

STATE OF NEW YORK

8141

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

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

AN ACT to amend the retirement and social security law, in relation to the definition of additional member contributions and basic member contributions for certain New York city employees' retirement system members who are subject to the twenty-five year retirement program for fire protection inspector members under Article 15 of the retirement and social security law, to allow such additional member contributions to be used to offset a deficit of basic member contributions, or to allow an excess of basic member contributions to offset a deficit of additional member contributions

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

1 Section 1. Subparagraph (i) of paragraph 10 of subdivision e of
2 section 604-j of the retirement and social security law, as added by
3 section 1 of part EE of chapter 55 of the laws of 2024, is amended to
4 read as follows:

5 (i) Such additional member contributions (and any interest thereon)
6 shall be paid into the contingent reserve fund of the retirement system
7 of which the participant is a member and shall not for any purpose be
8 deemed to be member contributions or accumulated contributions of a
9 member under section six hundred thirteen of this article or otherwise
10 while they are a participant in the twenty-five year retirement program
11 or otherwise, except that a surplus of such additional member contribu-
12 tions that are paid into the retirement system's contingent reserve
13 fund may be used for the sole purpose of offsetting a deficit.

14 § 2. Subdivision h of section 613 of the retirement and social securi-
15 ty law, as amended by chapter 448 of the laws of 2018, is amended to
16 read as follows:

17 h. Notwithstanding any other provision of law to the contrary, a
18 participant may use any excess basic member contributions to offset a

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

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1 deficit of additional member contributions as required pursuant to
2 sections six hundred four-a, six hundred four-b, six hundred four-c, as
3 added by chapter 96 of the laws of 1995, six hundred four-c, as added by
4 chapter 472 of the laws of 1995, six hundred four-d, six hundred four-e,
5 as added by chapter 576 of the laws of 2000, six hundred four-e, as
6 added by chapter 577 of the laws of 2000, six hundred four-f, as added
7 by chapter 559 of the laws of 2001, six hundred four-f, as added by
8 chapter 582 of the laws of 2001, six hundred four-g, [~~and~~] six hundred
9 four-h, and six hundred four-j of this article. The use of basic member
10 contributions to offset a deficit of additional member contributions
11 does not affect the contributions' tax designation pursuant to section
12 414(h) of the Internal Revenue Code.
13 § 3. This act shall take effect immediately.