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

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I N S E N A T E

(PREFILED)

January 6, 2010

Introduced by Sen. C. JOHNSON -- 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 the reporting requirements of public entities; and to repeal section 217 of such law relating thereto

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

Section 1. Section 217 of the retirement and social security law is REPEALED and a new section 217 is added to read as follows:

S 217. REPORTING REQUIREMENTS; PUBLIC ENTITY SALARY TRANSPARENCY AND DISCLOSURE. 1. AS USED IN THIS SECTION, THE TERM PUBLIC ENTITY SHALL MEAN: (I) THE STATE; (II) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE; (III) A SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, OR ANY OTHER GOVERNMENTAL ENTITY OR COMBINATION OR ASSOCIATION OF GOVERNMENTAL ENTITIES OPERATING A PUBLIC SCHOOL, COLLEGE, COMMUNITY COLLEGE OR UNIVERSITY; (IV) A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT; (V) A PUBLIC AUTHORITY, COMMISSION, AGENCY OR PUBLIC BENEFIT CORPORATION; (VI) A DISTRICT CORPORATION; OR (VII) ANY OTHER SEPARATE CORPORATE INSTRUMENTALITY OR UNIT OF GOVERNMENT.

2. A PUBLIC ENTITY SHALL REPORT ALL MONEY EARNED BY A RETIRED PERSON IN ITS EMPLOY THAT IS IN EXCESS OF THE EARNINGS LIMITATION OUTLINED IN SECTION TWO HUNDRED TWELVE OF THIS ARTICLE TO THE RETIREMENT SYSTEM ADMINISTERED BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS FROM WHOM SUCH RETIRED PERSON IS COLLECTING THEIR RETIREMENT ALLOWANCE.

3. A PUBLIC ENTITY EMPLOYING A RETIRED PERSON WHO IS ELIGIBLE TO COLLECT OR IS ALREADY COLLECTING A RETIREMENT ALLOWANCE FROM A RETIREMENT SYSTEM ADMINISTERED BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS SHALL REPORT ON AN ANNUAL BASIS TO THE RETIREMENT SYSTEM PAYING SUCH RETIREMENT ALLOWANCE TO SUCH RETIRED PERSON AND TO THE STATE COMPTROLLER. THIS REPORT SHALL CONSIST OF THE RE-EMPLOYED RETIREE'S NAME, DATE OF BIRTH, PLACE OF EMPLOYMENT, CURRENT POSITION AND ALL EARNINGS.

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

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S 2. This act shall take effect on the thirtieth day after it shall have become a law.

FISCAL NOTE.--PURSUANT TO LEGISLATIVE LAW, SECTION 50:

This bill would would require the state of New York and the participating employers in a public retirement system which employs any retiree of a public retirement system to annually file a report to the retirement system from which such employee retired. Such report shall consist of the retiree's name, date of birth, place of employment, current position and all earnings.

If this bill is enacted, we anticipate that there would be a small annual administrative cost to the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

This estimate, dated January 4, 2010, and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-2, 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.