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

5538

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

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

AN ACT authorizing the retroactive membership in the New York state and local employees' retirement system for Bernard E. Schmelz

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

Section 1. Notwithstanding any inconsistent provision of law, Bernard E. Schmelz, working as a land use training specialist for the Department of State and a member of the New York state and local employees' retirement system whose current retirement system number is 38939435 and who was employed on July 1, 1975 to December 31, 1975 as a cleaner for the Rensselaer, Columbia and Greene County Board of Cooperative Educational Services, and, who for reasons not ascribable to his own negligence did not file a membership application in such retirement system during said period of time, and who has since exhausted all other avenues to effect such retroactive membership, may be deemed to have become a member of the New York state and local employees' retirement system on July 1, 1975 if on or before the thirty-first day of December next succeeding the date on which this act shall have become a law, he shall file with the state comptroller a written request to that effect. Any costs incurred by operation of the provision of this act shall be borne by New York state.

S 2. This act shall take effect immediately.

FISCAL NOTE.--This bill will change the date of membership of Bernard E. Schmelz, a former employee of the State of New York, to July 1, 1975, thereby making him a Tier 2 member of the New York State and Local Employees' Retirement System.

If this bill were enacted, we anticipate that there will be an immediate past service cost of approximately $39,900 which will borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2010.

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

LBD03731-02-9

This estimate, dated January 27, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-105, prepared by the Actuary for the New York State and Local Employees' Retirement System.