid shall be made a charge to be paid
22 by each participating employer otherwise required to make contributions
23 to such retirement system no later than the end of the fiscal year next
24 succeeding the fiscal year during which such monies were drawn upon,
25 provided, however, that where such charge is for such investment
26 expenses paid during fiscal year two thousand four--two thousand five or
27 during any subsequent fiscal year, such charge shall be paid by each
28 such participating employer no later than the end of the second fiscal
29 year succeeding the fiscal year during which such monies were drawn
30 upon, PROVIDED FURTHER THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT
31 APPLY TO INVESTMENT EXPENSES PAID DURING THE TWO THOUSAND NINE--TWO
32 THOUSAND TEN FISCAL YEAR OR DURING ANY SUBSEQUENT FISCAL YEAR. In the
33 event that such retirement system has more than one participating
34 employer, the actuary shall calculate and allocate to each such partic-
35 ipating employer its share of such charge. All charges to be paid pursu-
36 ant to this subdivision shall be paid at the regular rate of interest
37 utilized by the actuary in determining employer contributions to the
38 retirement system pursuant to the provisions of paragraph two of subdivi-
39 sion b of section 13-638.2 of this title.

40 S 33. Subparagraph 2 of paragraph (c) of subdivision 16 of section
41 2575 of the education law is amended by adding two new items (i-A) and
42 (i-B) to read as follows:

43 (I-A) ALL UNFUNDED ACCRUED LIABILITY INSTALLMENTS AS REQUIRED BY
44 SECTION 13-638.2 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR
45 ANY OTHER PROVISION OF LAW; AND

46 (I-B) ANY OTHER PAYMENTS TO THE CONTINGENT RESERVE FUND AS REQUIRED BY
47 APPLICABLE LAW; AND

48 S 34. Subparagraph 3 of paragraph (c) of subdivision 16 of section
49 2575 of the education law is amended by adding a new item (vii) to read
50 as follows:

51 (VII) THE BOARD OF EDUCATION AND ALL OTHER RESPONSIBLE OBLIGORS (AS
52 DEFINED IN PARAGRAPH TEN OF SUBDIVISION A OF SECTION 13-638.2 OF THE
53 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK) SHALL MAKE ALL PAYMENTS TO
54 THE RETIREMENT SYSTEM REQUIRED BY APPLICABLE LAW IN ACCORDANCE WITH THE
55 TIME OF PAYMENT REQUIREMENTS SET FORTH IN PARAGRAPH (J) OF THIS SUBDIVI-
56 SION. ANY RESPONSIBLE OBLIGOR WHICH DOES NOT MAKE ALL OR ANY PORTION OF

1 SUCH REQUIRED PAYMENTS TO THE RETIREMENT SYSTEM IN A TIMELY MANNER IN
2 FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN, OR IN ANY FISCAL
3 YEAR THEREAFTER, SHALL BE REQUIRED TO PAY INTEREST TO THE RETIREMENT
4 SYSTEM ON SUCH OVERDUE AMOUNTS, AS DETERMINED BY THE ACTUARY. THE ACTU-
5 ARY SHALL DETERMINE, AT SUCH TIME AS HE OR SHE DEEMS APPROPRIATE, INTER-
6 EST PAYMENTS ON SUCH OVERDUE AMOUNTS USING A RATE OF INTEREST EQUIVALENT
7 TO THE VALUATION RATE OF INTEREST (AS DEFINED IN PARAGRAPH ELEVEN OF
8 SUBDIVISION A OF SECTION 13-638.2 OF THE ADMINISTRATIVE CODE OF THE CITY
9 OF NEW YORK). RESPONSIBLE OBLIGORS SHALL MAKE SUCH INTEREST PAYMENTS ON
10 OVERDUE AMOUNTS TO THE RETIREMENT SYSTEM IN THE MANNER AND AT SUCH TIME
11 AS THE ACTUARY DEEMS APPROPRIATE.

