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

8076

2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

Introduced by M. of A. OAKS -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Lyons to offer an optional twenty year retirement plan to certain police officers employed by such village

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

Section 1. Notwithstanding any other provision of law to the contrary, the village of Lyons, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to John Flock and Scott VanDuyne, police officers employed by the village of Lyons, who, for reasons not ascribable to their own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The village of Lyons may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its local legislative body together with certification that such police officers did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such police officers may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2010.

S 2. All employer costs associated with implementing the provisions of this act shall be borne by the village of Lyons and the past service costs associated with this act may be amortized over a period of five or ten years.

S 3. This act shall take effect immediately.

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

LBD10914-03-9

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

In estimating this cost, we have assumed the following:

1. The legislation, when drafted will affect only Officers John J. Flock and Scott W. VanDuyne.

2. The legislation will specify that both officers may elect to become covered by the provisions of the twenty (20) year half-pay retirement plan Section 384-d.

3. The legislation will specify that the Village of Lyons will pay all employer past service costs incurred due to its enactment. If this legislation is enacted during the 2009 legislative session and both officers become covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately $2,500 in the annual contributions of the Village of Lyons 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 $43,000, which will be borne by the Village of Lyons as a one time payment, assuming a payment date of February 1, 2010. If the legislation so specifies and the past service cost were amortized over a period of five (5) or ten (10) years, the past service costs for the first year including interest, would be approximately $9,980 or $5,940 respectively.

This fiscal note was prepared by Teri E. Landin, Retirement Systems Actuary.