STATE OF NEW YORK

7332--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. BICHOTTE HERMELYN, GONZALEZ-ROJAS, ARDILA, LUCAS, DICKENS, CONRAD, COLTON, BENDETT, BRABENEC, K. BROWN, DeSTEFANO, SAYEGH, HYNDMAN, ZACCARO, FLOOD, MCGOWAN -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said commit-tee

AN ACT to amend the administrative code of the city of New York and the retirement and social security law, in relation to providing that members of a retirement system who retire from such system and later rejoin the retirement system are entitled to the same rights, benefits and privileges such member had prior to retirement

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

Section 1. Section 13-105 of the administrative code of the city of New York is amended to read as follows:

§ 13-105 Membership; eligibility in certain cases. Notwithstanding any inconsistent provision of this chapter, the code, or any other law, an officer or employee in city-service who is otherwise eligible for membership in this retirement system but who is entitled to receive benefits from any other pension fund or retirement system maintained by the city may become a member of this retirement system provided such benefits are suspended during [~~his or her~~] **such officer or employee's** active membership in this retirement system. Such member shall contribute to this retirement system as a new entrant**, provided, however, that in the case of a member who has retired or retires from public service on or after July first, nineteen hundred seventy-six and suspended or suspends such member's retirement allowance upon entrance into city-service, such member shall be entitled to the same rights and privileges as those to which such member was entitled upon such member's last date of**

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

LBD10225-02-4

entry into a public retirement system or pension fund of the state or the city of New York.

§ 2. Subdivision 2 of section 519 of the retirement and social security law is amended by adding a new paragraph (vi) to read as follows:

(vi) Notwithstanding any other provision of law, any member of a public retirement system who retired after having last entered such system on or after July first, nineteen hundred seventy-six, and thereafter re-entered service and joined or rejoined a public retirement system shall be entitled to all the rights, benefits and privileges and subject to all the obligations set forth in any law or laws relating to public retirement systems and to which such member would have been subject or entitled had such member entered or re-entered membership in such retirement system on the date in which such member first entered the retirement system from which such member retired.

§ 3. Subdivision b of section 614 of the retirement and social security law is amended by adding a new paragraph (vi) to read as follows:

(vi) Notwithstanding any other provision of law, any member of a public retirement system who retired after having last entered such system on or after July first, nineteen hundred seventy-six, and thereafter re-entered service and joined or rejoined a public retirement system shall be entitled to all the rights, benefits and privileges and subject to all the obligations set forth in any law or laws relating to public retirement systems and to which such member would have been subject or entitled had such member entered or re-entered membership in such retirement system on the date in which such member first entered the retirement system from which such member retired.

§ 4. This act shall take effect immediately.