12 S 35. Item (i) of subparagraph 4 of paragraph (c) of subdivision 16 of
13 section 2575 of the education law, as amended by chapter 85 of the laws
14 of 2000, is amended to read as follows:

15 (i) NOTWITHSTANDING THE SUCCEEDING PROVISIONS OF THIS ITEM OR THE
16 PROVISIONS OF ITEM (I-A), (II), (III) OR (IV) OF THIS SUBPARAGRAPH, FOR
17 FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, AND FOR EACH
18 FISCAL YEAR THEREAFTER, THE AMOUNT OF THE NORMAL CONTRIBUTION PAYABLE TO
19 THE CONTINGENT RESERVE FUND SHALL BE DETERMINED PURSUANT TO THE
20 PROVISIONS OF ITEM (V) OF THIS SUBPARAGRAPH. Upon the basis of the
21 latest mortality and other tables authorized by the applicable
22 provisions of the rules and regulations and regular interest, the actu-
23 ary shall determine, as of June thirtieth, nineteen hundred eighty and
24 as of each succeeding June thirtieth, the amount of the total liability
25 for all benefits provided in the rules and regulations, in articles
26 eleven and fourteen of the retirement and social security law and in any
27 other law prescribing benefits payable by the retirement system on
28 account of all members and beneficiaries, excluding the liability on
29 account of future increased-take-home-pay contributions, if any, and the
30 liability for benefits attributable to the annuity savings fund and to
31 the variable annuity savings fund, provided, however, that in determin-
32 ing such total liability as of June thirtieth, nineteen hundred ninety-
33 five and as of each succeeding June thirtieth, the actuary shall include
34 (A) the liability on account of future increased-take-home-pay contrib-
35 utions, if any, (B) the liability on account of future public employer
36 obligations under the provisions of subdivision twenty of section two
37 hundred forty-three of the military law, to pay in behalf of members
38 qualifying for such benefit, member contributions with respect to
39 certain periods of the military service of such members and (C) the
40 liability for benefits attributable to the annuity savings fund and to
41 the variable annuity savings fund, and provided further that in deter-
42 mining such total liability as of June thirtieth, nineteen hundred nine-
43 ty-nine and as of each succeeding June thirtieth, the actuary shall
44 include any other liability, as determined by the actuary, for benefits
45 attributable to the variable annuity programs, and provided further that
46 in determining such total liability as of June thirtieth, two thousand
47 and as of each succeeding June thirtieth, the actuary shall include the
48 amount, if any, as estimated by the actuary, of the total liability of
49 the retirement system on account of payments which the retirement system
50 may be required to make to any other fund without a corresponding offset
51 in the liabilities of the retirement system.

52 S 36. Subparagraph 4 of paragraph (c) of subdivision 16 of section
53 2575 of the education law is amended by adding a new item (v) to read as
54 follows:

55 (V) (A) NOTWITHSTANDING THE PRECEDING ITEMS OF THIS SUBPARAGRAPH OR
56 ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE NORMAL CONTRIBUTION

1 PAYABLE TO THE CONTINGENT RESERVE FUND IN FISCAL YEAR TWO THOUSAND
2 ELEVEN--TWO THOUSAND TWELVE, AND IN EACH FISCAL YEAR THEREAFTER, SHALL
3 BE THE ENTRY AGE NORMAL CONTRIBUTION, AS DETERMINED BY THE ACTUARY
4 PURSUANT TO THIS ITEM IN A MANNER CONSISTENT WITH THE ENTRY AGE ACTUARI-
5 AL COST METHOD. THE ACTUARY SHALL DETERMINE THE ENTRY AGE NORMAL
6 CONTRIBUTION FOR EACH SUCH FISCAL YEAR AS OF JUNE THIRTIETH OF THE
7 SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR IN WHICH SUCH NORMAL
8 CONTRIBUTION IS PAYABLE, BASED ON THE LATEST MORTALITY AND OTHER TABLES
9 APPLICABLE AT THE TIME HE OR SHE PERFORMS SUCH CALCULATIONS, AND THE
10 VALUATION RATE OF INTEREST AS PROVIDED FOR THE RETIREMENT SYSTEM IN
11 PARAGRAPH TWO OF SUBDIVISION B OF SECTION 13-638.2 OF THE ADMINISTRATIVE
12 CODE OF THE CITY OF NEW YORK.

