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

4128--A

2011-2012 Regular Sessions

I N S E N A T E

March 21, 2011

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend part A of chapter 504 of the laws of 2009, amending the retirement and social security law and other laws relating to establishing police and fire retirement provisions, in relation to special retirement plans available to persons joining a public retirement system between July 1, 2009 and January 10, 2010

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

Section 1. Section 8 of part A of chapter 504 of the laws of 2009, amending the retirement and social security law and other laws relating to establishing police and fire retirement provisions, is amended to read as follows:

S 8. (A) Notwithstanding any provision of law to the contrary, nothing in this act shall limit the eligibility of any member of an employee organization to join a special retirement plan open to him or her pursuant to a collectively negotiated agreement with any state or local government employer, where such agreement is in effect on the effective date of this act and so long as such agreement remains in effect thereafter; provided, however, that any such eligibility shall not apply upon termination of such agreement for employees otherwise subject to the provisions of article twenty-two of the retirement and social security law.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY ANY MEMBER OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM WHO BECAME A MEMBER ON OR AFTER JULY 1, 2009 AND BEFORE JANUARY 10, 2010 MAY JOIN A SPECIAL RETIREMENT PLAN OPEN TO HIM OR HER PURSUANT TO A

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

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COLLECTIVELY NEGOTIATED AGREEMENT WITH ANY STATE OR LOCAL GOVERNMENT EMPLOYER, WHERE SUCH AGREEMENT WAS IN EFFECT ON OR AFTER JULY 1, 2009 AND BEFORE JANUARY 10, 2010.

S 2. This act shall take effect immediately.

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

This bill would allow an individual who became a member of the New York State and Local Police and Fire Retirement System (PFRS) on or after July 1, 2009 and before January 10, 2010 to join a special retirement plan open to him or her pursuant to a collective bargaining agreement in effect on or after July 1, 2009 and before January 10, 2010. Such members who had elected coverage under Article 22 of the Retirement and Social Security Law and so are not subject to the provisions of Article 14 will not be required to make employee contributions. Currently, such members are making employee contributions of 3% of their salaries.

If this bill is enacted, we anticipate that the employers of such members who are covered under PFRS special retirement contributory plans would see an increase in their annual contributions for the fiscal year ending March 31, 2013 of approximately 3.9% of the annual salaries of such members.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 6, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-51, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.