

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

7911

2011-2012 Regular Sessions

I N A S S E M B L Y

May 23, 2011

Introduced by M. of A. ABBATE -- (at request of the State Comptroller)
-- read once and referred to the Committee on Governmental Employees

AN ACT to amend the tax law, in relation to access to the wage reporting system

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

1 Section 1. Section 171-a of the tax law, as added by chapter 545 of
2 the laws of 1978, is amended by adding a new subdivision 6-b to read as
3 follows:
4 (6-B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
5 COMMISSIONER SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STATE
6 COMPTROLLER, WHICH AGREEMENT SHALL PROVIDE FOR THE UTILIZATION OF INFOR-
7 MATION OBTAINED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, FOR
8 PURPOSES OF DETERMINING THE AMOUNT A RETIRED MEMBER OF A RETIREMENT
9 SYSTEM OR PENSION PLAN ADMINISTERED BY THE STATE OR ANY OF ITS POLITICAL
10 SUBDIVISIONS WHO RETURNS TO GAINFUL EMPLOYMENT HAS EARNED FOR THE
11 PURPOSES OF SECTIONS ONE HUNDRED TWO, TWO HUNDRED ELEVEN, TWO HUNDRED
12 TWELVE AND THREE HUNDRED TWO OF THE RETIREMENT AND SOCIAL SECURITY LAW.
13 S 2. This act shall take effect immediately.

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

This bill would give the state Comptroller access to the wage reporting system administered by the department of taxation and finance. This would enable the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System to verify that retirees who return to work for any public employer are earning less than the limits under Sections 102, 211, 212 and 302 of the Retirement and Social Security Law.

If this bill is enacted, there would be no additional costs. However, utilization of this information could result in the partial recovery of the pensions of any retirees who earn in excess of these limits.

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

LBD11516-01-1

This estimate, dated December 17, 2010, and intended for use only during the 2011 Legislative Session, is Fiscal Note Number 2011-68 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.