STATE OF NEW YORK

5437--A

2021-2022 Regular Sessions

IN SENATE

March 5, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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 certain honorably discharged veterans

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

Section 1. Subdivision 9 of section 1000 of the retirement and social security law, as amended by chapter 41 of the laws of 2016, is amended to read as follows:

9. Anything to the contrary in subdivision three of this section notwithstanding, to obtain such credit, a member who first joins a public retirement system of the state on or after April first, two thousand twelve shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and [~~six~~] **three** percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section.

§ 2. This act shall take effect immediately.

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

This bill would decrease the amount of payment required for Tier 6 members who are obtaining military service credit pursuant to Section 1000 of the Retirement and Social Security Law. Under current law, a Tier 6 member must pay a sum equal to the product of the number of years of military service being claimed and six percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit.

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

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This legislation would require such members to pay only three percent of compensation per year of service being claimed.

Insofar as this proposal affects the New York State and Local Employees' Retirement System (NYSLERS), if this legislation is enacted during the 2022 legislative session, it is estimated that the past service cost will be 3% of an affected members' compensation for each year of additional service credit that is purchased. For the NYSLERS, this cost would be borne entirely by the State of New York.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this legislation is enacted during the 2022 legislative session, it is estimated that the past service cost will be 3% of an affected members' compensation for each year of additional service that is purchased. For the NYSLPFRS, this cost would be shared by the State of New York and the participating employers in the NYSLPFRS.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the 2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 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, 2021 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 17, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-103, prepared by the Actuary for the New York State and Local Retirement System.