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

5808

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. ABBATE, COLTON, PHEFFER, McENENY, BOYLAND -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to the extension of the temporary benefits and supplementation programs and to amend chapter 625 of the laws of 1975 amending the retirement and social security law, relating to the extension of temporary rights and benefits, in relation to the extension of such rights and benefits

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

Section 1. Section 470 of the retirement and social security law, as amended by chapter 27 of the laws of 2007, is amended to read as follows:

S 470. Temporary suspension of retirement negotiations. Until July first, two thousand [nine] ELEVEN, changes negotiated between any public employer and public employee, as such terms are defined in section two hundred one of the civil service law, with respect to any benefit provided by or to be provided by a public retirement system, or payments to a fund or insurer to provide an income for retirees or payment to retirees or their beneficiaries, shall be prohibited. Thereafter, such changes shall be made only pursuant to negotiations between public employers and public employees conducted on a coalition basis pursuant to the provisions of this article; provided, however, any such changes not requiring approval by act of the legislature may be implemented prior to July first, two thousand [nine] ELEVEN, if negotiated as a result of collective bargaining authorized by section six of chapter six hundred twenty-five of the laws of nineteen hundred seventy-five.

S 2. Section 480 of the retirement and social security law, as amended by chapter 27 of the laws of 2007, is amended to read as follows:

S 480. Extension of temporary benefits and supplementation programs. a. Every temporary right, privilege or benefit conferred pursuant to the provisions of a general, special or local law (other than pursuant

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

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to articles fourteen and fifteen of this chapter) for any member of a public retirement system or pension plan funded by the state or one of its political subdivisions, which is scheduled to expire or terminate at any time during nineteen hundred seventy-four, nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-two, nineteen hundred eighty-three, nineteen hundred eighty-four, nineteen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand, two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven [or], two thousand eight, TWO THOUSAND NINE, TWO THOUSAND TEN OR TWO THOUSAND ELEVEN, is hereby extended until July first, two thousand [nine] ELEVEN, notwithstanding the provisions of such general, special or local law. Notwithstanding the foregoing, nothing in this section shall be construed to extend the provisions of article eighteen of this chapter or to affect any statutory deadlines provided in such article.

b. (i) Any program under which an employer in a public retirement system funded by the state or one of its political subdivisions assumes all or part of the contribution which would otherwise be made by its employees toward retirement, which expires or terminates during nineteen hundred seventy-four, is hereby extended until July first, two thousand [nine] ELEVEN, notwithstanding the provisions of any other general, special or local law, except that commencing with the payroll period the first day of which is nearest to January first, nineteen hundred seventy-six, and until July first, two thousand [nine] ELEVEN, the rate of such contribution assumed by an employer in any of the public retirement systems funded and maintained by a city, shall be one-half the rate of such contribution assumed by such employer for the immediately preceding payroll period except as provided in paragraph (ii) of this subdivision.

(ii) Commencing with the first payroll period the first day of which is subsequent to October first, two thousand and until July first, two thousand [nine] ELEVEN, the rate of such contribution assumed by an employer in the New York city police pension fund and in the New York city fire department pension fund shall be equal to the rate of such contributions assumed by such employer for the payroll period preceding January first, nineteen hundred seventy-six.

c. All supplemental retirement allowances or supplemental pensions paid to pensioners or beneficiaries of any retirement system supported in whole or in part by the state or a political subdivision thereof, which are scheduled to expire at any time during nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-two, nineteen hundred eighty-three, nineteen hundred eighty-four, nineteen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,

nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven [or], two thousand eight, TWO THOUSAND NINE, TWO THOUSAND TEN OR TWO THOUSAND ELEVEN, shall be continued for an additional year notwithstanding any other provision of any general, special or local law provided, however, that all such supplemental retirement allowances or supplemental pensions which are scheduled to expire at any time during two thousand [seven] NINE shall be continued for two additional years notwithstanding any other provisions of any general, special or local law.

S 3. Section 615 of the retirement and social security law, as amended by chapter 27 of the laws of 2007, is amended to read as follows:

S 615. Duration. Notwithstanding any other provisions of this chapter or of any other law, the provisions of article fourteen of this chapter shall expire on June thirtieth, two thousand [nine] ELEVEN, but shall no longer apply to members to whom this article applies on the date article fifteen of this chapter becomes effective, provided, however, any member who has retired pursuant to the provisions of article fourteen of this chapter before the effective date of this article or any beneficiary of such a member or a beneficiary of a member who dies before the effective date of this article and who is entitled to a death benefit pursuant to article fourteen of this chapter shall receive such benefits pursuant to the provisions of article fourteen of this chapter, except as provided pursuant to the provisions of section six hundred seventeen of this article. All benefits provided by a public retirement system of the state shall continue with respect to members to which this article is applicable only until June thirtieth, two thousand [nine] ELEVEN.

S 4. Section 6 of chapter 625 of the laws of 1975 amending the retirement and social security law, relating to the extension of temporary rights and benefits, as amended by chapter 27 of the laws of 2007, is amended to read as follows:

S 6. Notwithstanding any inconsistent provisions of this act or of any general, special or local law, on and after July 1, 1975 and up to and including June 30, [2009] 2011: (a) a participating employer in the New York state and local employees' retirement system or the New York state and local police and fire retirement system and its employees shall continue to have the right to negotiate with respect to any benefit provided by or to be provided by such employer to such employees as members of such system and not requiring approval by act of the legislature; and (b) a public authority or public benefit corporation which is not a participating employer in the New York state and local employees' retirement system or the New York city employees' retirement system shall continue to have the right to negotiate with its employees with respect to benefits to be provided by such employer to such employees upon retirement and not requiring approval by act of the legislature.

S 5. This act shall take effect immediately; provided that the amendments to section 615 of the retirement and social security law made by section three of this act shall expire on the same date as such section expires pursuant to such section 615.

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

This bill would extend for 2 years those temporary benefits provided by a public retirement system of the State, including the right of members to negotiate for improved benefits not requiring approval by an Act of the legislature.

Insofar as this would affect the New York State and Local Employees' Retirement System (NYS&LERS) and the New York State and Local Police and Fire Retirement System (NYS&LPFRS), there would be no increase in employer contributions over current levels for the State of New York or the participating employers in the NYS&LERS or the NYS&LPFRS.

This estimate, dated February 6, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-144, prepared by the Actuary for the NYS&LERS and the NYS&LPFRS.