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

7477--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 22, 2013

Introduced by M. of A. BENEDETTO -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for military service rendered during the cold war

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

Section 1. Section 1000 of the retirement and social security law is amended by adding a new subdivision 2-a to read as follows:

2-A. (A) A MEMBER, UPON APPLICATION TO SUCH RETIREMENT SYSTEM, MAY OBTAIN A TOTAL NOT TO EXCEED THREE YEARS OF SERVICE CREDIT FOR UP TO THREE YEARS OF MILITARY DUTY, AS DEFINED IN SECTION TWO HUNDRED FORTY-THREE OF THE MILITARY LAW, IF HONORABLY DISCHARGED THEREFROM, IF ALL OR PART OF SUCH SERVICES WAS RENDERED DURING THE COLD WAR. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "COLD WAR" SHALL MEAN THE PERIOD BEGINNING SEPTEMBER SECOND, NINETEEN HUNDRED FORTY-FIVE AND ENDING DECEMBER TWENTY-SIXTH, NINETEEN HUNDRED NINETY-ONE.

(B) TO BE ELIGIBLE TO RECEIVE CREDIT FOR MILITARY SERVICE UNDER THIS SUBDIVISION, A MEMBER MUST MAKE APPLICATION FOR SUCH CREDIT BEFORE THE EFFECTIVE DATE OF RETIREMENT.

S 2. This act shall take effect immediately.

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

This bill would add subdivision 2-a to Section 1000 of the Retirement and Social Security Law to allow a member of a public retirement system of New York State to obtain service credit for up to three years of military duty, as defined in Section 243 of the Military Law, if all or part of such military duty was rendered during the Cold War provided such member received an honorable discharge. For the purposes of subdivision 2-a, the term Cold War is defined to be the period beginning

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

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September 2, 1945 and ending December 26, 1991. A member must have at least five years of credited service to be eligible and make application for such credit before the effective date of retirement. To obtain such credit, a member must make payments as required in Section 1000 of the Retirement and Social Security Law. This act shall take effect immediately.

It is not possible to determine the total annual cost to the employers of members of the New York State Teachers' Retirement System since the total amount of service credit which would be claimed under this bill cannot be estimated. However, the cost to the employers of members of the New York State Teachers' Retirement System is estimated to be $21,400 per year of service credited for Tier 1 and 2 members, $18,300 per year of service credited for Tier 3 and 4 members, $16,600 per year of service credited for Tier 5 members and $10,700 per year of service credited for Tier 6 members if this bill is enacted.

The source of this estimate is Fiscal Note 2013-42 dated June 6, 2013 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.