13 (B) IN CALCULATING THE ENTRY AGE NORMAL CONTRIBUTION PAYABLE IN ANY
14 SUCH FISCAL YEAR PURSUANT TO THIS ITEM, THE ACTUARY, IN HIS OR HER
15 DISCRETION, MAY MAKE CERTAIN ADJUSTMENTS IN THE CALCULATION METHODOLOGY,
16 PROVIDED THAT SUCH ADJUSTMENTS ARE GENERALLY ACCEPTED AS CONSISTENT WITH
17 THE ENTRY AGE ACTUARIAL COST METHOD, AND ARE DESIGNED, IN GENERAL, TO
18 FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS FROM THEIR
19 AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH
20 MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.
21 SUCH GENERALLY ACCEPTED ADJUSTMENTS IN THE CALCULATION METHODOLOGY, IN
22 THE DISCRETION OF THE ACTUARY, MAY INCLUDE, BUT ARE NOT LIMITED TO, THE
23 CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION (1) ON AN INDIVIDUAL
24 MEMBER BASIS BY CALCULATING THE AMOUNT OF THE ENTRY AGE NORMAL CONTRIB-
25 UTION ATTRIBUTABLE TO EACH INDIVIDUAL MEMBER, AND THEN ADDING TOGETHER
26 SUCH INDIVIDUAL MEMBER AMOUNTS, (2) ON AN AGGREGATE BASIS FOR ALL
27 MEMBERS OR (3) ON ANY COMBINATION OF AN INDIVIDUAL MEMBER BASIS AND AN
28 AGGREGATE BASIS WHICH IS CONSISTENT WITH THE ENTRY AGE ACTUARIAL COST
29 METHOD, AND THE PRECEDING PROVISIONS OF THIS SUB-ITEM.

30 (C) FOR EACH SUCH FISCAL YEAR, THE ACTUARY, IN HIS OR HER DISCRETION,
31 SHALL DETERMINE, IN ACCORDANCE WITH THE PROVISIONS OF SUB-ITEM (B) OF
32 THIS ITEM, THE METHODOLOGY FOR CALCULATING THE ENTRY AGE NORMAL CONTRIB-
33 UTION PAYABLE FOR THAT PARTICULAR FISCAL YEAR.

34 (D) THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH SUB-
35 ITEM (C) OF THIS ITEM MAY PROVIDE FOR THE ACTUARY TO CALCULATE THE ENTRY
36 AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL MEMBER BASIS BY (1) MULTIPLYING
37 THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL MEMBER, AS
38 DETERMINED BY THE ACTUARY, BY THE SALARY EXPECTED TO BE PAID TO THAT
39 MEMBER DURING THE FISCAL YEAR IN WHICH SUCH NORMAL CONTRIBUTION IS PAYA-
40 BLE, AND (2) CALCULATING THE SUM OF THE INDIVIDUAL ENTRY AGE NORMAL
41 CONTRIBUTIONS ATTRIBUTABLE TO ALL SUCH MEMBERS. THE ACTUARY, IN HIS OR
42 HER DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR DETER-
43 MINING THE ENTRY AGE NORMAL CONTRIBUTION ON AN INDIVIDUAL BASIS WHICH HE
44 OR SHE DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE PROVISIONS
45 OF SUB-ITEM (B) OF THIS ITEM.

46 (E) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN
47 ACCORDANCE WITH SUB-ITEM (C) OF THIS ITEM MAY PROVIDE FOR THE ACTUARY TO
48 CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE BASIS BY
49 MULTIPLYING THE ENTRY AGE NORMAL CONTRIBUTION RATE FOR ALL MEMBERS IN
50 THE AGGREGATE, AS DETERMINED BY THE ACTUARY, BY THE AGGREGATE AMOUNT OF
51 THE SALARIES EXPECTED TO BE PAID TO ALL MEMBERS DURING THE FISCAL YEAR
52 IN WHICH THE NORMAL CONTRIBUTION IS PAYABLE. THE ACTUARY, IN HIS OR HER
53 DISCRETION, MAY MAKE ANY ADJUSTMENTS TO SUCH METHODOLOGY FOR DETERMINING
54 THE ENTRY AGE NORMAL CONTRIBUTION ON AN AGGREGATE BASIS WHICH HE OR SHE
55 DEEMS APPROPRIATE, AND WHICH ARE CONSISTENT WITH THE PROVISIONS OF SUB-
56 ITEM (B) OF THIS ITEM.

(F) IN THE ALTERNATIVE, THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH SUB-ITEM (C) OF THIS ITEM MAY PROVIDE FOR THE CALCULATION OF THE ENTRY AGE NORMAL CONTRIBUTION ON ANY OTHER BASIS WHICH THE ACTUARY DEEMS APPROPRIATE, AND WHICH IS CONSISTENT WITH THE ENTRY AGE ACTUARIAL COST METHOD AND THE PROVISIONS OF SUB-ITEM (B) OF THIS ITEM.

