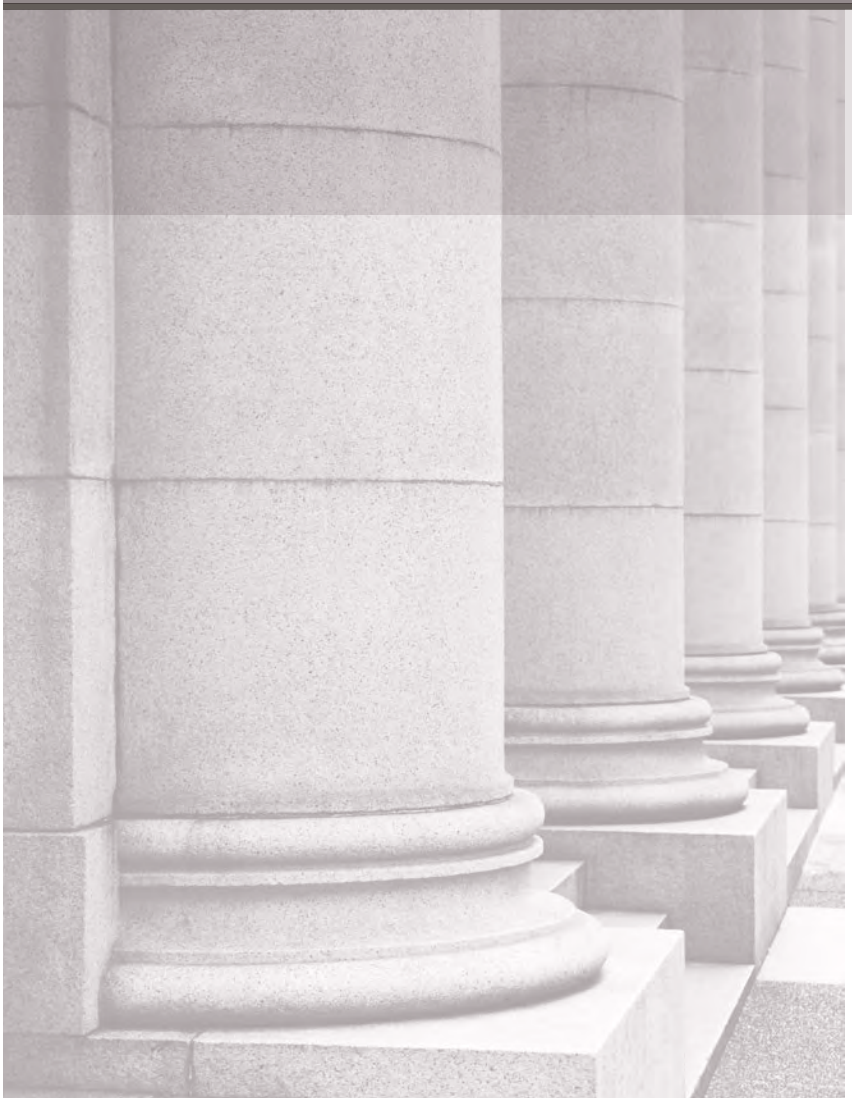
2013
Retirement Legislation



New York State Office of the State Comptroller
Thomas P. DiNapoli

New York State and Local Retirement System

Employees' Retirement System
Police and Fire Retirement System

A Message from Comptroller Thomas P. DiNapoli

Every year, the Legislature passes new laws that affect the New York State and Local Retirement System (NYSLRS) and other State public retirement systems.

This publication covers retirement and retirement-related legislation enacted or vetoed during the 2013 Legislative Session. Sections I and II list legislation directly affecting NYSLRS, our participating employers, members, retirees and beneficiaries. Section III covers legislation affecting other New York State public retirement systems.

I hope you find this 2013 Retirement Legislation publication to be a useful reference.

Sincerely,

Thomas P. DiNapoli
State Comptroller

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Section I

Legislation Affecting the New York State and Local Retirement System

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55	3	Enacts major components of legislation necessary to implement the public protection — general government budget for the 2013-14 state fiscal year **[A.3005/S.2605]**
57	8	Amends various provisions of law relating to implementing the education, labor, housing, and family assistance budget for the 2013-2014 state fiscal year **[A.3007/S.2607]**
67	34	Establishes the financial restructuring board for local governments and relates to public arbitration panels determinations of whether public employers are fiscally eligible **[A.8086/S.5865]**
185	41	Grants retroactive tier IV membership in the New York state and local employees' retirement system to Sarah Fish **[A.2888/S.2587]**
193	43	Authorizes the town of Ticonderoga to offer a 20 year retirement plan to police officer Dale W. Quesnel, Jr. **[A.4963/S.3182]**
196	45	Increases certain special accidental death benefits **[A.5576/S.4257]**
206	51	Authorizes the city of Ithaca, in the county of Tompkins to offer an optional twenty year retirement plan to firefighter James Crowley **[A.6687/S.4662]**
262	53	Allows John R. Panichi to join the special retirement plan for sheriffs, undersheriffs and deputy sheriffs **[A.6504/S.4389]**
268	55	Authorizes Eric Brown to participate in the optional twenty year retirement system **[A.6643/S.4584]**
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273	59	Authorizes the village of Rockville Centre to offer a 20 year retirement plan to police officer Noz Firoz **[A.7045/S.4800]**
288	61	Authorizes the village of Hudson Falls to offer a 20 year retirement plan to police officer Brandon Kommer **[A.7576/S.5140]**
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295	67	Authorizes the village of Sleepy Hollow to offer an optional twenty-year retirement plan to certain police officers **[A.7030/S.5239]**
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340	80	Implements an agreement between the state and an employee organization in the employ of the state university; appropriation **[A.8030/S. 5799]**
352	92	Establishes the electronic death registration system **[A.7500/S.4668]**
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453	99	Relates to authorizing former employees of the state university of New York NY Network to retain membership in the optional retirement program **[A.7586/S.5767]**
488	101	Relates to extending the effectiveness of a health insurance demonstration program for early retirees **[A.7735/S.5695]**
489	103	Addresses limitations in existing disability provisions intended to protect public employees who suffered injuries or illnesses in WTC rescue, recovery and cleanup operations **[A.7803/S.5759]**
520	129	Clarifies the maximum salary which may be used to calculate the ordinary death benefit of members of the public retirement systems of the state **[A.4983/S.4761]**
523	132	Allows larger lump sum payments to be made under the partial lump sum payment program for certain members of the New York state and local police and fire retirement system **[A.6942/S.5053]**

