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

6248--B

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. CALHOUN -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the town of Montgomery, in the county of Orange, to offer an optional twenty year retirement plan to police officer Kenneth M. Byrnes

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

Section 1. Notwithstanding any other provision of law to the contrary, the town of Montgomery, in the county of Orange, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, and the additional pension benefits to members of such plan, established pursuant to section 384-e of the retirement and social security law, to police officers employed by such town, is hereby authorized to make participation in such plan and benefits available to Kenneth M. Byrnes, a police officer employed by the town of Montgomery, who, for reasons not ascribable to his own negligence failed to make a timely application to participate in such optional twenty year retirement plan and the additional pension benefits therefor. The town of Montgomery may so elect by filing with the state comptroller, on or before December 31, 2010, a resolution of its town board together with certification that such police officer did not bar himself from participation in such retirement plan and additional pension benefits as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of sections 384-d and 384-e of the

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

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retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such sections, by filing a request to that effect with the state comptroller on or before June 30, 2011.

S 2. All employer costs associated with implementing the provisions of this act shall be borne by the town of Montgomery.

S 3. This act shall take effect immediately.

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

This bill will allow the Town of Montgomery to elect to reopen the provisions of Section 384-d together with 384-e of the Retirement and Social Security Law for police officer Kenneth M. Byrnes. There are other police officers who are similarly situated who are not covered by this legislation.

If this bill is enacted, and officer Byrnes becomes covered under Section 384-e, we anticipate that there will be an increase of approximately $5,800 in the annual contributions of the Town of Montgomery for the fiscal year ending March 31, 2011.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $123,000 which would be borne by the Town of Montgomery as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2011.

This estimate, dated February 5, 2010 and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-85, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.