

# STATE OF NEW YORK

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1091--A

Cal. No. 158

2021-2022 Regular Sessions

## IN SENATE

January 6, 2021

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Introduced by Sens. GAUGHRAN, BROOKS, COMRIE, HINCHEY, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general municipal law, in relation to authorizing a municipality to increase the number of years of service that a participant in a defined contribution plan service award program or a defined benefit plan service award program may receive a contribution

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

1 Section 1. Subdivision (b) of section 218 of the general municipal  
2 law, as amended by chapter 474 of the laws of 2019, is amended to read  
3 as follows:

4 (b) The sponsor of a defined contribution plan shall contribute to the  
5 plan a fixed amount of money, as determined by the sponsor, on behalf of  
6 each participant who is credited with a year of service. The minimum and  
7 maximum contribution requirements for a defined contribution service  
8 award program shall be as follows. The minimum contribution shall be one  
9 hundred twenty dollars per year of service. The maximum contribution  
10 shall be twelve hundred dollars per year of service. The maximum number  
11 of years of service for which a participant may receive a contribution  
12 shall be forty years. The sponsor shall appropriate annually an amount  
13 sufficient to pay the contributions. The governing board of a political  
14 subdivision may extend the maximum number of years of service for which  
15 a participant may receive a contribution for up to an additional ten  
16 years, to a maximum of fifty years, and such increases in the number of  
17 years may be added in multiple increments or in a single action, pursu-  
18 ant to the adoption of the required resolution or resolutions of the  
19 governing board, receiving the affirmative vote of at least sixty

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

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1 percent of the governing board of the political subdivision, and the  
2 approval of any mandatory referendum or referenda authorizing the exten-  
3 sion of benefits under the program by eligible voters within such poli-  
4 tical subdivision.

5 § 2. Subdivision (b) of section 219 of the general municipal law, as  
6 amended by chapter 452 of the laws of 2004, is amended to read as  
7 follows:

8 (b) The minimum and maximum retirement benefit requirements for a  
9 service award program that is a defined benefit plan shall be defined as  
10 follows. Each participating active volunteer firefighter shall be enti-  
11 tled to a minimum service award benefit of five dollars per month for  
12 each year of firefighting service completed after satisfying the  
13 program's eligibility requirement and after establishment of the  
14 program. The maximum benefit amount payable to a participating active  
15 volunteer firefighter entitled to a benefit shall be determined on the  
16 basis of an actuarial valuation. The valuation shall take into account  
17 the age, and such other factors as the actuary deems appropriate, of the  
18 eligible participating active volunteer firefighters and the amount of  
19 available financing available per active covered volunteer firefighter.  
20 The maximum service award under a service award program shall be a  
21 monthly payment, payable for life, that does not exceed an amount equal  
22 to thirty dollars for each year of firefighting service credited under  
23 the terms of the program to a maximum of forty years of firefighting  
24 service. The governing board of a political subdivision may extend the  
25 maximum number of years of service for which a participant may receive a  
26 contribution for up to an additional ten years, to a maximum of fifty  
27 years, and such increases in the number of years may be added in multi-  
28 ple increments or in a single action, pursuant to the adoption of the  
29 required resolution or resolutions of the governing board, receiving the  
30 affirmative vote of at least sixty percent of the governing board of the  
31 political subdivision, and the approval of any mandatory referendum or  
32 referenda authorizing the extension of benefits under the program by  
33 eligible voters within such political subdivision.

34 § 3. This act shall take effect immediately and shall apply to all  
35 current and future participants.