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M.204	137	Authorizes Jaime Laszko to elect to participate in the optional 25 year retirement plan for forest rangers [**A.5012/S.3181**]
M.211	139	Establishes a special commission on compensation for state employees designated managerial or confidential and provides for its powers and duties [**A.246/S.2953**]
M.223	142	Requires all state agencies and departments to accept certain methods of payment [**A.3651/S.3976**]
M.230	144	Grants retroactive Tier IV membership in the New York state and local employees' retirement system to Brian Stebbins [**A.7458/S.5564**]
M.231	147	Grants retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward [**A.7459/S.5565**]
M.232	151	Grants retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton [**A.7457/S.5566**]
M.268	155	Provides certain officers 75% disability benefits for injuries sustained in performance of duties as a result of an act of a civilian [**A.7630/S.5670**]
M.280	158	Relates to an optional twenty year retirement plan for members of the New York state and local police and fire retirement system [**A.7822/S.5091**]

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56	191	Enacts into law major components of legislation necessary to implement the state health mental hygiene budget for the 2013-2014 state fiscal year **[A.3006/S.2606]**
436	199	Allows the annual convention of the New York state teachers' retirement system to be held in either the month of October or November **[A.4982/S.4755]**
522	201	Provides for the refund of certain member contributions **[A.6578/S.4186]**

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Section I

Legislation Affecting the New York State and Local Retirement Systems

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STATE OF NEW YORK

S. 2605--D A. 3005--D

SENATE - ASSEMBLY

January 22, 2013

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the governor to close correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part A); authorizing the urban development corporation, the office of general services and the department of corrections and community supervision to transfer and convey certain lands in the county of Bronx, city of New York, to the Thomas Mott Osborne Memorial Fund, Inc. (Part B); to amend the vehicle and traffic law, in relation to increasing surcharges for certain violations; in relation to enhanced penalties for multiple violations of the mobile phone and texting prohibitions (Part C); to amend the executive law, in relation to adopting the national crime prevention and privacy compact (Part D); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to

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

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amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to making the provisions of such chapter permanent; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in

relation to extending the effective date thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; and to amend section 3 of part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend section 5 of chapter 554 of the laws of 1986 amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof (Part E); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); intentionally omitted (Part G); intentionally omitted (Part H); to amend the state finance law, in relation to creating a new New York state gaming commission account (Part I); to amend the tax law, in relation to reducing purse amounts paid from the VLT program (Part J); to amend the state finance law, in relation to reforming the local government citizens re-organization empowerment grant program and the local government efficiency grant program (Part K); intentionally omitted (Part L); intentionally omitted (Part M); to amend the executive law, the state technology law and the general business law, in relation to providing for the consolidation of certain information technology staff and services within the office of information technology services; and to repeal section 715 of the executive law, relating to the office of cyber security (Part N); intentionally omitted (Part O); to amend the state finance law, in relation to increasing discretionary thresholds for procurement of food commodities (Part P); to amend the executive law, in relation to including school districts and boards of cooperative educational services in the intrastate mutual aid program (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the public lands law, in relation to state aid on certain state leased or state-owned land (Part T); intentionally omitted (Part U); to amend the executive law, in relation to emergency alerts (Part V); to amend the insurance law, in relation to extending the authority for the joint underwriting association to issue broad form insurance coverage (Part W); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part X); to amend the retirement and social security law, in relation to eliminating the earnings limitation for retired police officers employed as school resource officers (Part Y); and to amend chapter 401 of the laws of 2002, amending the real property tax law and the Nassau county administrative code relating to assessment and review of assessments in the county of Nassau, in relation to extending the expiration and repeal of certain provisions thereof; to amend the real property tax law, in relation to assessment and review of assessments; and providing for the repeal of certain provisions upon expiration thereof (Part Z)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2013-2014 state fiscal year. Each component is wholly contained within a Part identified as Parts A through Z. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PARTS A - X OMITTED

PART Y

Section 1. Section 212 of the retirement and social security law is amended by adding a new subdivision 3 to read as follows:

3. Notwithstanding the provisions of subdivisions one and two of this section, the commissioner of education may determine, pursuant to section two hundred eleven of this article, that such earnings limitations shall not apply to a retired police officer employed by a school district as a school resource officer.

§ 2. This act shall take effect immediately.

PART Z - OMITTED

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through Z of this act shall be as specifically set forth in the last section of such Parts.

Chapter 57 **Signed March 29, 2013**

STATE OF NEW YORK

S. 2607--D A. 3007--D

SENATE - ASSEMBLY

January 22, 2013

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to school district eligibility for an increase in apportionment of school aid and implementation of standards for conducting annual professional performance reviews to determine teacher and principal effectiveness; to amend the education law, in relation to contracts for excellence, school census in school districts, New York state school safety improvement teams, accountability of school districts, the financing of charter schools, annual professional performance review plans, apportionment of school aid, calculation of the gap elimination restoration amount, establishment of a community schools and extended learning time grant program, duties of school districts and the costs of certain tuition maintenance and transportation; to amend the general municipal law, in relation to the employee benefit accrued liability reserve fund; to amend the education law, in relation to transportation after 4 pm; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to extending certain provisions; to

