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

3166

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

Introduced by Sen. SAVINO -- 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 service retirement benefits for peace officers employed by the unified court system

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

Section 1. Section 75-h of the retirement and social security law is amended by adding a new subdivision h to read as follows:

H. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM MAY RETIRE WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT UPON HIS OR HER ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION OF TWENTY-FIVE YEARS OF SERVICE.

S 2. Paragraph 1 of subdivision b of section 442 of the retirement and social security law, as amended by chapter 306 of the laws of 1996, is amended to read as follows:

1. A member who is [a peace officer employed by the unified court system or] a member of a teacher's retirement system or a member of the New York state and local employees' retirement system may retire without reduction of his OR HER retirement benefit upon his OR HER attainment of at least fifty-five years of age and completion of thirty or more years of service; and

S 3. Subdivision b of section 442 of the retirement and social security law is amended by adding a new paragraph 5 to read as follows:

5. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM MAY RETIRE WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT UPON HIS OR HER ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION OF TWENTY-FIVE YEARS OF SERVICE.

S 4. Subdivision a of section 503 of the retirement and social security law, as amended by chapter 662 of the laws of 1988, is amended to read as follows:

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

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a. The normal service retirement benefit specified in section five hundred four OF THIS ARTICLE shall be payable to general members, other than elective members, who have met the minimum service requirements upon retirement and attainment of age sixty-two, provided, however, a general member who is a [peace officer employed by the unified court system or a] member of a teachers' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service AND A GENERAL MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM MAY RETIRE WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT UPON ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION OF TWENTY-FIVE OR MORE YEARS OF SERVICE.

S 5. Subdivision a of section 603 of the retirement and social security law, as amended by section 3 of chapter 19 of the laws of 2008, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, a member who is a peace officer employed by the unified court system or a member of a teachers' retirement system or the New York state and local employees' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM MAY RETIRE WITHOUT A REDUCTION OF HIS OR HER RETIREMENT BENEFIT UPON ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION OF TWENTY-FIVE YEARS OF SERVICE.

S 6. Subdivision a of section 603 of the retirement and social security law, as amended by section 3-a of chapter 19 of the laws of 2008, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article provided, however, a member who is a peace officer employed by the unified court system or a member of a teachers' retirement system or the New York state and local employees' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM MAY RETIRE WITHOUT A REDUCTION OF HIS OR HER RETIREMENT BENEFIT

UPON ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION OF TWENTY-FIVE YEARS OF SERVICE.

S 7. The cost attributable to the operation of this act shall be borne by the unified court system.

S 8. This act shall take effect immediately; provided, however, the amendments to sections 503 and 603 of the retirement and social security law, made by sections four, five and six of this act, shall not affect the expiration of such sections and shall expire on the same date as article 15 of such law expires pursuant to section 615 of the retirement and social security law; provided, further, that the amendments to subdivision a of section 603 of the retirement and social security law made by section five of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 13 of chapter 682 of the laws of 2003, as amended, when upon such date the provisions of section six of this act shall take effect.

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

This bill would allow Peace Officers employed by the Unified Court System to retire without benefit reduction due to early retirement upon the attainment of age fifty (50) and completion of at least twenty-five (25) years of service.

If this bill is enacted, we anticipate that there will be an increase of approximately $9.4 million in the annual contributions of the State of New York, on behalf of the Unified Court System for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $57.7 million which would be 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.

These estimated costs are based on six thousand one hundred thirty-eight (6,138) known affected officers having a total estimated annual salary for the fiscal year ending March 31, 2009 of approximately $444 million.

This estimate, dated December 31, 2008 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-80, prepared by the Actuary for the New York State and Local Employees' Retirement System.