

# STATE OF NEW YORK

7860

## IN SENATE

March 5, 2018

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize the city of Newburgh, in the county of Orange, to offer an optional twenty year retirement plan to police officer Samuel Kenan Jr.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 the city of Newburgh, in the county of Orange, a participating employer  
3 in the New York state and local police and fire retirement system, which  
4 previously elected to offer the optional twenty year retirement plan,  
5 established pursuant to section 384-d of the retirement and social secu-  
6 rity law, to police officers employed by such city, is hereby authorized  
7 to make participation in such plan available to Samuel Kenan Jr., a  
8 police officer who was previously employed by the city of Newburgh, who,  
9 for reasons not ascribable to his own negligence failed to make a timely  
10 application to participate in such optional twenty year retirement plan.  
11 The city of Newburgh may so elect by filing with the state comptroller,  
12 within one year of the effective date of this act, a resolution of the  
13 town board together with certification that such police officer did not  
14 bar himself from participation in such retirement plan as a result of  
15 his own negligence. Thereafter, such police officer may elect to be  
16 covered by the provisions of section 384-d of the retirement and social  
17 security law, and shall be entitled to the full rights and benefits  
18 associated with coverage under such section while so employed, by filing  
19 a request to that effect with the state comptroller within eighteen  
20 months of the effective date of this act.

21 § 2. All past service costs associated with implementing the  
22 provisions of this act shall be borne by the city of Newburgh.

23 § 3. This act shall take effect immediately.

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

This bill will allow the City of Newburgh to reopen the provisions of section 384-d of the Retirement and Social Security Law for former police officer Samuel Kenan Jr., who while an employee of the city was

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

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covered under the provisions of section 375-i. Officer Kenan is currently employed by the City of Peekskill and covered under 384-d.

If this bill is enacted, there is no change in anticipated future annual costs as the member continues to be covered by 384-d. There will be an immediate past service cost of \$149,000 to be borne by the City of Newburgh as a one-time payment. This cost assumes a payment date of February 1, 2019.

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, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 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, 2017 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 February 23, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-47, prepared by the Actuary for the New York State and Local Retirement System.