(G) (1) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH SUB-ITEM (C) OF THIS ITEM REQUIRES THE DETERMINATION OF AN ENTRY AGE NORMAL CONTRIBUTION RATE FOR EACH INDIVIDUAL MEMBER IN ORDER TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR EACH INDIVIDUAL MEMBER, THE ACTUARY SHALL DETERMINE SUCH RATE FOR EACH SUCH MEMBER IN ACCORDANCE WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS DETERMINED BY THE ACTUARY FOR EACH SUCH MEMBER, SHALL BE CONSISTENT WITH A METHOD DESIGNED, IN GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIME OF THAT PARTICULAR MEMBER FROM HIS OR HER AGE AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH MEMBER IS EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

(2) WHERE THE METHODOLOGY DETERMINED BY THE ACTUARY IN ACCORDANCE WITH SUB-ITEM (C) OF THIS ITEM REQUIRES THE DETERMINATION OF AN ENTRY AGE NORMAL CONTRIBUTION RATE FOR ALL MEMBERS IN THE AGGREGATE IN ORDER TO CALCULATE THE ENTRY AGE NORMAL CONTRIBUTION FOR ALL MEMBERS IN THE AGGREGATE, THE ACTUARY SHALL DETERMINE SUCH RATE IN ACCORDANCE WITH THE ENTRY AGE ACTUARIAL COST METHOD, AND SUCH RATE, AS DETERMINED BY THE ACTUARY, SHALL BE CONSISTENT WITH A METHOD DESIGNED, IN GENERAL, TO FUND, ON A LEVEL BASIS OVER THE WORKING LIFETIMES OF MEMBERS FROM THEIR AGES AT ENTRY, THE ACTUARIAL PRESENT VALUE OF BENEFITS TO WHICH SUCH MEMBERS ARE EXPECTED TO BECOME ENTITLED, AS DETERMINED BY THE ACTUARY.

S 37. Paragraph (j) of subdivision 16 of section 2575 of the education law is amended by adding a new subparagraph 2-a to read as follows:

(2-A) WHERE A RESPONSIBLE OBLIGOR (AS DEFINED IN PARAGRAPH TEN OF SUBDIVISION A OF SECTION 13-638.2 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK) IS REQUIRED TO MAKE PAYMENTS TO THE RETIREMENT SYSTEM PURSUANT TO APPLICABLE PROVISIONS OF LAW IN FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN, AND IN ANY FISCAL YEAR THEREAFTER, AND THE PROVISIONS OF THIS PARAGRAPH OR THE PROVISIONS OF ANY OTHER APPLICABLE LAW DO NOT OTHERWISE SPECIFICALLY REQUIRE SUCH RESPONSIBLE OBLIGOR TO MAKE SUCH PAYMENTS BY A PARTICULAR DATE OR DATES DURING SUCH FISCAL YEAR, SUCH RESPONSIBLE OBLIGOR SHALL MAKE SUCH PAYMENTS EITHER (I) IN TOTAL ON OR BEFORE JANUARY FIRST OF SUCH FISCAL YEAR, OR (II) IN TWELVE EQUAL MONTHLY INSTALLMENTS, AS DETERMINED BY THE ACTUARY, WITH EACH MONTHLY INSTALLMENT TO BE PAID ON OR BEFORE THE LAST DAY OF EACH MONTH.

S 38. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2011. Notwithstanding any other provision of law, for the purposes of calculating an actuarial reserve pursuant to the provisions of section 13-557 of the administrative code of the city of New York, the valuation rate of interest and mortality tables in effect on June 30, 1988 shall be utilized by the actuary.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: BACKGROUND: In reports dated February 10, 2012, the Actuary presented proposed changes in actuarial assumptions and methods for determining employer contributions for Fiscal Years beginning on and after July 1, 2011 (i.e., the "Silver Books") to each of the Boards of Trustees of the following five actuarially-funded New York City Retirement Systems ("NYCRS"):

- * New York City Employees' Retirement System ("NYCERS")
- * New York City Teachers' Retirement System ("TRS")
- * New York City Board of Education Retirement System ("BERS")

- * New York City Police Pension Fund ("POLICE")

- * New York City Fire Department Pension Fund ("FIRE")

These Silver Books were developed by the Actuary after reviewing the two most recent actuarial experience studies required by the New York City Charter and prepared by The Segal Company in their Report dated November 2006 and The Hay Group in their Report dated December 2011.

