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

10369--A

I N A S S E M B L Y

May 24, 2016

Introduced by M. of A. ABBATE, GOLDFEDER -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend 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 persons joining a public retirement system on or after July 1, 2009 and before 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 A RETIREMENT SYSTEM WITHIN NEW YORK STATE WHO BECAME A MEMBER OF SUCH SYSTEM ON OR AFTER JULY 1, 2009 AND BEFORE JANUARY 10, 2010 AND SUBSEQUENTLY BECOME A MEMBER OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM AND THEREAFTER TRANSFERRED HIS OR HER MEMBERSHIP IN THE FIRST RETIREMENT SYSTEM TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM MAY ELECT TO BE COVERED BY THE PROVISIONS OF ARTICLE TWENTY-TWO OF THE RETIREMENT AND SOCIAL SECURITY LAW EFFECTIVE

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

LBD14508-08-6

ON THE DATE OF MEMBERSHIP IN THE FIRST RETIREMENT SYSTEM. SUCH MEMBER SHALL ALSO BE PERMITTED TO ELECT ANY SPECIAL RETIREMENT PLAN AVAILABLE TO HIM OR HER. ANY CONTRIBUTIONS FOR PREVIOUS PENSION BENEFITS SHALL NOT BE REFUNDED.

S 2. This act shall take effect immediately.

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

This bill would amend Chapter 504 of the Laws of 2009 to allow an individual who became a member of a public retirement system on or after July 1, 2009 and before January 10, 2010 and who transferred membership into the New York State and Local Police and Fire Retirement System (PFRS) to elect to be covered by the provisions of Article 22 of the Retirement and Social Security Law. Such member would also be allowed to elect to become covered by any plan that would have been available to such member had such member been covered under Article 22 on or after July 1, 2009 and before January 10, 2010. Any member who becomes covered under a non-contributory plan would no longer be required to make member contributions.

If this bill is enacted, there would not be any cost to the State of New York and the participating employers in the New York State and Local Police and Fire Retirement System.

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, 2015 actuarial valuation. Distributions and other statistics can be found in the 2015 Report of the Actuary and the 2015 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 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, 2015 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 7, 2016, and intended for use only during the 2016 Legislative Session, is Fiscal Note No. 2016-112, prepared by the Actuary for the New York State and Local Retirement System.