

STATE OF NEW YORK

6990--A

2019-2020 Regular Sessions

IN ASSEMBLY

April 3, 2019

Introduced by M. of A. SOLAGES, COLTON, GRIFFIN, WOERNER -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- 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 establishing a twenty year retirement plan for members or officers of the regional state park police

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

Section 1. The retirement and social security law is amended by adding a new section 383-e to read as follows:

§ 383-e. Retirement of officers of the regional state park police; twenty year retirement plan. a. Membership. Every non-seasonally appointed sworn member or officer of the regional state park police who enters or re-enters service in any such title shall be covered by the provisions of this section, and every member described in this subdivision in such service on or before one year prior to the effective date of this section may elect to be covered by the provisions of this section by filing an election therefor with the comptroller. To be effective, such election must be duly executed and acknowledged on a form prepared by the comptroller for that purpose.

b. Retirement allowance. A member, covered by the provisions of this section at the time of retirement, shall be entitled to retire upon completion of twenty years of total creditable service in such titles, and shall retire upon the attainment of the mandatory retirement age prescribed by this section, by filing an application therefor in a manner similar to that provided in section three hundred seventy of this article.

1. Upon completion of twenty years of such service and upon retirement, each such member shall receive a pension which, together with an

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

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1 annuity for such years of service as provided in paragraph four of this
2 subdivision, shall be sufficient to provide him or her with a retirement
3 allowance of one-half of his or her final average salary.

4 2. Upon completion of more than twenty years of such service and upon
5 retirement, each such member shall receive, for each year of service in
6 excess of twenty, an additional pension which, together with an annuity
7 for each such year as provided in paragraph four of this subdivision,
8 shall be equal to one-sixtieth of his or her final average salary,
9 provided, however, that the pension payable pursuant to this section
10 shall not exceed three-quarters of final average salary.

11 3. Upon attainment of the mandatory retirement age without completion
12 of twenty years of such service, each such member shall receive a
13 pension which, together with an annuity for such years of service as
14 provided in paragraph four of this subdivision, shall be equal to one-
15 fortieth of his or her final average salary for each year of creditable
16 service in such titles. Every such member shall also be entitled to an
17 additional pension equal to the pension for any creditable service
18 rendered while not an employee in such titles as provided under para-
19 graphs three and four of subdivision a of section three hundred seven-
20 ty-five of this article. This latter pension shall not increase the
21 total allowance to more than one-half of his or her final average sala-
22 ry.

23 4. The annuity provided under paragraphs one, two and three of this
24 subdivision shall be the actuarial equivalent, at the time of retire-
25 ment, of the member's accumulated contributions based upon the rate of
26 contribution fixed under section three hundred eighty-three of this
27 title and upon the salaries earned while in such service. Such annuity
28 shall be computed as it would be if it were not reduced by the actuarial
29 equivalent of any outstanding loan nor by reason of the member's
30 election to decrease his or her contributions toward retirement in order
31 to apply the resulting amount toward payment of contributions for old
32 age and survivor's insurance. Any accumulated contributions in excess of
33 the amount required to provide the annuity computed pursuant to this
34 paragraph shall be used to increase the member's retirement allowance.

35 c. Credit for previous service. In computing the years of total cred-
36 itable service for each member described herein, full credit shall be
37 given and full allowance shall be made for service rendered as a police
38 officer or state university peace officer or member of a police force or
39 department of a state park authority or commission or an organized
40 police force or department of a county, city, town, village, police
41 district, authority or other participating employer or member of the
42 capital police force in the office of general services while a member of
43 the New York state and local police and fire retirement system, of the
44 New York state and local employees' retirement system or of the New York
45 city police pension fund and for all service for which full credit has
46 been given and full allowance made pursuant to the provisions of section
47 three hundred seventy-five-h of this article provided, however, that
48 full credit pursuant to the provisions of such section shall mean only
49 such service as would be creditable service pursuant to the provisions
50 of section three hundred eighty-three, three hundred eighty-three-a,
51 three hundred eighty-three-b, as added by chapter six hundred seventy-
52 four of the laws of nineteen hundred eighty-six, three hundred eighty-
53 three-b, as added by chapter six hundred seventy-seven of the laws of
54 nineteen hundred eighty-six, three hundred eighty-three-c or three
55 hundred eighty-three-d of this title or pursuant to the provisions of
56 title thirteen of the administrative code of the city of New York for

1 any member contributing pursuant to this section who transferred to the
2 jurisdiction of the department of environmental conservation including
3 but not limited to environmental conservation officers and forest
4 rangers, regional state park police or state university of New York
5 peace officers.

6 d. Retirement for cause. Upon receipt of a certificate from the head
7 of the entity where such member is employed or his or her designee, a
8 member as described in subdivision a of this section, who has accrued
9 twenty-five or more years of service credit under this section shall be
10 retired on the first day of the second month next succeeding the date
11 such certificate was filed with the comptroller.

12 e. Credit for military service. In computing the years of total cred-
13 itable service full credit shall be given and full allowance shall be
14 made for service of such member in war after World War I as defined in
15 section three hundred two of this article, provided such member at the
16 time of his or her entrance into the armed forces was in police service
17 as defined in subdivision eleven of section three hundred two of this
18 article.

19 f. Transfer of membership to employees' retirement system. Any member
20 currently enrolled pursuant to this section and who previously trans-
21 ferred service credit from the New York state and local employees'
22 retirement system to the New York state and local police and fire
23 retirement system, may elect to transfer such previously transferred
24 service credit back to the New York state and local employees' retire-
25 ment system, and such member shall have the option to retroactively
26 transfer his or her membership into such employees' retirement system.

27 g. The provisions of this section shall be controlling, notwithstand-
28 ing any provision of this article to the contrary.

29 § 2. All past service costs associated with implementing the
30 provisions of this act shall be borne by the state of New York and may
31 be amortized over a period of ten years.

32 § 3. This act shall take effect on the sixtieth day after it shall
33 have become a law.

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

This bill will allow any non-seasonally appointed sworn member or officer of the regional state park police to become covered by the provisions of a special 20-year retirement plan, which will provide a benefit of one-half of final average salary upon retirement, and an additional benefit of one-sixtieth of final average salary for each year of creditable service in excess of 20 years, not to exceed 12 such years.

If this bill is enacted, there will be an increase in the annual contributions of the state of New York of approximately \$710,000 for the fiscal year ending March 31, 2021. In future years, this cost will vary as the billing rates and salary of the affected officers change.

In addition to the annual contributions discussed above, there will be an immediate past service cost to the State of New York of approximately \$8.54 million. This estimate is based on the assumption that payment will be made on March 1, 2021. If the State of New York elects to amortize this cost over a 10-year period, the cost for the first year would be \$1.13 million.

This estimate is based on 284 affected officers, with an annual salary of approximately \$22 million for the fiscal year ending March 31, 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, 2019 actuarial valu-

ation. Distributions and other statistics can be found in the 2019 Report of the Actuary and the 2019 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017, 2018 and 2019 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, 2019 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 3, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-79, prepared by the Actuary for the New York State and Local Retirement System.