

1989

2015-2016 Regular Sessions

I N A S S E M B L Y

January 13, 2015

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Education

AN ACT to amend the education law, the general municipal law and the public authorities law, in relation to allowing the city school district of the city of Yonkers the option of amortizing future payments to the New York state teachers' retirement system

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

1 Section 1. Section 521 of the education law is amended by adding a new
2 subdivision 4 to read as follows:
3 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
4 BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF YONKERS
5 MAY ELECT TO PROVIDE FOR THE FINANCING OF A CERTAIN PORTION OF THE
6 CONTRIBUTIONS DUE FROM SUCH EMPLOYER PURSUANT TO THIS SECTION ON ACCOUNT
7 OF PENSIONABLE COMPENSATION PAID BY SUCH EMPLOYER DURING THE PLAN YEARS
8 JULY FIRST, TWO THOUSAND FIFTEEN THROUGH JUNE THIRTIETH, TWO THOUSAND
9 SIXTEEN AND JULY FIRST, TWO THOUSAND SIXTEEN THROUGH JUNE THIRTIETH, TWO
10 THOUSAND SEVENTEEN IN ACCORDANCE WITH THE FOLLOWING PROVISIONS.
11 A. THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF
12 YONKERS SHALL HAVE THE AUTHORITY TO ADOPT A BOND RESOLUTION AUTHORIZING
13 THE FINANCING OF THE PAYMENT OF A PORTION OF THE CONTRIBUTIONS DUE FROM
14 SUCH EMPLOYER ON ACCOUNT OF PENSIONABLE COMPENSATION PAID BY SUCH
15 EMPLOYER IN SUCH PLAN YEARS BY THE ISSUANCE OF BONDS, PROVIDED THE ISSU-
16 ANCE OF SUCH OBLIGATIONS OTHERWISE COMPLIES WITH THE REQUIREMENTS OF THE
17 LOCAL FINANCE LAW AND THIS CHAPTER AND PROVIDED FURTHER THE AMOUNT OF
18 BONDS ISSUED PURSUANT TO THIS AUTHORITY SHALL NOT IN THE AGGREGATE
19 EXCEED ONE HUNDRED TWENTY-FIVE PER CENTUM OF THE CONTRIBUTIONS DUE FROM
20 SUCH EMPLOYER ON ACCOUNT OF PENSIONABLE COMPENSATION PAID DURING THE
21 PLAN YEAR JULY FIRST, TWO THOUSAND FOURTEEN THROUGH JUNE THIRTIETH, TWO
22 THOUSAND FIFTEEN. SUCH BOARD OF EDUCATION SHALL HAVE THE AUTHORITY TO

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

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1 CONTRACT WITH THE STATE DORMITORY AUTHORITY FOR THE PURPOSES OF FINANC-
2 ING THE PAYMENT UNDER THIS SECTION.

3 B. THE PROCEEDS OF SUCH BOND ISSUANCE SHALL BE DEPOSITED BY THE BOARD
4 OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF YONKERS IN A
5 RETIREMENT CONTRIBUTION RESERVE ACCOUNT ESTABLISHED PURSUANT TO SECTION
6 SIX-R OF THE GENERAL MUNICIPAL LAW AND SHALL BE APPLIED TO OFFSET THOSE
7 CONTRIBUTIONS DUE FROM SUCH EMPLOYER TO THE SYSTEM ON ACCOUNT OF
8 PENSIONABLE COMPENSATION PAID DURING THE PLAN YEARS JULY FIRST, TWO
9 THOUSAND FIFTEEN THROUGH JUNE THIRTIETH, TWO THOUSAND SIXTEEN AND JULY
10 FIRST, TWO THOUSAND SIXTEEN THROUGH JUNE THIRTIETH, TWO THOUSAND SEVEN-
11 TEEN AND PAID TO THE SYSTEM FROM THE APPROPRIATION FOR THE SUPPORT OF
12 COMMON SCHOOLS PURSUANT TO THIS SECTION AS FOLLOWS:

13 (I) SO MUCH OF SUCH PROCEEDS SHALL BE APPLIED TO OFFSET THE CONTRIB-
14 UTIONS DUE FROM SUCH EMPLOYER ON ACCOUNT OF PENSIONABLE COMPENSATION
15 PAID BY SUCH EMPLOYER DURING THE PLAN YEAR JULY FIRST, TWO THOUSAND
16 FIFTEEN THROUGH JUNE THIRTIETH, TWO THOUSAND SIXTEEN AND PAID TO THE
17 SYSTEM FROM THE APPROPRIATION FOR THE SUPPORT OF COMMON SCHOOLS PURSUANT
18 TO THIS SECTION, BUT IN NO EVENT SHALL THE OFFSET EXCEED THE AMOUNT BY
19 WHICH THE CONTRIBUTION OBLIGATION OF SUCH EMPLOYER EXCEEDS EIGHT AND
20 SIXTY-TWO ONE HUNDREDTHS PER CENTUM OF SUCH PENSIONABLE COMPENSATION;
21 AND

