

5437

2009-2010 Regular Sessions

I N S E N A T E

May 5, 2009

Introduced by Sen. LARKIN -- 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 increasing the mandatory retirement age for members of the division of state police

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

1 Section 1. Subdivision e of section 381-b of the retirement and social
2 security law, as amended by chapter 97 of the laws of 2008, is amended
3 to read as follows:
4 e. Mandatory retirement. A member subject to the provisions of this
5 section shall be retired on December thirty-first of the year in which
6 he or she attains [sixty] SIXTY-TWO years of age.
7 Notwithstanding the foregoing, any member in service in the division
8 on August fifteenth, two thousand seven, and who on that date was enti-
9 tled to receive retirement benefits on the thirty-first day of December
10 in the year in which he or she attained fifty-seven years of age as
11 provided in paragraph three of subdivision b of this section, may elect
12 to retain such entitlement, provided the member remains in service on
13 the thirtieth day of December in the year in which he or she attains
14 fifty-seven years of age. The provisions of this subdivision shall not
15 apply to the superintendent.
16 NOTWITHSTANDING THE FOREGOING, ANY MEMBER IN SERVICE IN THE DIVISION
17 ON THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE
18 THAT AMENDED THIS SUBDIVISION, AND WHO ON THAT DATE WAS ENTITLED TO
19 RECEIVE RETIREMENT BENEFITS ON THE THIRTY-FIRST DAY OF DECEMBER IN THE
20 YEAR IN WHICH HE OR SHE ATTAINED SIXTY YEARS OF AGE AS PROVIDED IN PARA-
21 GRAPH THREE OF SUBDIVISION B OF THIS SECTION, MAY ELECT TO RETAIN SUCH
22 ENTITLEMENT, PROVIDED THE MEMBER REMAINS IN SERVICE ON THE THIRTIETH DAY
23 OF DECEMBER IN THE YEAR IN WHICH HE OR SHE ATTAINS SIXTY YEARS OF AGE.

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

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1 THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO THE SUPERINTEN-
2 DENT.

3 S 2. This act shall take effect immediately.

FISCAL NOTE.--This bill will amend Section 381-b of the Retirement and Social Security Law by changing the mandatory retirement age to sixty-two.

If this bill is enacted, there would be additional benefits for certain members who remain employed beyond age 60. However, if some members delay retirement due to enactment of this bill, we would not anticipate that there would be an increase in the annual contributions of the State of New York.

This estimate, dated May 4, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-241, prepared by the Actuary for the New York State and Local Employees' Retirement System.