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

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amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; and in relation to extending the expiration of certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to amend chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, in relation to extending the provisions of such chapter; in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; to repeal subdivision 17 of section 1950 of the education law relating thereto; and to repeal section 3627 of the education law relating to transportation after 5 pm and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law and the public authorities law, in relation to the acquisition, design, construction, reconstruction, rehabilitation, improvement and financing of dormitory facilities for the state university of New York (Part B); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part C); to amend the education law, in relation to establishing the Next Generation NY Job Linkage Program Act (Part D); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part E); intentionally omitted (Part F); to amend the executive law and the social services law, in relation to consolidating the youth development and delinquency prevention program and the special delinquency prevention program; and to repeal certain provisions of the executive law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend the real property tax law, in relation to providing for the registration of recipients of STAR exemptions, and eliminating waste, fraud and abuse in the STAR program and relating to the powers of the state board of real property tax services (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to utilize reserves in the project pool insurance account of the mortgage insurance fund for

various housing purposes (Part M); to amend the labor law, in relation to the powers of the commissioner of labor and to repeal subdivision 17 of section 100 of the economic development law relating to the operation of the state data center (Part N); to amend the labor law, in relation to increasing unemployment insurance benefits and contributions, to entitlement and eligibility criteria, to work search requirements, to relieving employers of charges for separations caused by misconduct and voluntarily leaving employment without good cause, to reduction of benefits based on pensions and dismissal pay, to enhanced penalties, in relation to fraudulently obtained benefits and new penalties for employers who cause overpayments by failing to timely and accurately respond to information about claims, to approving employer shared work benefit plans, and to the interest assessment surcharge; and to amend chapter 62 of the laws of 2003, amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, in relation to the effectiveness thereof; to repeal certain provisions of the labor law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part O); to amend the labor law, in relation to the minimum wage and making technical corrections relating thereto (Part P); intentionally omitted (Part Q); to amend the racing, pari-mutuel wagering and breeding law, in relation to labor peace agreements (Part R); to amend the education law, in relation to dental health certificates for students (Part S); to amend the education law, in relation to the performance of medical services (Part T); to amend the education law, in relation to creating the graduation, achievement and placement program (Part U); to amend the education law, in relation to charges for non-resident students (Part V); to amend the tax law, the state finance law and the executive law, in relation to gifts for honor and remembrance of veterans, the establishment of the veterans remembrance and cemetery maintenance and operation fund, and to repeal certain provisions of the executive law relating thereto (Part W); to amend the public service law, in relation to strengthening the oversight and enforcement mechanisms of the Public Service Commission; to amend the general business law, in relation to increasing fines for violations relating to the protection of underground facilities (Part X); in relation to the repowering of existing power generation facilities (Part Y); to amend the labor law, in relation to the self-employment assistance program; and to amend chapter 413 of the laws of 2003 amending the labor law relating to the self-employment assistance program and other matters, in relation to the effectiveness thereof (Part Z); to amend chapter 420 of the laws of 2002 amending the education law relating to the profession of social work; chapter 676 of the laws of 2002 amending the education law relating to the practice of psychology; chapter 130 of the laws of 2010 amending the education law and other laws relating to the registration of entities providing certain professional services and the licensure of certain professions, in relation to reporting requirements and expiration dates; and to amend the education law, in relation to licensure of social workers and mental health counselors (Part AA); to amend the retirement and social security law, in relation to stable pensions; and to amend the education law, in relation to a stable contribution option for participating educational employers (Part BB); in relation to contracts for services and expenses of pay for success initiatives to improve program outcomes in the program areas of health care, early childhood development, child-

hood welfare and public safety (Part CC); to amend the private housing finance law, in relation to establishing the rural and urban community investment fund program (Part DD); to amend the state finance law, in relation to increasing state assistance to eligible cities and eligible municipalities in which a video lottery gaming facility is located (Part EE); to amend the penal law, in relation to making technical changes to such law relating to licensing of firearms; and to amend chapter 1 of the laws of 2013 amending the criminal procedure law and other laws relating to suspension and revocation of firearms licenses, in relation to the effectiveness thereof (Part FF); to amend the workers' compensation law, in relation to changing the composition of the board's practice committees and to permitting a single arbitrator process; to amend the workers' compensation law, in relation to the collection of assessments for annual expenses and the investment of surplus or reserve; in relation to the representation of funds; in relation to closing the fund for reopened cases; in relation to administration expenses for the state insurance fund; in relation to requiring self-insured municipal groups and county treasurers to provide certain financial information to the workers' compensation board; to amend the workers' compensation law and the public authorities law, in relation to authorizing the workers' compensation board and the dormitory authority to enter into a self-insured bond financing agreement; to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to the payment of benefits and to the assessment of expenses; to amend the public officers law, in relation to indemnification of state officers and employees; and repealing certain provisions of the workers' compensation law, the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law relating to assessments for expenses, and relating to the location of the workers' compensation board (Part GG); and to provide for the administration of certain funds and accounts related to the 2013-14 budget; authorizing certain payments and transfers; to amend chapter 59 of the laws of 2012, relating to providing for administration of certain funds and accounts related to the 2013-2014 budget, in relation to the effectiveness thereof; to amend the state finance law, in relation to school tax relief fund; to amend chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, in relation to the availability of moneys; to amend the New York state medical care facilities finance agency act, in relation to the deposit of certain funds; to amend the state finance law, in relation to the issuance of revenue bonds; to amend the public authorities law, in relation to the number of directors required for approval of a resolution authorizing the issuance of bonds or notes; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the Division of Military and Naval Affairs Capital Projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and

bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to courthouse improvements and training facilities, metropolitan transportation authority facilities, peace bridge projects and issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to projects for retention of professional football in western New York; to amend the public authorities law, in relation to the cleaner, greener communities program; to amend the state finance law, in relation to establishing the sales tax revenue bond tax fund and providing for the deposit of revenues therefrom, establishing the sales tax revenue bond financing program; to amend the tax law, in relation to deposit and disposition of revenue; to amend the state finance law, in relation to establishing the New York state storm recovery capital fund; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of New York works transportation capital projects; and providing for the repeal of certain provisions upon expiration thereof (Part HH)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2013-2014
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through HH. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PARTS A - AA OMITTED

40 PART BB

41 Section 1. Legislative findings and intent. The legislature finds that
42 local governments and school districts are facing increased stress from
43 rising costs including employee pension obligations. Last year, the
44 legislature took action to aid local governments and school districts in
45 controlling future pension obligations by making changes to the benefit
46 structure for employees hired after April 1, 2012. Now the legislature
47 finds that it is desirable to provide local governments and school
48 districts with more stability and predictability for current pension
49 obligations, while simultaneously ensuring the adequacy of pension
50 system funding.
51 It is the intent of the legislature to authorize the comptroller and
52 the New York state teachers' retirement system board to establish,
53 subject to their discretion, additional contribution options designed to

provide stability and predictability to employers, while ensuring adequate pension system funding over the term of these options.