The principal components of the Actuary's proposed changes in actuarial assumptions and methods used to develop employer contributions to the NYCERS are to:

- * Reduce the Actuarial Interest Rate ("AIR") assumption from 8.0% per annum (gross of expenses) to 7.0% per annum (net of expenses).

- * Retain the current economic actuarial assumptions for the Consumer Price Inflation of 2.5% per year and the General Wage Increase ("GWI") of 3.0% per year.

- * Update demographic actuarial assumptions to reflect the Actuary's best estimate of future experience.

- * Replace the current Actuarial Cost Method ("ACM") (i.e., the Frozen Initial Liability ("FIL") ACM) with the Entry Age Actuarial Cost Method ("EAACM") and establish certain amortization methods and periods to be used for financing the Unfunded Actuarial Accrued Liabilities ("UAAL") developed under this new ACM.

- * Retain the current six-year phase-in period for Unexpected Investment Returns ("UIR") for investment gains and losses for the Actuarial Asset Valuation Method ("AAVM") for Fiscal Year 2012 and beyond. Use a Market Value Restart as of June 30, 2011 and set the June 30, 2010 Actuarial Asset Value ("AAV") equal to the June 30, 2011 Market Value of Assets ("MVA") discounted by the AIR assumption (adjusted for cash flow).

Certain of the proposals developed by the Actuary (e.g., probabilities of decrement from active service, probabilities of death after retirement) require adoption by the Board of Trustees of each of the NYCERS.

Other proposed changes in actuarial assumptions and methods require passage of enabling legislation by the New York State Legislature and enactment by the Governor.

The provisions of this amended proposed legislation, together with the adoption of actuarial tables by the Boards of Trustees of the NYCERS and application of the revised AAVM, represent the packages of actuarial assumptions and methods proposed by the Actuary for financing the NYCERS.

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Administrative Code of the City of New York ("ACNY") Sections 13-127, 13-133, 13-194, 13-228, 13-271, 13-281, 13-331, 13-527, 13-533, 13-638.2 and 13-705 and Education Law Section 2575 by including provisions that impact the development of employer contributions to the NYCERS.

Specifically, for each of the NYCERS, this amended proposed legislation would:

- * Reduce the AIR assumption to be used for developing employer contributions from 8.0% per annum (gross of expenses) to 7.0% per annum (net of expenses).

- * Continue through Fiscal Year 2016 the use of the 8.25% per year crediting rate on Annuity Savings Fund ("ASF") and Increased-Take-Home-Pay ("ITHP") Reserves for Tier I and Tier II members.

- * Replace the current ACM (i.e., the FIL ACM) with the EAACM.

- * Amortize over a 22-year period the Initial UAAL established under the EAACM with 21 annual payments beginning Fiscal Year 2012 using

Increasing Dollar Payments ("IDP"), where the increase in payments would be 3.0% per year, consistent with the proposed GWI assumption.

Amortize over a 20-year period (19 annual payments) additional UAAL attributable to future actuarial assumption and/or method changes, over a 15-year period (14 annual payments) any actuarial gains and losses and over an approximation of the remaining working lifetimes of those impacted (unless the amortization period is established by statute) any benefit changes, using Level Dollar Payments ("LDP").

The Actuary would be provided with the authority to establish UAAL and/or amortization schedules consistent with the EAACM, where such UAAL and/or amortization schedules are appropriate but not provided in legislation.

* Retain the One-Year Lag Methodology ("OYLM").

* Retain the repayment of Administrative Expenses, with interest, in the second fiscal year after occurrence.

Provide for the transfer of assets directly from NYCERS to the Correction Officers' Variable Supplements Fund ("COVSF") in the event that assets of the COVSF are insufficient to meet any legally-required benefit payments.

* Provide for the transfer of assets directly from POLICE to the Police Officers' Variable Supplements Fund ("POVSF") and to the Police Superior Officers' Variable Supplements Fund ("PSOVSF") in the event that assets of the POVSF or the PSOVSF are insufficient to meet any legally-required benefit payments.

