

6217

2009-2010 Regular Sessions

I N S E N A T E

October 14, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to supplemental military retirement allowances for members of public retirement systems of the state

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

1 Section 1. Section 1000 of the retirement and social security law is
2 amended by adding a new subdivision 8-a to read as follows:
3 8-A. A PERSON WHO RETIRED PRIOR TO DECEMBER TWENTY-FIRST, NINETEEN
4 HUNDRED NINETY-EIGHT AND WHO WOULD HAVE BEEN ENTITLED TO THE PROVISIONS
5 OF THIS SECTION, MAY MAKE APPLICATION TO SUCH RETIREMENT SYSTEM NO LATER
6 THAN DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN FOR A SUPPLEMENTAL MILI-
7 TARY RETIREMENT ALLOWANCE PURSUANT TO THIS SUBDIVISION. THE SUPPLE-
8 MENTAL RETIREMENT ALLOWANCE PROVIDED BY THIS SUBDIVISION SHALL BE IN
9 LIEU OF ANY BENEFIT OTHERWISE PROVIDED PURSUANT TO THIS SECTION AND ANY
10 CREDIT GRANTED FOR MILITARY SERVICE WITH ANY RETIREMENT SYSTEM OF THIS
11 STATE PURSUANT TO ANY OTHER SECTION OF LAW. UPON RECEIPT OF AN APPLICA-
12 TION, THE RETIREMENT SYSTEM SHALL DETERMINE THE AMOUNT OF SERVICE CREDIT
13 SUCH PERSON WOULD HAVE BEEN ENTITLED TO RECEIVE PURSUANT TO SUBDIVISIONS
14 ONE AND TWO OF THIS SECTION, SUBJECT TO THE LIMITATIONS CONTAINED IN
15 THIS SECTION. THE SUPPLEMENTAL MILITARY RETIREMENT ALLOWANCE SHALL EQUAL
16 THE RETIREMENT ALLOWANCE OF SUCH PERSON, COMPUTED WITHOUT OPTIONAL
17 MODIFICATION AND NOT TO EXCEED FIFTEEN THOUSAND DOLLARS, MULTIPLIED BY
18 TWENTY-FIVE ONE HUNDREDTHS OF ONE PERCENT PER MONTH OF THE SERVICE CRED-
19 IT AS DETERMINED PURSUANT TO THIS SUBDIVISION. ONE-TWELFTH OF THE
20 SUPPLEMENTAL MILITARY RETIREMENT ALLOWANCE SHALL BE ADDED TO THE RETIRE-
21 MENT ALLOWANCE OF SUCH PERSON EACH MONTH. THE BENEFIT PAYABLE PURSUANT
22 TO THIS SECTION SHALL COMMENCE ON THE NEXT RETIREMENT ALLOWANCE PAYABLE
23 AT LEAST THIRTY DAYS AFTER THE RECEIPT OF AN APPLICATION FROM SUCH

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

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1 PERSON. FOR THE PURPOSES OF THIS SUBDIVISION, RETIREMENT ALLOWANCE SHALL
2 EXCLUDE ANY ANNUITY DERIVED FROM VOLUNTARY CONTRIBUTIONS MADE BY THE
3 INDIVIDUAL, EXCEPT THOSE MADE PURSUANT TO ELECTIONS UNDER SUBDIVISION
4 ONE OF SECTION FIVE HUNDRED ELEVEN-A OR PARAGRAPH C OF SUBDIVISION THREE
5 OF SECTION FIVE HUNDRED SIXTEEN OF THE EDUCATION LAW, BUT SHALL INCLUDE
6 ANY COST OF LIVING ADJUSTMENT DERIVED FROM SECTIONS SEVENTY-EIGHT-A AND
7 THREE HUNDRED SEVENTY-EIGHT-A OF THIS CHAPTER OR SECTION FIVE HUNDRED
8 THIRTY-TWO-A OF THE EDUCATION LAW, AS APPLICABLE. THE BENEFIT PAYABLE
9 PURSUANT TO THIS SUBDIVISION SHALL BE PAYABLE FOR THE LIFE OF THE
10 RETIRED MEMBER ONLY, EXCEPT THAT THE SURVIVING SPOUSE OF A DECEASED
11 MEMBER WHO RETIRED UNDER AN OPTION PROVIDING A BENEFIT TO BE CONTINUED
12 FOR LIFE TO THE SURVIVING SPOUSE AFTER THE DEATH OF THE MEMBER SHALL BE
13 ENTITLED TO RECEIVE FIFTY PERCENT OF THE MONTHLY BENEFIT THAT THE
14 RETIRED MEMBER WOULD BE RECEIVING PURSUANT TO THIS SUBDIVISION, IF
15 LIVING, COMMENCING WITH THE NEXT RETIREMENT ALLOWANCE PAYABLE AT LEAST
16 THIRTY DAYS AFTER RECEIPT OF AN APPLICATION FROM THE RETIRED MEMBER FOR
17 THE BENEFIT OR PAYABLE AFTER THE DEATH OF THE RETIRED MEMBER, WHICHEVER
18 IS LATER.