§ 2. Section 19-a of the retirement and social security law, as added by section 1 of part TT of chapter 57 of the laws of 2010, is amended to read as follows:

§ 19-a. Employer contributions for the two thousand ten - two thousand eleven fiscal year and subsequent fiscal years. a. In addition to the definitions in section two of this article, when used in this section:

(1) "Amortizing employer" shall mean an employer that elects to amortize a portion of the employer's annual bill pursuant to paragraph one of subdivision d of this section for the two thousand ten - two thousand eleven fiscal year, or any subsequent fiscal year, **pursuant to the system graded contribution rate** regardless of whether the employer has subsequently paid in full all such amortized amounts**, and that does not elect to amortize as an alternative amortizing employer for the two thousand thirteen - two thousand fourteen fiscal year**.

(1-a) "Alternative amortizing employer" shall mean a county, city, town, village, school district, board of cooperative educational services, or public benefit corporation that operates a public general hospital located in the county of Westchester, the county of Erie, or the county of Nassau that, on a form prepared by the comptroller, elects to and does amortize a portion of the employer's annual bill pursuant to paragraph one of subdivision d of this section for the two thousand thirteen - two thousand fourteen fiscal year pursuant to the alternative system graded contribution rate, regardless of whether the employer has subsequently paid in full all such amortized amounts.

(2) "Amount eligible for amortization" for a given fiscal year shall mean the amount by which an employer's actuarial contribution for such fiscal year exceeds the employer's graded contribution for the same fiscal year, less any amount from the employer contribution reserve fund applied to reduce the employer's payment to the retirement system for the fiscal year, provided, however, that if the employer's average actuarial contribution rate for the fiscal year is less than nine and one-half percent, then the amount eligible for amortization shall be zero.

(3) "Employer's actuarial contribution" for a given fiscal year shall mean an employer's annual bill for such fiscal year exclusive of deficiency contributions and payments on account of group term life insurance, adjustments relating to prior fiscal years' obligations, retirement incentives and prior amortizations.

(4) "Employer's annual bill" shall mean for a given fiscal year the sum of the following amounts: (i) an employer's normal contributions for the fiscal year determined in accordance with paragraph one of subdivision b of section twenty-three of this article and the comprehensive structural reform program implemented pursuant to subdivision b of section twenty-three-a of this article, including the provisions of subdivision b of section twenty-three-a of this article relating to the required minimum annual contribution of four and one-half percent of pensionable salaries; (ii) the employer's deficiency contributions and administration contributions for the fiscal year determined in accordance with paragraphs two and three of subdivision b of section twenty-three of this article; and (iii) any payments by the employer due in the fiscal year on account of group term life insurance, adjustments relating to prior fiscal years' obligations, retirement incentives and prior amortizations.

(5) "Employer's average actuarial contribution rate" for a given fiscal year shall mean an employer's actuarial contribution for such

fiscal year divided by the employer's projected payroll for the same fiscal year.

(6) "Employer contribution reserve fund" or "fund" shall mean the employer contribution reserve fund established pursuant to subdivision e of this section.

(7) "Employer's graded contribution" for a given fiscal year shall mean the amount determined by applying the system graded contribution rate **or the alternative system graded contribution rate** for such fiscal year to an employer's projected payroll for the same fiscal year.

(8) "Employer's graded payment" for a given fiscal year shall mean the amount by which an employer's graded contribution for such fiscal year exceeds the employer's actuarial contribution for the same fiscal year.

(9) "Prior amortization" shall mean with respect to a given fiscal year any payment due in such fiscal year on account of an obligation from a prior fiscal year that an employer is permitted to pay to the retirement system on an amortized basis.

(10) "System average actuarial contribution rate" for a given fiscal year shall mean the sum of all employers' actuarial contributions for such fiscal year divided by the sum of all employers' projected payroll for the same fiscal year.

(11) "System graded contribution rate" for a given fiscal year shall mean the graded contribution rate for the retirement system as a whole determined for such fiscal year pursuant to subdivision c of this section.

(12) "Alternative system graded contribution rate" for a given fiscal year shall mean the graded contribution rate for the retirement system as a whole determined for such fiscal year pursuant to subdivision c-1 of this section.

b. Notwithstanding the provisions of this chapter or any other law to the contrary, the comptroller, in his or her discretion, shall have authority to implement this section. If the comptroller elects to implement this section, the provisions of this section shall apply to the payment of employer contributions for the fiscal year commencing on April first, two thousand ten, and for subsequent fiscal years. **If the comptroller, within his or her discretion, elects to implement the alternative system graded contribution rate as provided by subdivision c-1 of this section, the provisions of paragraph one-a of subdivision d of this section shall apply to the payment of employer contributions for the fiscal year commencing on April first, two thousand thirteen, and for subsequent fiscal years.**

c. For each fiscal year to which the provisions of this section apply, the comptroller shall determine a graded contribution rate for the retirement system as a whole in the manner provided in this subdivision.

(1) For the two thousand ten - two thousand eleven fiscal year the system graded contribution rate shall be nine and one-half percent.