22 (II) THE REMAINDER OF SUCH PROCEEDS, IF ANY, SHALL BE APPLIED TO
23 OFFSET THE CONTRIBUTIONS DUE FROM SUCH EMPLOYER ON ACCOUNT OF PENSIONA-
24 BLE COMPENSATION PAID BY SUCH EMPLOYER DURING THE PLAN YEAR JULY FIRST,
25 TWO THOUSAND SIXTEEN THROUGH JUNE THIRTIETH, TWO THOUSAND SEVENTEEN AND
26 PAID TO THE SYSTEM FROM THE APPROPRIATION FOR THE SUPPORT OF COMMON
27 SCHOOLS PURSUANT TO THIS SECTION, BUT IN NO EVENT SHALL THE OFFSET
28 EXCEED THE AMOUNT BY WHICH THE CONTRIBUTION OBLIGATION OF THE EMPLOYER
29 EXCEEDS EIGHT AND SIXTY-TWO ONE HUNDREDTHS PER CENTUM OF SUCH PENSIONA-
30 BLE COMPENSATION; AND

31 (III) ANY BALANCE OF SUCH PROCEEDS, IF ANY, REMAINING AFTER THE
32 ACTIONS PRESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH SHALL
33 BE APPLIED TO OFFSET THE CONTRIBUTIONS DUE FROM SUCH EMPLOYER ON ACCOUNT
34 OF PENSIONABLE COMPENSATION PAID BY SUCH EMPLOYER DURING THE PLAN YEAR
35 JULY FIRST, TWO THOUSAND SEVENTEEN THROUGH JUNE THIRTIETH, TWO THOUSAND
36 EIGHTEEN, USED TO OFFSET DEBT RESULTING FROM THIS BOND ISSUANCE OR PAY
37 FUTURE EMPLOYER PENSION CONTRIBUTIONS.

38 S 2. Paragraphs b and c of subdivision 1 of section 6-r of the general
39 municipal law, as added by chapter 260 of the laws of 2004, are amended
40 to read as follows:

41 b. "Participating employer" means a participating employer as defined
42 in subdivision twenty of section two of the retirement and social secu-
43 rity law or in subdivision twenty of section three hundred two of such
44 law OR THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF
45 YONKERS.

46 c. "Retirement contribution" shall mean all or any portion of the
47 amount payable by a municipal corporation to either the New York state
48 and local employees' retirement system or the New York state and local
49 police and fire retirement system pursuant to section seventeen or three
50 hundred seventeen of the retirement and social security law OR TO THE
51 NEW YORK STATE TEACHERS' RETIREMENT SYSTEM PURSUANT TO SECTIONS FIVE
52 HUNDRED SEVENTEEN AND FIVE HUNDRED TWENTY-ONE OF THE EDUCATION LAW.

53 S 3. Section 6-r of the general municipal law is amended by adding a
54 new subdivision 11 to read as follows:

55 11. A PARTICIPATING EMPLOYER WHICH HAS DEPOSITED THE PROCEEDS OF A
56 BOND ISSUANCE AUTHORIZED PURSUANT TO SUBDIVISION FOUR OF SECTION FIVE

1 HUNDRED TWENTY-ONE OF THE EDUCATION LAW IS AUTHORIZED TO WITHDRAW SUCH
2 PROCEEDS WHEN BUT ONLY TO THE EXTENT SUCH PROCEEDS HAVE BEEN OFFSET
3 AGAINST THE CONTRIBUTION OBLIGATION OF SUCH EMPLOYER TO THE NEW YORK
4 STATE TEACHERS' RETIREMENT SYSTEM AS PROVIDED IN SUCH SUBDIVISION.
5 S 4. Section 1678 of the public authorities law is amended by adding a
6 new subdivision 29 to read as follows:
7 29. TO ENTER INTO A CONTRACT OR CONTRACTS WITH THE BOARD OF EDUCATION
8 OF THE CITY SCHOOL DISTRICT OF THE CITY OF YONKERS FOR THE PURPOSE OF
9 FINANCING RETIREMENT CONTRIBUTIONS PAYMENTS PURSUANT TO SUBDIVISION FOUR
10 OF SECTION FIVE HUNDRED TWENTY-ONE OF THE EDUCATION LAW.
11 S 5. This act shall take effect immediately.