STATE OF NEW YORK

8734

IN SENATE

January 7, 2026

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

AN ACT in relation to granting retroactive tier II membership in the New York state and local police and fire retirement system to Javier-Luis I. Martinez

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

Section 1. Notwithstanding any other provision of law, Javier-Luis I. Martinez, a member of the New York state and local police and fire retirement system currently employed by the town of Colonie, who was first employed as a youth court program assistant for the town of Colonie, beginning on June 30, 2008, and who through no fault of his own, failed to become a member of the New York state and local employees' retirement system during such employment by the town of Colonie in 2008, shall be deemed to have joined the New York state and local employees' retirement system on the date June 30, 2008 and shall be granted tier II status in the New York state and local police and fire retirement system, if, he shall file a written application therefor with the state comptroller within one year of the effective date of this act. Upon the receipt of such application, Javier-Luis I. Martinez shall be granted tier II status in the New York state and local police and fire retirement system and shall be eligible for all the rights and benefits thereof.

§ 2. All past service costs of implementing the provisions of this act shall be borne by the town of Colonie, and there shall be no refund of member contributions to Javier-Luis I. Martinez.

§ 3. This act shall take effect immediately.

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

This bill would grant Tier 2 status in the New York State and Local Police and Fire Retirement System (NYSLPFRS) to Javier-Luis I. Martinez, a current Tier 6 member employed by the town of Colonie, by changing their date of membership to June 30, 2008. There will be no refund of member contributions.

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

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We estimate that the town of Colonie's annual contributions will increase $12,000 beginning FYE 2027. Annual costs will vary as the billing rates and salary of Javier-Luis I. Martinez change.

In addition, there will be an immediate past service cost of $4,610 borne by the town of Colonie as a one-time payment. This cost assumes that payment will be made on February 1, 2027.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

This fiscal note does not constitute a legal opinion on the viability of the bill, nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 5, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-12. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member. I am a member of NYSLRS but do not believe it impairs my objectivity.