(2) For the two thousand eleven - two thousand twelve fiscal year, and subsequent fiscal years, system graded contribution rates shall be determined as follows:

(i) if the system average actuarial contribution rate for a given fiscal year is at least nine and one-half percent and exceeds the system graded contribution rate for the immediately preceding fiscal year by more than one percentage point, then the system graded contribution rate for the given fiscal year shall equal the system graded contribution rate for the immediately preceding fiscal year plus one percentage point, provided, however, that in no event shall the system graded contribution rate be less than nine and one-half percent;

(ii) if the system average actuarial contribution rate for a given fiscal year is at least nine and one-half percent and either equals the system graded contribution rate for the immediately preceding fiscal year or exceeds the system graded contribution rate for the immediately preceding fiscal year by one percentage point or less, then the system graded contribution rate for the given fiscal year shall equal the system average actuarial contribution rate for such fiscal year, provided, however, that in no event shall the system graded contribution rate be less than nine and one-half percent;

(iii) if the system average actuarial contribution rate for a given fiscal year is less than nine and one-half percent and greater than the system graded contribution rate for the immediately preceding fiscal year, then the system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year;

(iv) if the system average actuarial contribution rate for a given fiscal year is smaller than the system graded contribution rate for the immediately preceding fiscal year by more than one percentage point, then the system graded contribution rate for the given fiscal year shall equal the system graded contribution rate for the immediately preceding fiscal year minus one percentage point; and

(v) if the system average actuarial contribution rate for a given fiscal year either equals the system graded contribution rate for the immediately preceding fiscal year or is smaller than the system graded contribution rate for the immediately preceding fiscal year by one percentage point or less, then the system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year.

c-1. For each fiscal year to which the provisions of this section apply, the comptroller shall determine an alternative system graded contribution rate for the retirement system as a whole in the manner provided in this subdivision.

(1) For the two thousand thirteen - two thousand fourteen fiscal year and the two thousand fourteen - two thousand fifteen fiscal year, the alternative system graded contribution rate shall be twelve percent.

(2) For the two thousand fifteen - two thousand sixteen fiscal year and for subsequent fiscal years, the alternative system graded contribution rates shall be determined as follows:

(i) if the system average actuarial contribution rate for a given fiscal year is at least nine and one-half percent and exceeds the alternative system graded contribution rate for the immediately preceding fiscal year by more than one-half percentage point, then the alternative system graded contribution rate for the given fiscal year shall equal the alternative system graded contribution rate for the immediately preceding fiscal year plus one-half percentage point, provided, however, that in no event shall the alternative system graded contribution rate be less than nine and one-half percent;

(ii) if the system average actuarial contribution rate for a given fiscal year is at least nine and one-half percent and either equals the alternative system graded contribution rate for the immediately preceding fiscal year or exceeds the alternative system graded contribution rate for the immediately preceding fiscal year by one-half percentage point or less, then the alternative system graded contribution rate for the given fiscal year shall equal the system average actuarial contribution rate for such fiscal year, provided, however, that in no event shall the alternative system graded contribution rate be less than nine and one-half percent;

(iii) if the system average actuarial contribution rate for a given fiscal year is less than nine and one-half percent and greater than the alternative system graded contribution rate for the immediately preceding fiscal year, then the alternative system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year;

(iv) if the system average actuarial contribution rate for a given fiscal year is smaller than the alternative system graded contribution rate for the immediately preceding fiscal year by more than one-half percentage point, then the alternative system graded contribution rate for the given fiscal year shall equal the alternative system graded contribution rate for the immediately preceding fiscal year minus one-half percentage point; and

(v) if the system average actuarial contribution rate for a given fiscal year either equals the alternative system graded contribution rate for the immediately preceding fiscal year or is smaller than the alternative system graded contribution rate for the immediately preceding fiscal year by one-half percentage point or less, then the alternative system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year.

d. (1) For any given fiscal year for which an employer's average actuarial contribution rate exceeds the system graded contribution rate, the employer shall pay to the retirement system an amount equal to the employer's annual bill for such year or, in lieu of paying the entire annual bill, the employer may pay an amount equal to the employer's annual bill less all or a portion of the employer's amount eligible for amortization for the fiscal year. If in accordance with this paragraph the employer's payment to the retirement system is less than the entire amount of the employer's annual bill, then the difference between the employer's annual bill, and the amount actually paid by the employer to the retirement system exclusive of any amount from the employer contribution reserve fund applied to reduce the employer's payment, shall be the amount amortized for the fiscal year. The amount amortized for the fiscal year shall be paid to the retirement system in equal annual installments over a ten-year period, with interest on the unpaid balance at a rate determined by the comptroller which approximates a market rate of return on taxable fixed rate securities with similar terms issued by comparable issuers, and with the first installment due in the immediately succeeding fiscal year.

(1-a) For any given fiscal year for which an employer's average actuarial contribution rate exceeds the alternative system graded contribution rate, the employer shall pay to the retirement system an amount equal to the employer's annual bill for such year or, in lieu of paying the entire annual bill, the employer may pay an amount equal to the employer's annual bill less all or a portion of the employer's amount eligible for amortization for the fiscal year. If in accordance with this paragraph the employer's payment to the retirement system is less than the entire amount of the employer's annual bill, then the difference between the employer's annual bill, and the amount actually paid by the employer to the retirement system exclusive of any amount from the employer contribution reserve fund applied to reduce the employer's payment, shall be the amount amortized for the fiscal year. The amount amortized for the fiscal year shall be paid to the retirement system in equal annual installments over a twelve year period, with interest on the unpaid balance at a rate determined by the comptroller which shall be the twelve year interpolated rate based on the most recently

published yield to maturity of a ten year and twenty year U.S. Treasury Security plus one hundred basis points.

(2) For any given fiscal year for which the system graded contribution rate equals or exceeds an amortizing employer's average actuarial contribution rate, the amortizing employer shall pay to the retirement system an amount equal to the employer's annual bill for such year plus the employer's graded payment for the fiscal year.

(i) If the amortizing employer's annual bill for the fiscal year does not include an amount attributable to a prior amortization, then the employer's graded payment shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(ii) If the amortizing employer's annual bill for the fiscal year includes an amount attributable to a prior amortization, the employer's graded payment shall be used first to eliminate the amount of the employer's unpaid prior amortization balances in chronological order starting with the oldest prior amortization balance. When in any fiscal year the employer's graded payment eliminates all balances owed on the employer's prior amortizations, any remaining portion of the employer's graded payment for such fiscal year, and the employer's graded payment in any subsequent fiscal year in which the amortizing employer has no unpaid prior amortizations, shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(2-a) For any given fiscal year for which the alternative system graded contribution rate equals or exceeds an alternative amortizing employer's average actuarial contribution rate, the alternative amortizing employer shall pay to the retirement system an amount equal to the employer's annual bill for such year plus the employer's graded payment for the fiscal year.

