

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

5313--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 12, 2009

Introduced by M. of A. ABBATE -- Multi-Sponsored by -- M. of A. COOK, PHEFFER -- (at request of the New York State Teachers' Retirement System) -- 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 education law, in relation to the right of vested members to withdraw from the New York state teachers' retirement system

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

1 Section 1. Section 512 of the education law is amended by adding a new
2 subdivision g to read as follows:
3 G. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY
4 MEMBER OF THE RETIREMENT SYSTEM SUBJECT TO ARTICLE FOURTEEN OR FIFTEEN
5 OF THE RETIREMENT AND SOCIAL SECURITY LAW WHO HAS PERMANENTLY CEASED
6 TEACHING SHALL HAVE THE RIGHT TO ELECT THE RETURN OF HIS OR HER ACCUMU-
7 LATED CONTRIBUTIONS AND THEREBY TERMINATE HIS OR HER MEMBERSHIP IN THE
8 RETIREMENT SYSTEM WITHOUT REGARD TO THE AMOUNT OF SERVICE TO HIS OR HER
9 CREDIT, PROVIDED A PUBLIC EMPLOYEE RETIREMENT SYSTEM IN ANOTHER STATE
10 HAS CERTIFIED IN A MANNER SATISFACTORY TO THE SYSTEM THAT SUCH MEMBER IS
11 A MEMBER OF SUCH OTHER RETIREMENT SYSTEM, HAS AT LEAST FIVE YEARS OF
12 RETIREMENT CREDIT IN SUCH OTHER SYSTEM, AND IS ELIGIBLE, UPON THE TERMI-
13 NATION OF HIS OR HER MEMBERSHIP IN THE SYSTEM, TO OBTAIN RETIREMENT
14 CREDIT IN SUCH OTHER RETIREMENT SYSTEM FOR THE SERVICE WHICH HAS BEEN
15 CREDITED TO HIS OR HER MEMBERSHIP IN THE SYSTEM. UPON REFUND OF SUCH
16 ACCUMULATED CONTRIBUTIONS, ANY AND ALL OBLIGATIONS OF THE RETIREMENT
17 SYSTEM TO SUCH MEMBER SHALL BE TOTALLY DISCHARGED. THE RETIREMENT BOARD
18 IS AUTHORIZED TO ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO
19 IMPLEMENT THIS SUBDIVISION.

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

LBD07440-02-0

1 S 2. This act shall take effect immediately.

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

This bill would amend Section 512 of the Education Law to allow any member of the New York State Teachers' Retirement System (NYSTRS) subject to Article 14 or 15 of the Retirement and Social Security Law who has permanently ceased teaching to elect to receive a refund of their accumulated member contributions and thereby terminate membership in the NYSTRS provided he or she is a member of another state's retirement system, has at least five years of service credit in such system and is eligible to obtain retirement credit for this service in the other retirement system. All rights to any future benefits from the NYSTRS would be forfeited. Currently, members who cease teaching and have greater than 10 years of service credit do not have the option of electing to receive their accumulated member contributions in lieu of a monthly benefit at retirement. In the vast majority of cases, the present value of the retirement benefit is much greater than the value of the accumulated member contributions.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

The source of this estimate is Fiscal Note 2010-3 dated October 13, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2010 Legislative Session.