* Although recommended by the Actuary, due to concerns expressed by certain FIRE Trustees, not provide for the transfer of assets directly from FIRE to the Firefighters' Variable Supplements Fund ("FFVSF") and to the Fire Officers' Variable Supplements Fund ("FOVSF") in the event that assets of the FFVSF or the FOVSF are insufficient to meet any legally-required benefit payments.

* Provide for the payment of interest on employer contributions made after the due dates determined and communicated by the Actuary to the Boards of Trustees.

ACTUARIAL PRESENT VALUES OF BENEFITS: Enactment of this amended proposed legislation, together with the other changes in actuarial assumptions and methods adopted by the Boards of Trustees of the NYCERS, would result in an increase in the Actuarial Present Value ("APV") of Benefits ("APVB") (inclusive of the APVB of the Variable Supplements Funds ("VSFs")) of the NYCERS of approximately \$36.0 billion as of June 30, 2010, as shown in the following Table I:

TABLE I

Comparison of Actuarial Present Values of Benefits
Before and After Proposed Changes
in Actuarial Assumptions and Methods
as of June 30, 2010

(\$ Billions)

Actuarial Present Values of Benefits{1}

Retirement System	Before Changes{2}	After Changes{3}	Difference{4}
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NYCERS	\$ 64.7	\$ 78.0	\$ 13.3
TRS	58.3	68.2	9.9
BERS	3.7	4.6	.9
POLICE	42.3	50.7	8.4
FIRE	17.0	20.5	3.5
Total	\$186.0	\$222.0	\$ 36.0

{1} Amounts include APVB of the VSFs.

{2} Equals APVB as of June 30, 2010 based on preliminary census data used for the June 30, 2010 (Lag) actuarial valuations, on preliminary calculations using actuarial software being replaced and on current actuarial assumptions and methods.

{3} Equals APVB as of June 30, 2010 based on final census data used for the June 30, 2010 (Lag) actuarial valuations, on final calculations using new actuarial software and on proposed actuarial assumptions and methods.

{4} Equals After Changes minus Before Changes.

ANNUAL EMPLOYER CONTRIBUTIONS: Under the EAACM, the Actuarial Present Value ("APV") of Projected Benefits ("APVB") of each individual included in the actuarial valuation is allocated on a level basis over the earnings (or service) of the individual between entry age and assumed exit age(s).

The portion of this APV allocated to a valuation year is referred to as the Normal Contribution. The portion of this APV not provided for at a valuation date by the APV of Future Normal Contributions is the Actuarial Accrued Liability ("AAL"). The excess, if any, of the AAL over the AAV is the UAAL.

Under this method, actuarial gains (losses), as they occur, reduce (increase) the UAAL and are explicitly identified and amortized. Increases (decreases) in obligations due to benefit changes, actuarial assumption and/or method changes are also explicitly identified and amortized.

The initial UAAL as of June 30, 2010 would be amortized over 22 years with 21 annual payments beginning Fiscal Year 2012 increasing by 3.0% per year, recognizing the impact of employer contributions made during Fiscal Year 2011 under the OYLM.

Furthermore, the Actuary proposes revising the AAVM as of June 30, 2010 for each of the NYCERS. The new method would retain the current six-year phase-in period for Unexpected Investment Returns ("UIR") for the AAVM of 15%, 15%, 15%, 15%, 20% and 20% for investment gains/losses for Fiscal Year 2012 and beyond. However, the AAV as of June 30, 2011 would be set equal to the MVA as of that date and the June 30, 2010 AAV would be set equal to the June 30, 2011 MVA, discounted by the AIR assumption and adjusted for cash flow.

The One-Year Lag Methodology and the repayment of Administrative Expenses with interest, in the second fiscal year after occurrence, would be retained.

EMPLOYER CONTRIBUTIONS - FISCAL YEAR 2012: The following Table II presents the combined impact of all of the proposed changes in actuarial assumptions and methods on the Fiscal Year 2012 employer contributions to the NYCERS.

Specifically, Table II shows a comparison between: (1) estimated Fiscal Year 2012 employer contributions based upon the actuarial assumptions and methods currently in effect ("Before Changes") and (2) final Fiscal Year 2012 employer contributions computed in accordance with this

proposed legislation and all of the other proposed actuarial assumptions and methods ("After Changes").

