STATE OF NEW YORK

525--A

2023-2024 Regular Sessions

IN SENATE

January 4, 2023

Introduced by Sen. GALLIVAN -- 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

AN ACT to authorize Kim Bowers to receive certain service credit with the New York state and local employees' retirement system

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

Section 1. Notwithstanding any other provision of the law to the contrary, Kim Bowers, an employee of the Erie County Water Authority and a member of the New York state and local employees' retirement system, who for the period beginning January 1, 2006 and ending November 19, 2018, was employed as a member of the Zoning Board of Appeals with the town of Orchard Park, and who, for reasons not ascribable to her own negligence, failed to become a member of such retirement system during such employment with the town of Orchard Park, shall be deemed to have joined the New York state and local employees' retirement system on the date January 1, 2006, if within one year of the effective date of this act, she shall file a written request with the state comptroller.

§ 2. No contributions made to the New York state and local employees' retirement system by Kim Bowers shall be returned or refunded to her pursuant to this act.

§ 3. All past service costs of implementing the provisions of this act shall be borne by the town of Orchard Park.

§ 4. This act shall take effect immediately.

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

This bill would grant retroactive Tier 4 status in the New York State and Local Employees' Retirement System to Kim Bowers, a current Tier 6 member employed by the Erie County Water Authority, by changing their date of membership to January 1, 2006. There will be no refund of member contributions.

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

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If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately $5,600 in the annual contributions of the Erie County Water Authority for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of Kim Bowers change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $13,900 which will be borne by the Town of Orchard Park as a one-time payment. This estimate assumes that payment will be made on February 1, 2024.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 3, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-2, prepared by the Actuary for the New York State and Local Retirement System.