

488--A

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. RYAN -- 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 participation by public or quasi-public organizations in the retirement system

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

1 Section 1. Subdivision a of section 31 of the retirement and social
2 security law, as amended by chapter 379 of the laws of 1989, is amended
3 to read as follows:
4 a. Any public or quasi-public organization created wholly or partly or
5 deriving its powers by the legislature of the state and which organiza-
6 tion employs persons engaged in service to the public or any state agen-
7 cy as defined in section fifty-three-a of the state finance law, or the
8 New York state association of town superintendents of highways, inc. or
9 any school board association, by resolution legally adopted by its
10 governing body and approved by the comptroller, may elect to have its
11 officers and employees become eligible to participate in the retirement
12 system. Acceptance of the officers and employees of such an employer
13 for membership in the retirement system shall be optional with the comp-
14 troller. If he shall approve their participation, such organization,
15 except as specifically provided in this article to the contrary, shall
16 thereafter be treated as a participating employer. Any election made
17 pursuant to this subdivision by a school board association shall be
18 applicable to current employees of such association. NOTWITHSTANDING
19 THE FOREGOING PROVISIONS, ANY OFFICER OR EMPLOYEE OF THE NEW YORK STATE
20 ASSOCIATION OF TOWN SUPERINTENDENTS OF HIGHWAYS, INC., THE NEW YORK
21 STATE SCHOOL BOARDS ASSOCIATION, THE NEW YORK STATE ASSOCIATION OF COUN-
22 TIES, THE ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK, THE NEW YORK

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

LBD00612-02-5

1 CONFERENCE OF MAYORS AND OTHER MUNICIPAL OFFICIALS, OR ANY SCHOOL BOARD
2 ASSOCIATION, FIRST EMPLOYED ON OR AFTER THE EFFECTIVE DATE OF THE CHAP-
3 TER OF THE LAWS OF TWO THOUSAND FIFTEEN WHICH AMENDED THIS SUBDIVISION,
4 SHALL NOT BE ELIGIBLE TO PARTICIPATE AND/OR RECEIVE SERVICE CREDIT IN
5 THE RETIREMENT SYSTEM BASED ON SUCH EMPLOYMENT.

6 S 2. Section 609 of the retirement and social security law is amended
7 by adding a new subdivision i to read as follows:

8 I. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ANY OTHER
9 LAW, RULE OR REGULATION, AN OFFICER OR EMPLOYEE OF THE NEW YORK STATE
10 ASSOCIATION OF TOWN SUPERINTENDENTS OF HIGHWAYS, INC., THE NEW YORK
11 STATE SCHOOL BOARDS ASSOCIATION, THE NEW YORK STATE ASSOCIATION OF COUN-
12 TIES, THE ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK, THE NEW YORK
13 CONFERENCE OF MAYORS AND OTHER MUNICIPAL OFFICIALS, OR ANY SCHOOL BOARD
14 ASSOCIATION, SHALL NOT RECEIVE SERVICE CREDIT FOR EMPLOYMENT WITH SUCH
15 ORGANIZATION ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

16 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
17 sion, section or part of this act shall be adjudged by any court of
18 competent jurisdiction to be invalid, such judgment shall not affect,
19 impair, or invalidate the remainder thereof, but shall be confined in
20 its operation to the clause, sentence, paragraph, subdivision, section
21 or part thereof directly involved in the controversy in which such judg-
22 ment shall have been rendered. It is hereby declared to be the intent of
23 the legislature that this act would have been enacted even if such
24 invalid provisions had not been included herein.

25 S 4. This act shall take effect immediately.

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

This bill would require that persons first employed by the following
associations on or after the effective date will not be eligible for
membership in the New York State and Local Employees' Retirement System:

The New York state association of town superintendents of highways,
inc,

The New York state school board association,

The New York state association of counties,

The association of towns of the state of New York,

The New York conference of mayors and other municipal officials, and

Any school board association.

This legislation also would freeze the benefit accruals of employees
of one of the boards of associations who are members of the NYS&LERS as
of the effective date. If this bill is enacted, it is likely to face a
constitutional challenge based upon the guarantee that a member's bene-
fits may not be diminished.

If this bill is enacted, there will be no cost to the 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, 2014 actuarial valu-
ation. Distributions and other statistics can be found in the 2014
Report of the Actuary and the 2014 Comprehensive Annual Financial
Report.

The actuarial assumptions and methods used are described in the 2010,
2011, 2012, 2013 and 2014 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, 2014
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 statement of actuarial opinion contained herein.

This estimate, dated March 30, 2015, and intended for use only during the 2015 Legislative Session, is Fiscal Note No. 2015-93, prepared by the Actuary for the New York State and Local Employees' Retirement System.