

# STATE OF NEW YORK

7559

2023-2024 Regular Sessions

## IN SENATE

June 6, 2023

Introduced by Sen. SCARCELLA-SPANTON -- (at request of the Governor) --  
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 and the criminal  
procedure law, in relation to service rendered by investigators and  
sworn officers of the waterfront commission of New York harbor

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

1 Section 1. Subdivision a and paragraph 1 of subdivision c of section  
2 381-b of the retirement and social security law, subdivision a as  
3 amended by chapter 684 of the laws of 1971 and paragraph 1 of subdivi-  
4 sion c as amended by chapter 581 of the laws of 2001, are amended to  
5 read as follows:

6 a. Membership. Every member or officer of the division of state police  
7 in the executive department who enters or re-enters service in the divi-  
8 sion on or after April first, nineteen hundred sixty-nine, and every  
9 investigator or sworn officer employed by the commission created by  
10 section six of chapter eight hundred eighty-two of the laws of nineteen  
11 hundred fifty-three, constituting the waterfront commission act, as  
12 amended, on or after July first, two thousand twenty-three, shall be  
13 covered by the provisions of this section, and every member or officer  
14 of the division of state police in the executive department in such  
15 service on such date may elect to be covered by the provisions of this  
16 section by filing an election therefor with the comptroller on or before  
17 March thirty-first, nineteen hundred seventy-two. To be effective, such  
18 election must be duly executed and acknowledged on a form prepared by  
19 the comptroller for that purpose.

20 (1) Police service. In computing the years of total creditable service  
21 in such division, full credit shall be given and full allowance shall be  
22 made.

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

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1 (i) for service rendered as a police officer or member of a police  
2 force or department of a state park authority or commission or an organ-  
3 ized police force or department of a county, city, town, village, police  
4 district, authority or other participating employer or member of the  
5 capital police force in the office of general services while a member of  
6 the New York state and local police and fire retirement system, of the  
7 New York state and local employees' retirement system or of the New York  
8 city police pension fund;

9 (ii) for service rendered as an investigator or sworn officer of the  
10 waterfront commission of New York harbor, and for service rendered as an  
11 investigator-trainee of the waterfront commission of New York harbor  
12 that was creditable under subdivision w of section three hundred eight-  
13 y-four-d of this article; and

14 (iii) for all service for which full credit has been given and full  
15 allowance made pursuant to the provisions of section three hundred  
16 seventy-five-h of this chapter provided, however, that full credit  
17 pursuant to the provisions of such section shall mean only such service  
18 as would be creditable service pursuant to the provisions of section  
19 three hundred eighty-three or section three hundred eighty-three-a or  
20 three hundred eighty-three-b enacted by chapter six hundred seventy-sev-  
21 en of the laws of nineteen hundred eighty-six of this chapter or pursu-  
22 ant to the provisions of title thirteen of the administrative code of  
23 the city of New York for any member contributing pursuant to this  
24 section who transferred to the division of state police.

25 § 2. Subdivision 11 of section 302 of the retirement and social secu-  
26 rity law is amended by adding a new paragraph k to read as follows:

27 k. Service as an investigator or sworn officer of the waterfront  
28 commission of New York harbor or the commission created by section six  
29 of chapter eight hundred eighty-two of the laws of nineteen hundred  
30 fifty-three, constituting the waterfront commission act, as amended.

31 § 3. Paragraph (h) of subdivision 34 of section 1.20 of the criminal  
32 procedure law, as amended by chapter 997 of the laws of 1970, is amended  
33 to read as follows:

34 (h) An investigator employed by a commission created by an interstate  
35 compact, or by section six of chapter eight hundred eighty-two of the  
36 laws of nineteen hundred fifty-three, constituting the waterfront  
37 commission act, as amended, who is, to a substantial extent, engaged in  
38 the enforcement of the criminal laws of this state;

39 § 4. Paragraph (k) of subdivision 34 of section 1.20 of the criminal  
40 procedure law, as separately amended by chapters 282 and 877 of the laws  
41 of 1974, is amended to read as follows:

42 (k) A sworn officer of a police force of a public authority created by  
43 an interstate compact, or by section six of chapter eight hundred eight-  
44 y-two of the laws of nineteen hundred fifty-three, constituting the  
45 waterfront commission act, as amended;

46 § 5. Paragraph (k) of subdivision 34 of section 1.20 of the criminal  
47 procedure law, as amended by section 13 of part BBB of chapter 59 of the  
48 laws of 2021, is amended to read as follows:

49 (k) A sworn officer of a police force of a public authority created by  
50 an interstate compact, or by section six of chapter eight hundred eight-  
51 y-two of the laws of nineteen hundred fifty-three, constituting the  
52 waterfront commission act, as amended, where such force is certified in  
53 accordance with paragraph (d) of subdivision one of section eight  
54 hundred forty-six-h of the executive law;

55 § 6. This act shall take effect immediately; provided, however, that  
56 section five of this act shall take effect on the same date and in the

1 same manner as section thirteen of part BBB of chapter 59 of the laws of  
2 2021, takes effect.

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

This bill would amend the Retirement and Social Security Law (RSSL) as follows:

1) Add the titles of investigator and sworn officer employed by the commission created by Section six of Chapter 882 of the Laws of 1953, constituting the Waterfront Commission Act, to the definition of membership in Section 381-b,

2) Allow service rendered as an investigator, investigator-trainee or sworn officer of the Waterfront Commission of New York Harbor to be creditable under Section 381-b, and

3) Add the titles of investigator and sworn officer of the Waterfront Commission of New York Harbor to the definition of "police or fire service" as defined in Section 302.

Additionally, this bill would amend the Criminal Procedure Law by adding the titles of investigator and sworn officer of the Waterfront Commission of New York Harbor to the definition of "police officer" under Section 1.20.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately \$29,000 in the annual contributions of the State of New York. This estimate assumes that payment will be made on February 1, 2024.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$979,000 which will be borne by the State of New York and all local participating employers in the NYSLPFRS. This estimate assumes that payment will be made on February 1, 2024.

These estimated costs are based on eight affected members employed by the Waterfront Commission of New York Harbor, with annual salary of approximately \$950,000 as of March 31, 2022.

Along with the direct costs quoted above, insofar as this proposal allows certain previous service rendered as an investigator, investigator-trainee or sworn officer of the Waterfront Commission of New York Harbor to be newly creditable under Section 381-b of the RSSL, additional past service costs could arise for the current New York State Troopers covered by that section. It is estimated that such past service cost will be 25% of an affected member's compensation for each year of service that is newly credited pursuant to this legislation.

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 June 2, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-175, prepared by the Actuary for the New York State and Local Retirement System.