(i) If the alternative amortizing employer's annual bill for the fiscal year does not include an amount attributable to a prior amortization, then the employer's graded payment shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(ii) If the alternative amortizing employer's annual bill for the fiscal year includes an amount attributable to a prior amortization, the employer's graded payment shall be used first to eliminate the amount of the employer's unpaid prior amortization balances in chronological order starting with the oldest prior amortization balance. When in any fiscal year the employer's graded payment eliminates all balances owed on the employer's prior amortizations, any remaining portion of the employer's graded payment for such fiscal year, and the employer's graded payment in any subsequent fiscal year in which the amortizing employer has no unpaid prior amortizations, shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(3) Nothing in this subdivision shall be construed as prohibiting an employer from pre-paying any prior amortization.

e. (1) Notwithstanding any law to the contrary, there shall be maintained separate and apart from the other funds of the retirement system an employer contribution reserve fund, the assets of which shall not be used or invested in a manner contrary to the provisions of this subdivision. The fund shall consist of all employer contributions required to be deposited into the fund pursuant to subdivision d of this section.

Within such fund there shall be a separate account for each employer making such contributions and payments.

(2) For any given fiscal year for which (i) the system actuarial contribution rate exceeds nine and one-half percent of payroll, and (ii) an employer's average actuarial contribution rate exceeds the system graded contribution rate **or the alternative system graded contribution rate**, the balance in the employer's account within such fund shall be applied to reduce the employer's payment to the retirement system for such fiscal year in an amount not to exceed the difference between the employer's actuarial contribution and the employer's graded contribution for the fiscal year.

(3) Notwithstanding the provisions of paragraph two of this subdivision, if at the close of any given fiscal year the balance of an employer's account within the fund exceeds one hundred percent of the employer's payroll for such fiscal year, the excess shall be applied to reduce the employer's payment to the retirement system for the next succeeding fiscal year.

(4) The assets of the fund shall be invested in only the following types of investments:

(i) obligations of the United States of America or in obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America or in obligations of the state of New York;

(ii) general obligation bonds and notes of any state other than this state, provided that such bonds and notes receive the highest rating of at least one independent rating agency;

(iii) obligations of, or instruments issued by or fully guaranteed as to principal and interest by, any agency or instrumentality of the United States acting pursuant to a grant of authority from the congress of the United States, including, but not limited to, any federal home loan bank or banks, the Tennessee valley authority, the federal national mortgage association, the federal home loan mortgage corporation and the United States postal service;

(iv) certificate of deposits that are fully secured by the issuer by depositing with the comptroller direct or indirect obligations of the United States or its agencies or a letter of credit issued by the Federal Home Loan Bank; and

(v) obligations of any corporation organized under the laws of any state in the United States maturing within two hundred seventy days provided that such obligations receive the highest rating of two independent rating services designated by the comptroller.

(5) At the close of each fiscal year, the amount of interest and earnings attributable to each employer's account shall be computed by the actuary and certified to the comptroller, who shall thereupon credit each employer's account in accordance therewith.

(6) The assets of the fund shall be excluded from the annual valuation of the assets and liabilities of the funds of the retirement system required by section eleven of this title. The assets of the fund shall not be used to finance increases in pension benefits.

§ 3. Section 319-a of the retirement and social security law, as added by section 3 of part TT of chapter 57 of the laws of 2010, is amended to read as follows:

§ 319-a. Employer contributions for the two thousand ten - two thousand eleven fiscal year and subsequent fiscal years. a. In addition to the definitions in section three hundred two of this article, when used in this section:

(1) "Amortizing employer" shall mean an employer that elects to amortize a portion of the employer's annual bill pursuant to paragraph one of subdivision d of this section for the two thousand ten - two thousand eleven fiscal year, or any subsequent fiscal year, **pursuant to the system graded contribution rate** regardless of whether the employer has subsequently paid in full all such amortized amounts**, and that does not elect to amortize as an alternative amortizing employer for the two thousand thirteen - two thousand fourteen fiscal year**.

(1-a) "Alternative amortizing employer" shall mean a county, city, town or village that, on a form prepared by the comptroller, elects to and does amortize a portion of the employer's annual bill pursuant to paragraph one of subdivision d of this section for the two thousand thirteen - two thousand fourteen fiscal year pursuant to the alternative system graded contribution rate, regardless of whether the employer has subsequently paid in full all such amortized amounts.

(2) "Amount eligible for amortization" for a given fiscal year shall mean the amount by which an employer's actuarial contribution for such fiscal year exceeds the employer's graded contribution for the same fiscal year, less any amount from the employer contribution reserve fund applied to reduce the employer's payment to the retirement system for the fiscal year, provided, however, that if the employer's average actuarial contribution rate for the fiscal year is less than seventeen and one-half percent, then the amount eligible for amortization shall be zero.

(3) "Employer's actuarial contribution" for a given fiscal year shall mean an employer's annual bill for such fiscal year exclusive of the deficiency contributions and payments on account of group term life insurance, adjustments relating to prior fiscal years' obligations, retirement incentives and prior amortizations.

(4) "Employer's annual bill" shall mean for a given fiscal year the sum of the following amounts: (i) an employer's normal contributions for the fiscal year determined in accordance with paragraph one of subdivision b of section three hundred twenty-three of this article and the comprehensive structural reform program implemented pursuant to subdivision b of section three hundred twenty-three-a of this article, including the provisions of subdivision b of section three hundred twenty-three-a of this article relating to the required minimum annual contribution of four and one-half percent of pensionable salaries; (ii) the employer's deficiency contributions and administration contributions for the fiscal year determined in accordance with paragraphs two and three of subdivision b of section three hundred twenty-three of this article; and (iii) any payments by the employer due in the fiscal year on account of group term life insurance, adjustments relating to prior fiscal years' obligations, retirement incentives and prior amortizations.

