

STATE OF NEW YORK

9167

IN SENATE

May 2, 2024

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

AN ACT to authorize Terrence D. McCracken to receive certain service credit with the New York state and local employees' retirement system

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

1 Section 1. Notwithstanding any other provision of the law to the
2 contrary, Terrence D. McCracken, an employee of the Erie County Water
3 Authority and a member of the New York state and local employees'
4 retirement system, who for the period beginning January 1, 1983 and
5 ending January 1, 1996, was employed as a bus operator for the Niagara
6 Frontier Transit Authority Metro System, Inc., shall be granted service
7 credit in the New York state and local employees' retirement system for
8 such member's service with the Niagara Frontier Transit Authority Metro
9 System, Inc. upon the forfeiture of such member's benefits with the
10 Niagara Frontier Transit Metro System Pension Fund earned for such
11 service, if within one year of the effective date of this act, such
12 member shall file a written request with the state comptroller to that
13 effect, along with documentation from the Niagara Frontier Transit Metro
14 System Pension Fund that he has forfeited his benefits with such pension
15 fund, as well as Mr. McCracken's service and salary information from
16 when he was a member of the Niagara Frontier Transit Metro System
17 Pension Fund.

18 § 2. No contributions made to the New York state and local employees'
19 retirement system by Terrence D. McCracken shall be returned or refunded
20 pursuant to this act.

21 § 3. All past service costs of implementing the provisions of this act
22 shall be borne by the Niagara Frontier Transit Authority.

23 § 4. This act shall take effect immediately.

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

This bill would allow Terrence D. McCracken, a current Tier 4 member of the New York State and Local Employees' Retirement System (NYSLERS) employed by the Erie County Water Authority, to be granted service credit for the period January 1, 1983 through January 1, 1996, when they

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

LBD14578-03-4

were employed as a bus operator for the Niagara Frontier Transit Authority Metro System, Inc. The member must timely provide documentation of historical service and salary information, and proof that accrued benefits have been forfeited from the Niagara Frontier Transit Metro System Pension Fund.

If this bill is enacted during the 2024 Legislative Session, there will be an immediate past service cost of approximately \$487,000 which will be borne by the Niagara Frontier Transit Authority as a one-time payment. This estimate assumes that payment will be made on February 1, 2025.

This bill will not increase the future annual contributions of the Erie County Water Authority.

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 April 9, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-133, prepared by the Actuary for the New York State and Local Retirement System.