STATE OF NEW YORK

3614--D

2023-2024 Regular Sessions

IN SENATE

February 1, 2023

Introduced by Sen. GOUNARDES -- 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 -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law and the education law, in relation to member contribution per centum increases

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

Section 1. Paragraphs 1, 2, 3, 4 and 5 of subdivision a of section 517 of the retirement and social security law, as added by chapter 18 of the laws of 2012, are amended to read as follows:

1. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages**. On April one, two thousand twenty-five, members with wages of fifty thousand dollars per annum or less shall contribute three per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**;

2. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not**

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

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more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

3. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

4. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent; and

5. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than one hundred five thousand dollars per annum shall contribute six per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent.

§ 2. Subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph 1 of subdivision a, subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph 2 of subdivision a, paragraphs 1, 2, 3, 4 and 5 of subdivision f and paragraphs 1, 2, 3, 4 and 5 of subdivision g of section 613 of the retirement and social security law, subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph 1 and subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph 2 of subdivision a as amended by chapter 510 of the laws of 2015 and paragraphs 1, 2, 3, 4 and 5 of subdivision f and paragraphs 1, 2, 3, 4 and 5 of subdivision g as added by chapter 18 of the laws of 2012, are amended to read as follows:

(i) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages. On April one, two thousand twenty-five, members with wages of fifty thousand dollars per annum or less shall contribute three per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(ii) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(iii) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(iv) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent; and

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2. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**;

3. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**;

4. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**; and

5. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than one hundred five thousand dollars per annum shall contribute six per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**.

1. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages**. On April one, two thousand twenty-five, members with wages of fifty thousand dollars per annum or less shall contribute three per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**;

2. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and

one-half per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

3. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

4. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent; and

5. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than one hundred five thousand dollars per annum shall contribute six per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent.

§ 3. Subdivisions a, b, c, d and e of section 1204 of the retirement and social security law, as added by chapter 18 of the laws of 2012, are amended to read as follows:

a. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages. On April one, two thousand twenty-five, members with wages of fifty thousand dollars per annum or less shall contribute three per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subdivision shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

b. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subdivision shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**;

c. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subdivision shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**;

d. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subdivision shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**; and

e. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages**. On April one, two thousand twenty-five, members with wages greater than one hundred five thousand dollars per annum shall contribute six per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this subdivision shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent**.

§ 4. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 of section 182 of the education law, as added by chapter 18 of the laws of 2012, are amended to read as follows:

(a) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages**. On April one, two thousand twenty-five, members with wages of fifty thousand dollars per annum or less shall contribute three per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be** rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(b) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(c) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(d) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent; and

(e) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages. On April one, two thousand twenty-five, members with wages greater than one hundred five thousand dollars per annum shall contribute six per centum of annual wages, and beginning on April one, two thousand twenty-six, the wages in this paragraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent.

§ 5. Subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph (d) of subdivision 2 of section 392 of the education law, as added by chapter 18 of the laws of 2012, are amended to read as follows:

(i) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages. On July one, two thousand twenty-five, members with wages of fifty thousand dollars per annum or less shall contribute three per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(ii) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(iii) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(iv) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent; and

(v) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than one hundred five thousand dollars per annum shall contribute six per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent.

§ 6. Subparagraphs 1, 2, 3, 4 and 5 of paragraph (d) of subdivision 2 of section 6252 of the education law, as added by chapter 18 of the laws of 2012, are amended to read as follows:

(1) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages. On July one, two thousand twenty-five, members with wages of fifty thousand dollars per annum or less shall contribute three per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined

from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(2) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than fifty thousand per annum, but not more than sixty thousand per annum shall contribute three and one-half per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(3) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than sixty thousand per annum, but not more than eighty thousand per annum shall contribute four and one-half per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent;

(4) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than eighty thousand dollars per annum but not more than one hundred five thousand dollars per annum shall contribute five and three-quarters per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent; and

(5) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages. On July one, two thousand twenty-five, members with wages greater than one hundred five thousand dollars per annum shall contribute six per centum of annual wages, and beginning on July one, two thousand twenty-six, the wages in this subparagraph shall be increased by the annual inflation, as determined from the increase in the consumer price index in the one year period ending on December thirty-first of the year prior. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent.

§ 7. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to section 25 of the retirement and social security law.

§ 8. This act shall take effect immediately.

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

This bill would amend various sections of the Retirement and Social Security Law and the Education Law to increase the salary ranges used in determining the employee contribution percentages for Tier 6 members thereby decreasing future required employee contributions. The current salary ranges would each increase by $5,000 on April 1, 2025. Beginning on April 1, 2026, salary ranges would then be increased annually by the increase in the consumer price index in the one-year period ending on December thirty-first of the year prior, not to exceed 3%.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be $28.7 million or 0.15% of payroll if this bill is enacted.

The System's "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 5.31% of pay under the current Tier 6 benefit structure. This can be thought of as the long-term expected employer cost of Tier 6, based on current actuarial assumptions. For the proposed change to the Tier 6 benefit structure under this bill, this new entrant rate is estimated to increase to 5.67% of pay, an increase of 0.36% of pay.

Member data is from the System's most recent actuarial valuation files as of June 30, 2023, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2023. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report as of June 30, 2023.

The source of this estimate is Fiscal Note 2024-7 dated February 2, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

This bill would increase the wage ranges to which Tier 6 member contribution rates are applied effective April 1, 2025 by $5,000. Beginning on April 1, 2026, the wage ranges would increase each year by the annual inflation rate rounded up to the next tenth of a percent, not to exceed three percent.

The current contribution rates and wage ranges for Tier 6 members are:

* three (3) percent for wages of $45,000 or less,
* three and one-half (3.5) percent for wages greater than $45,000 but not more than $55,000,
* four and one-half (4.5) percent for wages greater than $55,000 but not more than $75,000,
* five and three-quarters (5.75) percent for wages greater than $75,000 but not more than $100,000, or
* six (6) percent for wages greater than $100,000.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), if this legislation is enacted during the 2024 Legislative Session, there would be an increase in the present value of future costs of approximately $660 million which would be shared by the State of New York and all local participating employers in the NYSLERS. These costs will be funded by increasing Tier 6 billing rates by an average 0.5% of salary.

The increased billing rates will result in a recurring, increasing annual contribution beginning in the fiscal year ending March 31, 2026 of approximately $38 million to the State of New York and approximately

$54 million to local participating employers in the NYSLERS. **These annual costs are expected to increase significantly in future years** and will vary by employer based upon the plan coverage and salary reported in Tier 6.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this legislation is enacted during the 2024 Legislative Session, there would be an increase in the present value of future costs of approximately $11 million which would be shared by the State of New York and all local participating employers in the NYSLPFRS. These costs will be funded by increasing Tier 6 billing rates by an average 0.1% of salary.

The increased billing rates will result in a recurring, increasing annual contribution beginning in the fiscal year ending March 31, 2026 of approximately $400,000 to the State of New York and approximately $1.4 million to local participating employers in the NYSLPFRS. **These annual costs are expected to increase significantly in future years** and will vary by employer based upon the plan coverage and salary reported in Tier 6.

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 February 14, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-123, prepared by the Actuary for the New York State and Local Retirement System.