(5) "Employer's average actuarial contribution rate" for a given fiscal year shall mean an employer's actuarial contribution for such fiscal year divided by the employer's projected payroll for the same fiscal year.

(6) "Employer contribution reserve fund" or "fund" shall mean the employer contribution reserve fund established pursuant to subdivision e of this section.

(7) "Employer's graded contribution" for a given fiscal year shall mean the amount determined by applying the employer's graded contribution rate **or the alternative amortizing employer's graded contribution**

rate for such fiscal year to an employer's projected payroll for the same fiscal year.

(8) "Employer's graded contribution rate" for a given fiscal year shall mean (i) the system graded contribution rate for such fiscal year, or (ii) in the case of an individual employer for which a graded contribution rate has been determined pursuant to paragraph three of subdivision c of this section, the graded contribution rate for the individual employer for such fiscal year.

(9) "Employer's graded payment" for a given fiscal year shall mean the amount by which an employer's graded contribution for such fiscal year exceeds the employer's actuarial contribution for the same fiscal year.

(10) "Prior amortization" shall mean with respect to a given fiscal year any payment due in such fiscal year on account of an obligation from a prior fiscal year that an employer is permitted to pay to the retirement system on an amortized basis.

(11) "System average actuarial contribution rate" for a given fiscal year shall mean the sum of all employers' actuarial contributions for such fiscal year, divided by the sum of all employers' projected payroll for the same fiscal year.

(12) "System graded contribution rate" for a given fiscal year shall mean the graded contribution rate for the retirement system as a whole determined for such fiscal year pursuant to paragraph one or two of subdivision c of this section.

(13) "Alternative system graded contribution rate" for a given fiscal year shall mean the graded contribution rate for the retirement system as a whole determined for such fiscal year pursuant to paragraph one or two of subdivision c-1 of this section.

b. Notwithstanding the provisions of this chapter or any other law to the contrary, the comptroller, in his or her discretion, shall have authority to implement this section. If the comptroller elects to implement this section, the provisions of this section shall apply to the payment of employer contributions for the fiscal year commencing on April first, two thousand ten, and for subsequent fiscal years. **If the comptroller, within his or her discretion, elects to implement the alternative system graded contribution rate as provided by subdivision c-1 of this section, the provisions of paragraph one-a of subdivision d of this section shall apply to the payment of employer contributions for the fiscal year commencing on April first, two thousand thirteen, and for subsequent fiscal years.**

c. For each fiscal year to which the provisions of this section apply, the comptroller shall determine a graded contribution rate for the retirement system as a whole in the manner provided in this subdivision.

(1) For the two thousand ten - two thousand eleven fiscal year the system graded contribution rate shall be seventeen and one-half percent.

(2) For the two thousand eleven - two thousand twelve fiscal year, and subsequent fiscal years, system graded contribution rates shall be determined as follows:

(i) if the system average actuarial contribution rate for a given fiscal year is at least seventeen and one-half percent and exceeds the system graded contribution rate for the immediately preceding fiscal year by more than one percentage point, then the system graded contribution rate for the given fiscal year shall equal the system graded contribution rate for the immediately preceding fiscal year plus one percentage point, provided however, that in no event shall the system graded contribution rate be less than seventeen and one-half percent;

(ii) if the system average actuarial contribution rate for a given fiscal year is at least seventeen and one-half percent and either equals the system graded contribution rate for the immediately preceding fiscal year or exceeds the system graded contribution rate for the immediately preceding fiscal year by one percentage point or less, then the system graded contribution rate for the given fiscal year shall equal the system average actuarial contribution rate for such fiscal year, provided, however, that in no event shall the system graded contribution rate be less than seventeen and one-half percent;

(iii) if the system average actuarial contribution rate for a given fiscal year is less than seventeen and one-half percent and greater than the system graded contribution rate for the immediately preceding fiscal year, then the system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year;

(iv) if the system average actuarial contribution rate for a given fiscal year is smaller than the system graded contribution rate for the immediately preceding fiscal year by more than one percentage point, then the system graded contribution rate for the given fiscal year shall equal the system graded contribution rate for the immediately preceding fiscal year minus one percentage point; and

(v) if the system average actuarial contribution rate for a given fiscal year either equals the system graded contribution rate for the immediately preceding fiscal year or is smaller than the system graded contribution rate for the immediately preceding fiscal year by one percentage point or less, then the system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year.

(3) The comptroller shall determine a graded contribution rate for individual employers as provided in this paragraph.

(i) If the actuarial contribution rate for an employer for a given fiscal year is equal to or greater than fifty percent of the system actuarial contribution rate for such year, and less than or equal to seventy-five percent of such system actuarial contribution rate, then the graded contribution rate for the employer for the fiscal year shall equal seventy-five percent of the system graded contribution **rate** for such year.

(ii) If the actuarial contribution rate for an employer for a given fiscal year is less than fifty percent of the system actuarial contribution rate for such year, then the graded contribution rate for the employer for the fiscal year shall equal fifty percent of the system graded contribution rate for such year.

c-1. For each fiscal year to which the provisions of this section apply, the comptroller shall determine an alternative system graded contribution rate for the retirement system as a whole in the manner provided in this subdivision.

(1) For the two thousand thirteen - two thousand fourteen fiscal year and the two thousand fourteen - two thousand fifteen fiscal year, the alternative system graded contribution rate shall be twenty percent.

