

# STATE OF NEW YORK

6361

2023-2024 Regular Sessions

## IN SENATE

April 18, 2023

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the education law and the retirement and social security law, in relation to termination of membership in a New York state retirement system

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

1 Section 1. The education law is amended by adding a new section 540 to  
2 read as follows:

3 § 540. Written acknowledgement of membership termination. A teacher  
4 intending to terminate his or her membership in the retirement system  
5 defined in subdivision one of section five hundred one of this article  
6 and the teacher's employer must both execute a written statement  
7 provided by the retirement board that the teacher and the employer  
8 acknowledge and understand that the teacher, on a specific date, will no  
9 longer be a member of such retirement system. The employer must, within  
10 thirty days after signature by both parties, file such written statement  
11 with the retirement board in order to effectuate such termination of  
12 membership.

13 § 2. The retirement and social security law is amended by adding a new  
14 section 113-b to read as follows:

15 § 113-b. Written acknowledgement of membership termination. A member  
16 intending to terminate his or her membership in the retirement system  
17 defined in subdivision twenty-eight of section two of this article and  
18 the member's employer must both execute a written statement provided by  
19 the office of the comptroller that the member and the employer acknowl-  
20 edge and understand that the member, on a specific date, will no longer  
21 be a member of such retirement system. The employer must, within thirty  
22 days after signature by both parties, file such written statement with  
23 the office of the comptroller in order to effectuate such termination of  
24 membership.

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

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1 § 3. The retirement and social security law is amended by adding a new  
2 section 411-a to read as follows:

3 § 411-a. Written acknowledgement of membership termination. A member  
4 intending to terminate his or her membership in the retirement system  
5 defined in subdivision twenty-eight of section three hundred two of this  
6 article and the member's employer must both execute a written statement  
7 provided by the office of the comptroller that the member and the  
8 employer acknowledge and understand that the member, on a specific date,  
9 will no longer be a member of such retirement system. The employer must,  
10 within thirty days after signature by both parties, file such written  
11 statement with the office of the comptroller in order to effectuate such  
12 termination of membership.

13 § 4. This act shall take effect on the sixtieth day after it shall  
14 have become a law. Effective immediately, the addition, amendment  
15 and/or repeal of any rule or regulation necessary for the implementation  
16 of this act on its effective date are authorized to be made and  
17 completed on or before such effective date.