# STATE OF NEW YORK

10302

# IN SENATE

May 12, 2026

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

AN ACT authorizing Breanne M. Smith to receive a refund of certain accumulated contributions paid to 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:**

Section 1. Notwithstanding the provisions of subdivision b of section 902 of the retirement and social security law, Breanne M. Smith, a Tier 4 member of the New York state and local employees' retirement system, who was formerly a Tier 4 member of the New York city employee retirement system with six years and five months of service credit who then paid contributions as a Tier 6 member of the New York state and local employees' retirement system employee employed at the Putnam County district attorney's office during the period of January, 2016 through March 8, 2023 and initiated a tier reinstatement on July 12, 2019, shall be entitled to a refund of the accumulated contributions paid to the New York state and local employees' retirement system for the period in which the tier reinstatement was not initiated and a cessation date was not established, if an application is filed within one year of the effective date of this act.

§ 2. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to section 25 of the retirement and social security law.

§ 3. This act shall take effect immediately.

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

This bill would authorize the return of member contributions paid by Breanne Smith between January 13, 2016 and July 12, 2019. Breanne Smith is a current member of the New York State and Local Employees' Retirement System (NYSLERS) employed by Putnam county.

There will be an immediate past service cost of $17,800 shared by all participating employers in NYSLERS and spread over future billing cycles.

This bill will not increase Putnam county's annual contributions.

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

LBD11148-05-6

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 February 23, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-117. 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.