**§ 381-a. Retirement of members or officers of the state police; new plan.** a. Every member or officer of the division of state police in the executive department who enters or re-enters service in the division on or after May first, nineteen hundred sixty-one shall contribute to the police and fire retirement system in the manner provided for by this section.

b. Every member or officer of the division of state police who entered such service prior to May first, nineteen hundred sixty-one and who contributed under former section eighty-one-a of this chapter, in effect prior to April first, nineteen hundred sixty-seven shall contribute on the basis provided for by this section.

c. A member who elects or is required to contribute in accordance with this section, shall contribute, in lieu of the proportion of compensation as provided in section three hundred twenty-one of this article, a proportion of his or her compensation similarly determined. Such latter proportion shall be computed to provide, at the time when he or she shall first become eligible for retirement under this section, an annuity equal to one-one hundredth of his or her final average salary for each year of service as a member of the state employees' retirement system or the police and fire retirement system rendered after April sixteenth, nineteen hundred thirty-eight, and prior to the attainment of the age when he or she shall first become eligible for retirement. Such member's rate of contribution pursuant to this section shall be appropriately reduced pursuant to section three hundred seventy-a of this article for such period of time as his or her employer contributes pursuant to such section toward pensions-providing-for-increased-take-home-pay. No such member shall continue to make contributions after completing twenty-five years of such service.

d. A member contributing on the basis of this section at the time of retirement, shall be entitled to retire after the completion of twenty-five years of total creditable service in such division, or upon the attainment of age sixty, by filing an application therefor in a manner similar to that provided in section three hundred seventy of this

article.

1. Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement and an additional pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which he may then be entitled shall be sufficient to provide him with a retirement allowance equal to one-half of his final average salary.

2. Upon attainment of age sixty and upon retirement without completion of twenty-five years of such service, each such member shall receive a pension which together with an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement and an additional pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which he may then be entitled, shall be sufficient to provide him with a retirement allowance equal to one-fiftieth of his final average salary for each year of creditable service in such division. Every such member shall also be entitled to an additional pension equal to the pension for any creditable service rendered while not an employee of the division as provided under paragraphs three and four of subdivision a of section three hundred seventy-five of this article. This latter pension shall not increase the total allowance to more than one-half of his final average salary.

For the purpose only of determining the amount of the pension provided in this subdivision, the annuity shall be computed as it would be if it were not reduced by the actuarial equivalent of any outstanding loan, and if it were not increased by the actuarial equivalent of any additional contributions, and if it were not reduced by reason of the member's election to decrease his or her annuity contributions to the police and fire retirement system in order to apply the amount of such reduction in payment of his or her contributions for old-age and survivors insurance coverage.

e. The increased pensions to members of the division, as provided by this section, shall be paid from additional contributions made by the state on account of such members. The actuary of the police and fire retirement system shall compute the additional contribution required for each member who elects to receive the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the police and fire retirement system for such extra pensions. Upon approval by the comptroller, such additional contributions shall be certified by him or her to the superintendent of state police. The amount thereof shall be included in the annual appropriation of the state for the division of state police. Such amount shall be paid on the warrant of the comptroller to the pension accumulation fund of the police and fire retirement system.

f. In computing the twenty-five years of completed service of a member in the division, full credit shall be given and full allowance shall be made for service of such member in time of war and service with the American expeditionary forces subsequent to November eleventh, nineteen hundred eighteen, and prior to June thirtieth, nineteen hundred nineteen, of honorably discharged officers, soldiers, sailors, marines and army nurses, who were actual residents of the state at the time of their entry into the military service of the United States, and the service of members of the national guard in the military service of the United States of America pursuant to the call of the president for Mexican border service.

g. The provisions of this section shall be controlling notwithstanding any provision in this article to the contrary.