

3166

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

Introduced by Sen. SAVINO -- 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 service retirement benefits for peace officers employed by the unified court system

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

1 Section 1. Section 75-h of the retirement and social security law is
2 amended by adding a new subdivision h to read as follows:

3 H. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT
4 SYSTEM MAY RETIRE WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT
5 UPON HIS OR HER ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION
6 OF TWENTY-FIVE YEARS OF SERVICE.

7 S 2. Paragraph 1 of subdivision b of section 442 of the retirement and
8 social security law, as amended by chapter 306 of the laws of 1996, is
9 amended to read as follows:

10 1. A member who is [a peace officer employed by the unified court
11 system or] a member of a teacher's retirement system or a member of the
12 New York state and local employees' retirement system may retire without
13 reduction of his OR HER retirement benefit upon his OR HER attainment of
14 at least fifty-five years of age and completion of thirty or more years
15 of service; and

16 S 3. Subdivision b of section 442 of the retirement and social securi-
17 ty law is amended by adding a new paragraph 5 to read as follows:

18 5. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT
19 SYSTEM MAY RETIRE WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT
20 UPON HIS OR HER ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION
21 OF TWENTY-FIVE YEARS OF SERVICE.

22 S 4. Subdivision a of section 503 of the retirement and social securi-
23 ty law, as amended by chapter 662 of the laws of 1988, is amended to
24 read as follows:

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

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1 a. The normal service retirement benefit specified in section five
2 hundred four OF THIS ARTICLE shall be payable to general members, other
3 than elective members, who have met the minimum service requirements
4 upon retirement and attainment of age sixty-two, provided, however, a
5 general member who is a [peace officer employed by the unified court
6 system or a] member of a teachers' retirement system may retire without
7 reduction of his or her retirement benefit upon attainment of at least
8 fifty-five years of age and completion of thirty or more years of
9 service AND A GENERAL MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE
10 UNIFIED COURT SYSTEM MAY RETIRE WITHOUT REDUCTION OF HIS OR HER RETIRE-
11 MENT BENEFIT UPON ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND
12 COMPLETION OF TWENTY-FIVE OR MORE YEARS OF SERVICE.

13 S 5. Subdivision a of section 603 of the retirement and social securi-
14 ty law, as amended by section 3 of chapter 19 of the laws of 2008, is
15 amended to read as follows:

16 a. The service retirement benefit specified in section six hundred
17 four of this article shall be payable to members who have met the mini-
18 mum service requirements upon retirement and attainment of age sixty-
19 two, other than members who are eligible for early service retirement
20 pursuant to subdivision c of section six hundred four-b of this article,
21 subdivision c of section six hundred four-c of this article, subdivision
22 d of section six hundred four-d of this article, subdivision c of
23 section six hundred four-e of this article, subdivision c of section six
24 hundred four-f of this article, subdivision c of section six hundred
25 four-g of this article, subdivision c of section six hundred four-h of
26 this article or subdivision c of section six hundred four-i of this
27 article, provided, however, a member who is a peace officer employed by
28 the unified court system or a member of a teachers' retirement system or
29 the New York state and local employees' retirement system may retire
30 without reduction of his or her retirement benefit upon attainment of at
31 least fifty-five years of age and completion of thirty or more years of
32 service. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT
33 SYSTEM MAY RETIRE WITHOUT A REDUCTION OF HIS OR HER RETIREMENT BENEFIT
34 UPON ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION OF TWEN-
35 TY-FIVE YEARS OF SERVICE.

36 S 6. Subdivision a of section 603 of the retirement and social securi-
37 ty law, as amended by section 3-a of chapter 19 of the laws of 2008, is
38 amended to read as follows:

39 a. The service retirement benefit specified in section six hundred
40 four of this article shall be payable to members who have met the mini-
41 mum service requirements upon retirement and attainment of age sixty-
42 two, other than members who are eligible for early service retirement
43 pursuant to subdivision c of section six hundred four-b of this article,
44 subdivision c of section six hundred four-c of this article, subdivision
45 d of section six hundred four-d of this article, subdivision c of
46 section six hundred four-e of this article, subdivision c of section six
47 hundred four-f of this article, subdivision c of section six hundred
48 four-g of this article, subdivision c of section six hundred four-h of
49 this article or subdivision c of section six hundred four-i of this
50 article provided, however, a member who is a peace officer employed by
51 the unified court system or a member of a teachers' retirement system or
52 the New York state and local employees' retirement system may retire
53 without reduction of his or her retirement benefit upon attainment of at
54 least fifty-five years of age and completion of thirty or more years of
55 service. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT
56 SYSTEM MAY RETIRE WITHOUT A REDUCTION OF HIS OR HER RETIREMENT BENEFIT

1 UPON ATTAINMENT OF AT LEAST FIFTY YEARS OF AGE AND COMPLETION OF TWEN-
2 TY-FIVE YEARS OF SERVICE.

3 S 7. The cost attributable to the operation of this act shall be borne
4 by the unified court system.

5 S 8. This act shall take effect immediately; provided, however, the
6 amendments to sections 503 and 603 of the retirement and social security
7 law, made by sections four, five and six of this act, shall not affect
8 the expiration of such sections and shall expire on the same date as
9 article 15 of such law expires pursuant to section 615 of the retirement
10 and social security law; provided, further, that the amendments to
11 subdivision a of section 603 of the retirement and social security law
12 made by section five of this act shall be subject to the expiration and
13 reversion of such subdivision pursuant to section 13 of chapter 682 of
14 the laws of 2003, as amended, when upon such date the provisions of
15 section six of this act shall take effect.

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

This bill would allow Peace Officers employed by the Unified Court System to retire without benefit reduction due to early retirement upon the attainment of age fifty (50) and completion of at least twenty-five (25) years of service.

If this bill is enacted, we anticipate that there will be an increase of approximately \$9.4 million in the annual contributions of the State of New York, on behalf of the Unified Court System 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 \$57.7 million which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2010.

These estimated costs are based on six thousand one hundred thirty-eight (6,138) known affected officers having a total estimated annual salary for the fiscal year ending March 31, 2009 of approximately \$444 million.

This estimate, dated December 31, 2008 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-80, prepared by the Actuary for the New York State and Local Employees' Retirement System.