STATE OF NEW YORK

8370--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to retirement benefits for certain employees; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision c of section 700 of the retirement and social security law, as added by chapter 578 of the laws of 1989, is amended to read as follows:

c. Such election shall be in writing, shall be duly executed and filed with the comptroller and**, subject to the provisions of subdivision d of this section,** shall be irrevocable as long as such member is in a title defined in subdivision i of section eighty-nine of this chapter. The election shall be filed on or before December thirty-first, nineteen hundred eighty-nine or within one year after such person becomes employed in such title, whichever date is later.

§ 2. Section 700 of the retirement and social security law is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any provision of law to the contrary, a member employed by the office of mental health holding the title of security hospital treatment assistant, senior security hospital treatment assistant, security hospital treatment assistant Spanish language, security hospital senior treatment assistant Spanish language, security hospital treatment assistant supervisor or security hospital treatment assistant chief, shall be entitled to file an election to become subject to the provisions of article fourteen or article fifteen of this chapter, in its entirety, and shall be subject to none of the provisions of the

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

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article not selected by the member. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law and shall expire and be deemed repealed on the one hundred eightieth day after it shall have become a law.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would allow security hospital treatment assistants (SHTA) employed by the state of New York Office of Mental Health, to change retirement plans in New York State and Local Employees' Retirement System. Members could choose to switch between an Age-55 plan and a 25-year service plan. The choice is irrevocable. Currently, this choice is only allowed during the first year of employment in the SHTA title.

We estimate that the state of New York's annual contributions will increase $1.7 million beginning FYE 2027. Annual costs will vary but are expected to average 1.7% of salary.

In addition, there will be an immediate past service cost of $22.7 million borne by the state of New York as a one-time payment. This cost assumes that payment will be made on March 1, 2027.

These estimated costs are based on 717 affected members employed by Office of Mental Health with annual salary of approximately $76 million as of March 31, 2025.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

This fiscal note does not constitute a legal opinion on the viability of the bill, nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 12, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-23. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member. I am a member of NYSLRS but do not believe it impairs my objectivity.