TABLE II

Comparison of Fiscal Year 2012 Employer Contributions Calculated using Current Actuarial Assumptions and Methods with Those Calculated using Proposed Actuarial Assumptions and Methods

(\$ Billions)

Retirement System	Before Changes{1}	After Changes{2}	Difference{3}
NYCERS	\$ 2.59	\$ 3.02	\$.43
TRS	2.62	2.67	.05
BERS	.17	.21	.04
POLICE	2.20	2.39	.19
FIRE	.95	.98	.03
Total	\$ 8.53	\$ 9.27	\$.74

{1} Equals estimated employer contributions for Fiscal Year 2012 based on preliminary census data used for the June 30, 2010 (Lag) actuarial valuations, on preliminary calculations using actuarial software being replaced and on current actuarial assumptions and methods.

{2} Equals final employer contributions for Fiscal Year 2012 based on final census data used for the June 30, 2010 (Lag) actuarial valuations, on final calculations using new actuarial software and on proposed actuarial assumptions and methods.

{3} Equals After Changes minus Before Changes.

EMPLOYER CONTRIBUTIONS - FISCAL YEARS 2012 TO 2016: The financial impact of the proposed changes in actuarial assumptions and methods, relative to the current actuarial assumptions and methods, is to increase and to smooth the pattern of employer contributions to the NYCERS for Fiscal Years 2012 to 2016.

The following Table III compares the estimated employer contributions for the five actuarially-funded NYCERS combined under the current actuarial assumptions and methods and under the proposed actuarial assumptions and methods:

TABLE III

Comparison of Employer Contributions
For Fiscal Years 2012 to 2016

Calculated using Current Actuarial Assumptions and Methods with Those Calculated using Proposed Actuarial Assumptions and Methods{1}

(\$ Billions)

Fiscal Year	Before Changes{2}	After Changes{3}	Difference{4}
2012	\$ 8.53	\$ 9.27	\$.74
2013	8.37	9.39	1.02
2014	8.36	9.37	1.01
2015	8.66	9.34	.68
2016	8.87	9.57	.70

{1} Amounts shown are estimated based on preliminary June 30, 2010 census data and on preliminary calculations using actuarial software that is being replaced, with adjustments in amounts shown After Changes to be consistent with final Fiscal Year 2012 amounts.

{2} Equals employer contributions for the respective Fiscal Years based upon the second prior June 30 actuarial valuations and on current actuarial assumptions and methods.

{3} Equals employer contributions for the respective Fiscal Years based upon the second prior June 30 actuarial valuations and on proposed actuarial assumptions and methods.

{4} Equals After Changes minus Before Changes.

CENSUS DATA: The census data used to determine APVB and estimated Fiscal Year 2012 employer contributions Before Changes and After Changes are the active and retired members included in the June 30, 2010 (Lag) actuarial valuations of the NYCERS.

ACTUARIAL ASSUMPTIONS AND METHODS: The actuarial assumptions and methods used to determine estimated Fiscal Year 2012 employer contributions Before Changes are generally the same as those utilized in the June 30, 2009 actuarial valuations of the NYCERS to determine Fiscal Year 2011 employer contributions.

The actuarial assumptions and methods used to determine Fiscal Year 2012 employer contributions After Changes are those proposed by the Actuary to the Boards of Trustees of each of the NYCERS during February 2012.

The actuarial assumptions used to estimate employer contributions for Fiscal Years 2013 to 2016 include projection assumptions consistent with those used to develop estimates for the April 2011 New York City Financial Plan.

APVB and employer contribution amounts shown Before Changes are estimated based on preliminary June 30, 2010 census data and on actuarial software that is being replaced.

APVB and employer contributions After Changes used to determine Fiscal Year 2012 employer contributions are based on final June 30, 2010 census data and generally on new actuarial software.

Estimated employer contributions After Changes for Fiscal Years 2013 to 2016 are based on June 30, 2010 census data and projections of APVB adjusted to be consistent with Fiscal Year 2012 results.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and for determining annual employer contributions to NYCERS. However, the economic assumptions (current and proposed) that are used for determining employer contributions do not develop risk-adjusted, economic values of benefits. Such risk-adjusted, economic values of benefits would likely differ significantly from those developed by the budgetary models.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2013 Legislative Session. It is Fiscal Note 2013-01, dated December 14, 2012, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New

York City Police Pension Fund and the New York City Fire Department Pension Fund.