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

7995

2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

Introduced by M. of A. BARRA, McDONOUGH, BURLING -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to credit for service in war after World War I

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

Section 1. The retirement and social security law is amended by adding a new section 46 to read as follows:

S 46. CREDIT FOR SERVICE IN WAR AFTER WORLD WAR I; RESIDENCY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO MEMBER OF ANY RETIREMENT SYSTEM OF THE STATE OF NEW YORK OR LOCAL PENSION SYSTEM SHALL BE DENIED CREDIT FOR SERVICE IN WAR AFTER WORLD WAR I IN ANY RETIREMENT SYSTEM OF THE STATE OF NEW YORK OR LOCAL PENSION SYSTEM DUE TO THE FAILURE OF SUCH MEMBER TO BE A RESIDENT OF THE STATE OF NEW YORK AT THE TIME SUCH SERVICE IN WAR AFTER WORLD WAR I WAS RENDERED. SUCH CREDIT FOR SERVICE IN WAR AFTER WORLD WAR I SHALL BE GRANTED TO SUCH NON-RESIDENT MEMBER CONSISTENT WITH PROVISIONS OF THIS CHAPTER RELATED TO RESIDENT MEMBERS, PROVIDED THAT SUCH CREDIT SHALL NOT EXCEED FIVE YEARS. ANY PERSON WHO IS ELIGIBLE FOR AN INCREASE IN HIS OR HER RETIREMENT ALLOWANCE AS A RESULT OF THE APPLICATION OF THIS SECTION SHALL HAVE SUCH INCREASE APPLIED RETROACTIVELY TO THE LATER OF THE DATE OF HIS OR HER RETIREMENT OR JANUARY FIRST, TWO THOUSAND.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2000.

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

This bill would add a new Section 46 to the Retirement and Social Security Law to provide that no member or retiree of any retirement system of the State of New York shall be denied military service credit for service in war after World War I due to the failure of such member or retiree to have been a resident of the State of New York at the time such service was rendered. Any retired member who was denied military

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

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service credit due to this residency requirement and is therefore eligible for an increase in benefit shall have such increase applied retroactively to the later of their date of retirement or January 1, 2000.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be $3.3 million or .02% of payroll if this bill is enacted.

The source of this estimate is Fiscal Note 2009-37 dated March 20, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.