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

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I N S E N A T E

(PREFILED)

January 6, 2010

Introduced by Sen. C. JOHNSON -- 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 public officers

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 115-a to read as follows:

S 115-A. PUBLIC OFFICERS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR PURPOSES OF THIS ARTICLE, ONLY THE FOLLOWING PERSONS SHALL BE DEEMED TO BE PUBLIC OFFICERS: (A) EVERY OFFICER FOR WHOM ALL THE ELECTORS OF THE STATE ARE ENTITLED TO VOTE, MEMBERS OF THE LEGISLATURE, AND JUSTICES OF THE SUPREME COURT, EXCEPT UNITED STATES SENATORS, MEMBERS OF CONGRESS, AND ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES; AND (B) EVERY OFFICER FOR WHOM THE ELECTORS OF A PORTION ONLY OF THE STATE, OR OF A POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE, ARE ENTITLED TO VOTE. EVERY PERSON WHO HAS BEEN APPOINTED, BUT NOT ELECTED, TO A STATE OR LOCAL OFFICE OTHER THAN THOSE DESCRIBED IN THIS SECTION, SHALL NOT BE DEEMED TO BE A PUBLIC OFFICER.

S 2. This act shall take effect immediately.

FISCAL NOTE. -- Pursuant to legislative law, section 50:

This bill would define public officer to include only elected officers. In so doing, appointed officers would have to satisfy the employee/independent contractor requirements in order to become members of the New York State and Local Employees' Retirement System.

If this bill is enacted, we anticipate that there would be a small annual administrative cost to the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

This estimate, dated January 4, 2010, and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-1, prepared by the Actuary for the New York State and Local Employees' Retirement System.

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

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