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

4385

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. KLEIN -- 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 military service credit for Gulf war veterans

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

Section 1. Subdivisions 1 and 2 of section 1000 of the retirement and social security law, as added by chapter 548 of the laws of 2000, are amended to read as follows:

1. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if the member was honorably discharged from the military and all or part of such military service was rendered during the following periods: (a) commencing December seventh, nineteen hundred forty-one and terminating December thirty-first, nineteen hundred forty-six; (b) commencing June twenty-seventh, nineteen hundred fifty and terminating January thirty-first, nineteen hundred fifty-five; [or] (c) commencing February twenty-eighth, nineteen hundred sixty-one and terminating May seventh, nineteen hundred seventy-five; OR (D) COMMENCING AUGUST SECOND, NINETEEN HUNDRED NINETY AND TERMINATING WITH THE CESSATION OF HOSTILITIES IN THE THEATER OF OPERATIONS INCLUDING IRAQ, KUWAIT, SAUDI ARABIA, BAHRAIN, QATAR, THE UNITED ARAB EMIRATES, OMAN, THE GULF OF ADEN, THE GULF OF OMAN, THE PERSIAN GULF, THE RED SEA, AND THE AIRSPACE ABOVE THESE LOCATIONS.

TO QUALIFY FOR CREDIT PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION A MEMBER NEED ONLY HAVE RENDERED MILITARY SERVICE DURING THE PERIOD SET FORTH IN PARAGRAPH (D) OF THIS SUBDIVISION AND NEED NOT HAVE SERVED IN THE ACTUAL THEATER OF OPERATIONS SET FORTH IN SUCH PARAGRAPH (D).

2. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years

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

LBD05272-02-9

of military duty, as defined in section two hundred forty-three of the military law, if honorably discharged therefrom, if all or part of such services was rendered in the military conflicts referenced below, as follows:

(a) hostilities participated in by the military forces of the United States in Lebanon, from the first day of June, nineteen hundred eighty-three to the first day of December, nineteen hundred eighty-seven, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;

(b) hostilities participated in by the military forces of the United States in Grenada, from the twenty-third day of October, nineteen hundred eighty-three to the twenty-first day of November, nineteen hundred eighty-three, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;

(c) hostilities participated in by the military forces of the United States in Panama, from the twentieth day of December, nineteen hundred eighty-nine to the thirty-first day of January, nineteen hundred ninety, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal[; or

(d) hostilities participated in by the military forces of the United States, from the second day of August, nineteen hundred ninety, to the end of such hostilities in case of a veteran who served in the theater of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea, and the airspace above these locations].

S 2. This act shall take effect immediately.

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

This bill would extend the benefits of Chapter 548, Laws of 2000 to members of public retirement systems in New York State who rendered military service commencing August 2, 1990 and terminating with the cessation of hostilities in the theater of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea and the airspace above these locations. However, the total service credit granted for any military service shall not exceed three (3) years. Members must have at least five years of credited service (not including military service).

If this bill is enacted, insofar as this proposal affects the New York State and Local Employees' Retirement System (ERS), there would be an estimated past service cost which would exceed 10 percent of each members' salary for each year of additional service credit that is purchased.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System (PFRS), the cost per person would vary greatly. If a member purchases this additional service credit to enable immediate retirement, the cost would exceed 30% of the member's salary for each year of additional service credit that is purchased. For a member on a retirement plan which is capped after reaching a certain number of years of service credit, there would be no benefit from this additional service credit if they will or already have reached the cap without this service credit.

If less than 2,000 members have such military service and will benefit by purchasing the service credit, there will be an estimated first year cost of approximately $1.3 million to the State of New York, $1.7 million to participating employers in the New York State and Local

Employees' Retirement System and $0.8 million to the participating employers in the New York State and Local Police and Fire Retirement System.

In addition to the above costs, there would be additional costs for future members of the Retirement System's who have such military service.

This estimate, dated April 9, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-201, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.