

STATE OF NEW YORK

9776

IN ASSEMBLY

April 9, 2024

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the
Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to
transfers of members between systems

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

1 Section 1. The opening paragraphs of subdivisions a and h of section
2 343 of the retirement and social security law, the opening paragraph of
3 subdivision a as amended by chapter 533 of the laws of 2015 and the
4 opening paragraph of subdivision h as amended by chapter 717 of the laws
5 of 2023, are amended to read as follows:
6 Notwithstanding any other provision of law providing for transfers,
7 any member of any retirement system maintained by the state or a munici-
8 pality thereof, operating on a sound financial basis and subject to the
9 supervision of the department of financial services of this state may
10 transfer [~~his or her~~] such membership pursuant to this section to the
11 New York state and local employees' retirement system, the New York city
12 board of education employees' retirement system, the New York state
13 teachers' retirement system, the New York state and local police and
14 fire retirement system or to the New York city employees' retirement
15 system. Any member of the New York state and local police and fire
16 retirement system may transfer [~~his or her~~] such membership to any
17 retirement system, other than the hospital retirement system, which is
18 operating on a sound basis and is subject to the supervision of the
19 department of financial services of this state. Any police officer
20 employed by the metropolitan transportation authority who is a member of
21 the MTA police twenty year retirement program of the metropolitan trans-
22 portation authority defined benefit pension plan (hereinafter referred
23 to in this section as the "MTA police retirement program") may transfer
24 [~~his or her~~] such membership in the New York state and local police and
25 fire retirement system and/or the New York city police pension fund to
26 the MTA police retirement program or may transfer such membership in the
27 MTA police retirement program to any of the systems or funds referenced
28 in this sentence if the member is an active member of such system or

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

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1 fund. Any police officer who was employed by the metropolitan transpor-
2 tation authority, the Long Island Railroad Company or the Metro-North
3 Commuter Railroad Company and who is a member of the MTA police retire-
4 ment program may transfer [~~his or her~~] such membership in the MTA police
5 retirement program to the New York state and local police and fire
6 retirement system. Any transfer pursuant to this section may be effectuated
7 only if the member has accepted a position in another branch of the
8 state or municipal service which would make it:

9 Notwithstanding any other provision of law to the contrary, with
10 respect to transfers pursuant to this section which occur on or after
11 the effective date of [~~the~~] chapter seven hundred seventeen of the laws
12 of two thousand twenty-three that amended this subdivision, no determi-
13 nation of a reserve pursuant to subdivision c of this section or trans-
14 fer thereof pursuant to the first sentence of subdivision d of this
15 section shall be required in the case of any transfer pursuant to this
16 section (other than a transfer from the New York state and local police
17 and fire retirement system to either (1) the New York city police
18 department subchapter two pension fund, (2) the New York city fire
19 department subchapter two pension fund or (3) the MTA police retirement
20 program or a transfer from either (i) the New York city police depart-
21 ment subchapter two pension fund or (ii) the New York city fire depart-
22 ment subchapter two pension fund to either (A) the New York state and
23 local police and fire retirement system or (B) the MTA police retirement
24 program or a transfer from the MTA police retirement program to the New
25 York state and local police and fire retirement system or (C) either (i)
26 the New York city police department subchapter two pension fund or (ii)
27 the New York city fire department subchapter two pension fund) in the
28 case of a member with less than ten years of credited service with the
29 transferring retirement system at the time the transfer is initiated.
30 With respect to transfers pursuant to such subdivisions which occur on
31 or after the effective date of [~~the~~] chapter seven hundred seventeen of
32 the laws of two thousand twenty-three that amended this subdivision, the
33 transfer of a pension reserve shall be required when the member is
34 transferring ten or more years of credited service from a public retire-
35 ment system of the state to any other public retirement system of the
36 state, excluding any transfers within and between the New York city
37 employees' retirement system, the New York city teachers' retirement
38 system and the New York city board of education retirement system. For
39 the purpose of giving the transferring member such status and crediting
40 such service in the second retirement system as such member was allowed
41 in the first retirement system in those cases to which this subdivision
42 shall apply, the transfer shall be deemed complete upon receipt by the
43 second retirement system of:

44 § 2. This act shall take effect immediately and shall apply to any
45 membership transfer initiated on or after January 1, 2023 for which
46 notice is received by the affected retirement systems or funds within
47 one year of the effective date of this act or within one year of the
48 date of the membership transfer, whichever date is later.

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

This bill would allow any police officer who was employed by the Metropolitan Transportation Authority (MTA) and covered by a twenty-year police plan within the MTA defined benefit pension plan to transfer such membership to the New York State and Local Police and Fire Retirement System (NYSLPFRS). Upon such transfer, the reserves from the MTA police retirement program will be transferred to the NYSLPFRS. Such police officer must be an active member of the NYSLPFRS.

The option to transfer service credit from the MTA police retirement program to the NYSLPFRS was already granted by Chapter 533 of the Laws of 2015.

Insofar as this bill affects the NYSLPFRS, if enacted during the 2024 Legislative Session, we anticipate that there will be no cost to the State of New York and the local participating employers in the NYSLPFRS.

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 March 29, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-120, prepared by the Actuary for the New York State and Local Retirement System.