STATE OF NEW YORK

5109--D

2021-2022 Regular Sessions

IN SENATE

February 23, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 authorizing certain persons in an optional twenty year retirement plan for state university police officer service, regional state park police and special investigators for the office of the attorney general

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

Section 1. Section 384-e of the retirement and social security law is amended by adding three new subdivisions d, e and f to read as follows:

d. Notwithstanding any other provision of law to the contrary, upon completion of twenty years of service, and upon retirement, each such member who was previously credited with service credit in the New York state and local employees' retirement system or the New York state and local police and fire retirement system as an officer appointed by the state university pursuant to paragraph l of subdivision two of section three hundred fifty-five of the education law and who has successfully completed a course of law enforcement training as provided in such section of the education law may receive for each such year of previous service, up to a total of no greater than five years of previous service, additional pension equal to one-sixtieth of his or her final average salary.

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

LBD03597-17-2

To obtain such credit a member 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 service being claimed and 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.

e. Notwithstanding any other provision of law to the contrary, upon completion of twenty years of service, and upon retirement, each such member who was previously credited with service credit in the New York state and local employees' retirement system or the New York state and local police and fire retirement system as an officer or member of the regional state park police department may receive for each such year of previous service, up to a total of no greater than five years of previous service, additional pension equal to one-sixtieth of his or her final average salary.

To obtain such credit a member 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 service being claimed and 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.

f. Notwithstanding any other provision of law to the contrary, upon completion of twenty years of service, and upon retirement, each such member who was previously credited with service credit in the New York state and local employees' retirement system as a special investigator employed in the office of the attorney general may receive for each such year of previous service, up to a total of no greater than five years of previous service, additional pension equal to one-sixtieth of his or her final average salary.

To obtain such credit a member 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 service being claimed and 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 allow up to 5 years of previous service credit rendered as a SUNY Police officer or as a Regional State Park Police officer or as a special investigator in the office of the attorney general to become creditable service under Section 384-e of the Retirement and Social Security Law. Upon completion of 20 years of service credit and upon retirement, an affected member would receive an additional pension of one sixtieth of final average salary for each such additional year credited. The member would be required to contribute an amount equal to 3% of the prior 12 months of compensation for each year of service credit claimed.

If this bill is enacted during the 2022 legislative session, we estimate that there will be a past service cost averaging 13.7% of affected members' compensation for each year of additional service credit granted by this bill. All costs would be shared by the State of New York and the participating employers in the New York State and Local Police and Fire Retirement System.

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 May 2, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-131, prepared by the Actuary for the New York State and Local Retirement System.