

STATE OF NEW YORK

8918--A

IN ASSEMBLY

January 26, 2024

Introduced by M. of A. PHEFFER AMATO, GUNTHER, ZEBROWSKI, BUTTENSCHON, JONES, SAYEGH, O'DONNELL, WOERNER, STERN, BENEDETTO, SEAWRIGHT, BURDICK, BURKE, SANTABARBARA, McMAHON, WILLIAMS, CONRAD, HEVESI -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- 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 law enforcement

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

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

3 § 383-e. Retirement of officers of state law enforcement; twenty year
4 retirement plan. a. Membership. Every non-seasonally appointed sworn
5 member or officer of the division of law enforcement in the department
6 of environmental conservation, a forest ranger in the service of the
7 department of environmental conservation, which shall mean a person who
8 serves on a full-time basis in the title of forest ranger I, forest
9 ranger II, forest ranger III, assistant superintendent of forest fire
10 control, superintendent of forest fire control or any successor titles
11 or new titles in the forest ranger title series in the department of
12 environmental conservation, a police officer in the department of envi-
13 ronmental conservation, the regional state park police, and university
14 police officers who enter or re-enter service in any such title shall be
15 covered by the provisions of this section, and every member described in
16 this subdivision in such service on or before one year prior to the
17 effective date of this section may elect to be covered by the provisions
18 of this section by filing an election therefor with the comptroller. To
19 be effective, such election must be duly executed and acknowledged on a
20 form prepared by the comptroller for that purpose.

21 b. Retirement allowance. A member, covered by the provisions of this
22 section at the time of retirement, shall be entitled to retire upon

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

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1 completion of twenty years of total creditable service in such titles,
2 and shall retire upon the attainment of the mandatory retirement age
3 prescribed by this section, by filing an application therefor in a
4 manner similar to that provided in section three hundred seventy of this
5 article.

6 1. Upon completion of twenty years of such service and upon retire-
7 ment, each such member shall receive a pension which, together with an
8 annuity for such years of service as provided in paragraph four of this
9 subdivision, shall be sufficient to provide such member with a retire-
10 ment allowance of one-half of such member's final average salary.

11 2. Upon completion of more than twenty years of such service and upon
12 retirement, each such member shall receive, for each year of service in
13 excess of twenty, an additional pension which, together with an annuity
14 for each such year as provided in paragraph four of this subdivision,
15 shall be equal to one-sixtieth of such member's final average salary,
16 provided, however, that the pension payable pursuant to this section
17 shall not exceed three-quarters of final average salary.

18 3. Upon attainment of the mandatory retirement age without completion
19 of twenty years of such service, each such member shall receive a
20 pension which, together with an annuity for such years of service as
21 provided in paragraph four of this subdivision, shall be equal to one-
22 fortieth of such member's final average salary for each year of credita-
23 ble service in such titles. Every such member shall also be entitled to
24 an additional pension equal to the pension for any creditable service
25 rendered while not an employee in such titles as provided under para-
26 graphs three and four of subdivision a of section three hundred seven-
27 ty-five of this article. This latter pension shall not increase the
28 total allowance to more than one-half of such member's final average
29 salary.

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

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

1 such service as would be creditable service pursuant to the provisions
2 of section three hundred eighty-three, three hundred eighty-three-a,
3 three hundred eighty-three-b, as added by chapter six hundred seventy-
4 four of the laws of nineteen hundred eighty-six, three hundred eighty-
5 three-b, as added by chapter six hundred seventy-seven of the laws of
6 nineteen hundred eighty-six, three hundred eighty-three-c or three
7 hundred eighty-three-d of this title or pursuant to the provisions of
8 title thirteen of the administrative code of the city of New York for
9 any member contributing pursuant to this section who transferred to the
10 jurisdiction of the department of environmental conservation including
11 but not limited to environmental conservation officers and forest
12 rangers, regional state park police or state university of New York
13 peace officers.

14 d. Retirement for cause. Upon receipt of a certificate from the head
15 of the entity where such member is employed or such member's designee, a
16 member as described in subdivision a of this section, who has accrued
17 twenty-five or more years of service credit under this section shall be
18 retired on the first day of the second month next succeeding the date
19 such certificate was filed with the comptroller.

20 e. Credit for military service. In computing the years of total cred-
21 itable service full credit shall be given and full allowance shall be
22 made for service of such member in war after world war I as defined in
23 section three hundred two of this article, provided such member at the
24 time of such member's entrance into the armed forces was in police
25 service as defined in subdivision eleven of section three hundred two of
26 this article.

27 f. Transfer of membership to employees' retirement system. Any member
28 currently enrolled pursuant to this section and who previously trans-
29 ferred service credit from the New York state and local employees'
30 retirement system to the New York state and local police and fire
31 retirement system, may elect to transfer such previously transferred
32 service credit back to the New York state and local employees' retire-
33 ment system, and such member shall have the option to retroactively
34 transfer such member's membership into such employees' retirement
35 system.

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

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

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

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

This bill would allow any non-seasonally appointed sworn member or officer of the division of law enforcement, police officer, or forest ranger in the department of environmental conservation; any regional state park police officer; or any university police officer 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 years.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately \$6.6 million in the annual contributions of the State of New York for the fiscal year

ending March 31, 2025. In future years this cost will vary but is expected to average 3.9% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$70.3 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2025. If the State of New York elects to amortize this cost over a 10-year period, the cost for each year including interest would be \$8.98 million.

These estimated costs are based on 1,228 affected members employed by the State of New York, with annual salary of approximately \$131 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 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, 2023 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 January 22, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-90, prepared by the Actuary for the New York State and Local Retirement System.