

1790

2009-2010 Regular Sessions

I N S E N A T E

February 6, 2009

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to option election

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

1 Section 1. Subdivision b of section 800 of the retirement and social
2 security law, as added by chapter 437 of the laws of 1993, is amended to
3 read as follows:
4 b. "Employer" or "participating employer" shall mean the state of New
5 York and any other unit of government or organization which makes
6 contributions to a public retirement system on behalf of its employees.
7 Provided however, that, WITH THE EXCEPTION OF THE PROVISIONS OF SECTION
8 EIGHT HUNDRED NINE OF THIS ARTICLE, the provisions of this article shall
9 not apply to the city of New York until such city enacts a local law
10 adopting this article in its entirety. Until such date (subject to the
11 provisions of section eight hundred six of this article), no member of a
12 public retirement system: (i) who is an employee of the city of New York
13 shall have any rights created by the provisions of this article or (ii)
14 who is not an employee of the city of New York shall have any rights
15 created by this article resulting from any prior employment by the city
16 of New York. For the purposes herein: (i) the "city of New York" shall
17 include: (a) every employer other than a state employer which partic-
18 ipates in the New York city employees' retirement system, New York city
19 teachers' retirement system, New York city police pension fund, New York
20 city fire department pension fund or the New York city board of educa-
21 tion retirement system, and (b) a city of New York funded college of the
22 state university of New York located within such city, the city of New
23 York libraries subject to section thirty-two of this chapter, and the
24 civilian and uniformed employees described in subdivision sixteen of
25 section twelve hundred four of the public authorities law; and (ii) a

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

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1 "state employer" shall mean the unified court system, the senior
2 colleges of the city university of New York and a public benefit corpo-
3 ration, public corporation or subsidiary corporation a majority of the
4 members of which are appointed by the governor, designated by virtue of
5 their state office or appointed or designated by any combination of the
6 foregoing.

7 S 2. The retirement and social security law is amended by adding a new
8 section 809 to read as follows:

9 S 809. AVAILABILITY OF OPTION ELECTION FORMS. TO THE EXTENT PRACTICA-
10 BLE, EACH PUBLIC RETIREMENT SYSTEM AND EACH PARTICIPATING EMPLOYER, AS
11 DEFINED IN SECTION EIGHT HUNDRED OF THIS ARTICLE, SHALL PROVIDE AN
12 OPTION ELECTION FORM ON OR WITH EVERY DISABILITY RETIREMENT APPLICATION.

13 S 3. This act shall take effect immediately.

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

This bill would require public retirement systems and employers to provide an option election form with every disability retirement application.

If this bill is enacted, insofar as this bill affects the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, there would be negligible administrative costs.

This estimate, dated January 27, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note Number 2009-118 prepared by the Actuary of the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.