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

5541

2009-2010 Regular Sessions

I N S E N A T E

May 14, 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 authorizing the transfer of service credit and membership of members of the New York state and local police and fire retirement system, who are in a 20 year retirement plan, to the New York state and local employees' retirement system

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

Section 1. Section 384-d of the retirement and social security law is amended by adding a new subdivision y to read as follows:

Y. ANY MEMBER CURRENTLY ENROLLED PURSUANT TO THIS SECTION AND WHO PREVIOUSLY TRANSFERRED SERVICE CREDIT FROM THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM, MAY ELECT TO TRANSFER SUCH PREVIOUSLY TRANSFERRED SERVICE CREDIT BACK TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, AND SUCH MEMBER SHALL HAVE THE OPTION TO RETROACTIVELY TRANSFER HIS OR HER MEMBERSHIP INTO SUCH EMPLOYEES' RETIREMENT SYSTEM.

S 2. Section 381-b of the retirement and social security law is amended by adding a new subdivision g to read as follows:

G. TRANSFER OF MEMBERSHIP TO EMPLOYEES' RETIREMENT SYSTEM. ANY MEMBER CURRENTLY ENROLLED PURSUANT TO THIS SECTION AND WHO PREVIOUSLY TRANSFERRED SERVICE CREDIT FROM THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM, MAY ELECT TO TRANSFER SUCH PREVIOUSLY TRANSFERRED SERVICE CREDIT BACK TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, AND SUCH MEMBER SHALL HAVE THE OPTION TO RETROACTIVELY TRANSFER HIS OR HER MEMBERSHIP INTO SUCH EMPLOYEES' RETIREMENT SYSTEM.

S 3. This act shall take effect immediately.

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

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

LBD11520-01-9

This bill will allow any member of the New York State and Local Police and Fire Retirement System, who is covered by Sections 384-d or 381-b of the Retirement and Social Security Law, and who transferred service credit from the New York State and Local Employees' Retirement System to the New York State and Local Police and Fire Retirement System, to transfer that service credit back to the New York State and Local Employees' Retirement System. If such member had been in a contributory plan in the New York State and Local Employees' Retirement System, and had withdrawn those contributions when they transferred, then by reinstating their membership in the New York State and Local Employees' Retirement System, they would be required to replace any member contributions, with interest.

Insofar as this will affect the New York State and Local Employees' Retirement System, if this bill is enacted, we anticipate that there will be negligible costs to the State of New York and all of the participating employers of the New York State and Local Employees' Retirement System, since this will generally match the release of liabilities from the New York State and Local Employees' Retirement System at the time of the original transfer from the New York State and Local Employees' Retirement System. However there would be costs to members who had transferred from a contributory plan, to replace those contributions. This cost to the members would depend on their salaries and years of service in the New York State and Local Employees' Retirement System.

This estimate, dated March 27, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-191, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.