19 S 2. Subdivision b of section 78-a of the retirement and social secu-
20 rity law, as added by chapter 125 of the laws of 2000, is amended to
21 read as follows:

22 b. Said cost-of-living adjustment shall be a percentage of the annual
23 retirement allowance otherwise payable, computed without optional
24 modification, but including any benefit derived from subdivision f of
25 this section [and], any prior year's cost-of-living adjustment derived
26 from this section AND THE AMOUNT OF ANY SUPPLEMENTAL MILITARY RETIREMENT
27 ALLOWANCE DERIVED FROM SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF
28 THIS CHAPTER. Said percentage is set forth in subdivision d of this
29 section.

30 S 3. Subdivision b of section 378-a of the retirement and social secu-
31 rity law, as added by chapter 125 of the laws of 2000, is amended to
32 read as follows:

33 b. Said cost-of-living adjustment shall be a percentage of the annual
34 retirement allowance otherwise payable, computed without optional
35 modification, but including any benefit derived from subdivision f of
36 this section [and], any prior year's cost-of-living adjustment derived
37 from this section AND THE AMOUNT OF ANY SUPPLEMENTAL MILITARY RETIREMENT
38 ALLOWANCE DERIVED FROM SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF
39 THIS CHAPTER. Said percentage is set forth in subdivision d of this
40 section.

41 S 4. Subdivision b of section 532-a of the education law, as added by
42 chapter 125 of the laws of 2000, is amended to read as follows:

43 b. Said cost-of-living adjustment shall be a percentage of the annual
44 retirement allowance otherwise payable, computed without optional
45 modification, excluding any annuity derived from voluntary contributions
46 made by members, except those made pursuant to elections under subdivi-
47 sion one of section five hundred eleven-a or paragraph c of subdivision
48 three of section five hundred sixteen of this article, but including any
49 benefit derived from subdivision f of this section [and], any prior
50 year's cost-of-living adjustment derived from this section AND THE
51 AMOUNT OF ANY SUPPLEMENTAL MILITARY RETIREMENT ALLOWANCE DERIVED FROM
52 SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF THE RETIREMENT AND SOCIAL
53 SECURITY LAW. Said percentage is set forth in subdivision d of this
54 section.

1 S 5. Subdivision b of section 13-696 of the administrative code of the
2 city of New York, as added by chapter 125 of the laws of 2000, is
3 amended to read as follows:
4 b. Said cost-of-living adjustment shall be a percentage of the annual
5 fixed retirement allowance otherwise payable, computed without optional
6 modification, but including any benefit derived from subdivision f of
7 this section [and], any prior year's cost-of-living adjustment derived
8 from this section AND THE AMOUNT OF ANY SUPPLEMENTAL MILITARY ALLOWANCE
9 DERIVED FROM SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF THE RETIRE-
10 MENT AND SOCIAL SECURITY LAW. Said percentage is set forth in subdivi-
11 sion d of this section.
12 S 6. This act shall take effect immediately.