STATE OF NEW YORK

7540

2023-2024 Regular Sessions

IN SENATE

June 5, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the retirement and social security law, in relation to obtaining military service credit for members of the New York state and local police and fire retirement system

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

Section 1. Subdivision 9 of section 1000 of the retirement and social security law, as amended by chapter 41 of the laws of 2016, is amended to read as follows:

9. **(a)** Anything to the contrary in subdivision three of this section notwithstanding, to obtain such credit, a member who first joins a public retirement system of the state on or after April first, two thousand twelve 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 military service being claimed and six 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.

(b) Beginning with applications received by the New York state and local police and fire retirement system on and after April first, two thousand twenty-four, for members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, the sum required in paragraph (a) of this subdivision shall be equal to the product of the number of years of military service being claimed and three percent of such member's compensation earned during the twelve months of credited service immediately preceding the date the member made application pursuant to this section.

§ 2. This act shall take effect immediately.

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

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

LBD10817-03-3

This bill would decrease the amount of payment required by Tier 6 members of the New York State and Local Police and Fire Retirement System (NYSLPFRS) who are obtaining military service credit pursuant to Section 1000 of the Retirement and Social Security Law. Under current law, a Tier 6 member must pay a sum equal to the product of the number of years of military service being claimed and six 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. Beginning with applications received on or after April 1, 2024, this legislation would require such members to pay only three percent of compensation per year of service being claimed.

If this bill is enacted during the 2023 legislative session, it is estimated that the cost for the reduction of the member's payment will be 3% of an affected members' compensation for each year of additional service that is purchased. This cost would be shared by the State of New York and the local participating employers in the NYSLPFRS.

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, 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.

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 10, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-141, prepared by the Actuary for the New York State and Local Retirement System.