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

7256--A

I N S E N A T E

May 8, 2014

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee and committed to the Committee on Finance -- 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 allowing the transfer of membership in the MTA police retirement program to the New York state and local police and fire retirement system

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

Section 1. Subdivision a of section 343 of the retirement and social security law, as amended by chapter 728 of the laws of 2006, the opening paragraph as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

a. Notwithstanding any other provision of law providing for transfers, any member of any retirement system maintained by the state or a municipality thereof, operating on a sound financial basis and subject to the supervision of the department of financial services of this state may transfer his or her membership pursuant to this section to the New York state and local employees' retirement system, the New York city board of education employees' retirement system, the New York state teachers' retirement system, the New York state and local police and fire retirement system or to the New York city employees' retirement system. Any member of the New York state and local police and fire retirement system may transfer his or her membership to any retirement system, other than the hospital retirement system, which is operating on a sound basis and is subject to the supervision of the department of financial services of this state. Any police officer employed by the metropolitan transportation authority who is a member of the MTA police twenty year retirement program of the metropolitan transportation authority defined benefit pension plan (hereinafter referred to in this section as the "MTA police retirement program") may transfer his or her membership in the New York state and local police and fire retirement system and/or the New York

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

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city police pension fund to the MTA police retirement program. ANY POLICE OFFICER WHO WAS EMPLOYED BY THE METROPOLITAN TRANSPORTATION AUTHORITY, THE LONG ISLAND RAILROAD COMPANY OR THE METRO-NORTH COMMUTER RAILROAD COMPANY AND WHO IS A MEMBER OF THE MTA POLICE RETIREMENT PROGRAM MAY TRANSFER HIS OR HER MEMBERSHIP IN THE MTA POLICE RETIREMENT PROGRAM TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM. Any transfer pursuant to this section may be effectuated only if the member has accepted a position in another branch of the state or municipal service which would make it:

1. Impossible for him or her to continue in the retirement system of which he or she has been a member, and

2. Possible for him or her to participate in another such system.

Notwithstanding the foregoing provisions of this subdivision, any employee who would be eligible to avail himself or herself of the provisions of this section but for being on leave of absence status from a prior employment while in his or her present employment, shall be permitted to transfer his or her retirement system membership pursuant to the provisions of this section.

S 2. Subdivision h of section 343 of the retirement and social security law, as amended by chapter 728 of the laws of 2006, is amended to read as follows:

h. Notwithstanding any other provision of law to the contrary, with respect to transfers pursuant to this section which occur on or after the effective date of this subdivision, no determination of a reserve pursuant to subdivision c of this section or transfer thereof pursuant to the first sentence of subdivision d of this section shall be required in the case of any transfer pursuant to this section (other than a transfer from the New York state and local police and fire retirement system to either (1) the New York city police department subchapter two pension fund, (2) the New York city fire department subchapter two pension fund or (3) the MTA police retirement program or a transfer from either (i) the New York city police department subchapter two pension fund or (ii) the New York city fire department subchapter two pension fund to either (A) the New York state and local police and fire retirement system or (B) the MTA police retirement program OR A TRANSFER FROM THE MTA POLICE RETIREMENT PROGRAM TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM). For the purpose of giving the transferring member such status and crediting such service in the second retirement system as such member was allowed in the first retirement system in those cases to which this subdivision shall apply, the transfer shall be deemed complete upon receipt by the second retirement system of:

1. a statement from the first retirement system of the transferring member's date of membership in the first retirement system, tier status, service credited to such membership being transferred, and such other information as the second retirement system may require to effectuate the transfer; and

2. such member's accumulated contributions from the first retirement system, if same had not been previously withdrawn, or notice from the first retirement system that such member had no accumulated contributions, or notice from the first retirement system that such member's accumulated contributions had been withdrawn and the amount thereof and, as applicable, receipt from such member of such member's accumulated contributions and interest.

S 3. This act shall take effect immediately.

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

This bill would allow any police officer who was employed by the Metropolitan Transportation Authority, the Long Island Railroad Company or the Metro-North Commuter Railroad Company and who is a member of the MTA police retirement program to transfer his or her membership in the MTA police retirement program to the New York State and Local Police and Fire Retirement System (PFRS). Upon such transfer, the reserves from the MTA police retirement program will be transferred to the PFRS.

If this bill is enacted, we anticipate that there will be no cost to the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 June 16, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-154 prepared by the Actuary for the New York State and Local Police and Fire Retirement System.