(2) For the two thousand fifteen - two thousand sixteen fiscal year and the subsequent fiscal years, alternative system graded contribution rates shall be determined as follows:

(i) if the system average actuarial contribution rate for a given fiscal year is at least seventeen and one-half percent and exceeds the alternative system graded contribution rate for the immediately preceding fiscal year by more than one-half percentage point, then the alternative system graded contribution rate for the given fiscal year shall

equal the alternative system graded contribution rate for the immediately preceding fiscal year plus one-half percentage point, provided, however, that in no event shall the alternative system graded contribution rate be less than seventeen and one-half percent;

(ii) if the system average actuarial contribution rate for a given fiscal year is at least seventeen and one-half percent and either equals the alternative system graded contribution rate for the immediately preceding fiscal year or exceeds the alternative system graded contribution rate for the immediately preceding fiscal year by one-half percentage point or less, then the alternative system graded contribution rate for the given fiscal year shall equal the system average actuarial contribution rate for such fiscal year, provided, however, that in no event shall the alternative system graded contribution rate be less than seventeen and one-half percent;

(iii) if the system average actuarial contribution rate for a given fiscal year is less than seventeen and one-half percent and greater than the alternative system graded contribution rate for the immediately preceding fiscal year, then the alternative system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year;

(iv) if the system average actuarial contribution rate for a given fiscal year is smaller than the alternative system graded contribution rate for the immediately preceding fiscal year by more than one-half percentage point, then the alternative system graded contribution rate for the given fiscal year shall equal the alternative system graded contribution rate for the immediately preceding fiscal year minus one-half percentage point; and

(v) if the system average actuarial contribution rate for a given fiscal year either equals the alternative system graded contribution rate for the immediately preceding fiscal year or is smaller than the alternative system graded contribution rate for the immediately preceding fiscal year by one-half percentage point or less, then the alternative system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year.

d. (1) For any given fiscal year for which an employer's average actuarial contribution rate exceeds the **employer** graded contribution rate, the employer shall pay to the retirement system an amount equal to the employer's annual bill for such year or, in lieu of paying the entire annual bill, the employer may pay an amount equal to the employer's annual bill less all or a portion of the employer's amount eligible for amortization for the fiscal year. If in accordance with this paragraph the employer's payment to the retirement system is less than the entire amount of the employer's annual bill, then the difference between the employer's annual bill, and the amount actually paid by the employer to the retirement system exclusive of any amount from the employer contribution reserve fund applied to reduce the employer's payment, shall be the amount amortized for the fiscal year. The amount amortized for the fiscal year shall be paid to the retirement system in equal annual installments over a ten-year period, with interest on the unpaid balance at a rate determined by the comptroller which approximates a market rate of return on taxable fixed rate securities with similar terms issued by comparable issuers, and with the first installment due in the immediately succeeding fiscal year.

(1-a) For any given fiscal year for which an employer's average actuarial contribution rate exceeds the alternative system graded contribution rate, the employer shall pay to the retirement system an amount

equal to the employer's annual bill for such year or, in lieu of paying the entire annual bill, the employer may pay an amount equal to the employer's annual bill less all or a portion of the employer's amount eligible for amortization for the fiscal year. If in accordance with this paragraph the employer's payment to the retirement system is less than the entire amount of the employer's annual bill, then the difference between the employer's annual bill, and the amount actually paid by the employer to the retirement system exclusive of any amount from the employer contribution reserve fund applied to reduce the employer's payment, shall be the amount amortized for the fiscal year. The amount amortized for the fiscal year shall be paid to the retirement system in equal annual installments over a twelve year period, with interest on the unpaid balance at a rate determined by the comptroller which shall be the twelve year interpolated rate based on the most recently published yield to maturity of a ten year and twenty year U.S. Treasury Security plus one hundred basis points.

(2) For any given fiscal year for which the system graded contribution rate equals or exceeds an amortizing employer's average actuarial contribution rate, the amortizing employer shall pay to the retirement system an amount equal to the employer's annual bill for such year plus the employer's graded payment for the fiscal year.

(i) If the amortizing employer's annual bill for the fiscal year does not include an amount attributable to a prior amortization, then the employer's graded payment shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(ii) If the amortizing employer's annual bill for the fiscal year includes an amount attributable to a prior amortization, the employer's graded payment shall be used first to eliminate the amount of the employer's unpaid prior amortization balances in chronological order starting with oldest prior amortization balance. When in any fiscal year the employer's graded payment eliminates all balances owed on the employer's prior amortizations, any remaining portion of the employer's graded payment for such fiscal year, and the employer's graded payment in any subsequent fiscal year in which the amortizing employer has no unpaid prior amortizations, shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(2-a) For any given fiscal year for which the alternative system graded contribution rate equals or exceeds an alternative amortizing employer's average actuarial contribution rate, the alternative amortizing employer shall pay to the retirement system an amount equal to the employer's annual bill for such year plus the employer's graded payment for the fiscal year.

(i) If the alternative amortizing employer's annual bill for the fiscal year does not include an amount attributable to a prior amortization, then the employer's graded payment shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(ii) If the alternative amortizing employer's annual bill for the fiscal year includes an amount attributable to a prior amortization, the employer's graded payment shall be used first to eliminate the amount of the employer's unpaid prior amortization balances in chronological order starting with oldest prior amortization balance. When in any fiscal year the employer's graded payment eliminates all balances owed on the

employer's prior amortizations, any remaining portion of the employer's graded payment for such fiscal year, and the employer's graded payment in any subsequent fiscal year in which the amortizing employer has no unpaid prior amortizations, shall be paid into the employer contribution reserve fund provided for in subdivision e of this section and credited to an account within such fund established for the employer.

(3) Nothing in this subdivision shall be construed as prohibiting an employer from pre-paying any prior amortization.

e. (1) Notwithstanding any law to the contrary, there shall be maintained separate and apart from the other funds of the retirement system an employer contribution reserve fund, the assets of which shall not be used or invested in a manner contrary to the provisions of this subdivision. The fund shall consist of all employer contributions required to be deposited into the fund pursuant to subdivision d of this section. Within such fund there shall be a separate account for each employer making such contributions and payments.

(2) For any given fiscal year for which (i) the system actuarial contribution rate exceeds seventeen and one-half percent of payroll, and (ii) for which an employer's average actuarial contribution rate exceeds the graded contribution rate **or the alternative system graded contribution rate**, the balance in the employer's account within such fund shall be applied to reduce the employer's payment to the retirement system for such fiscal year in an amount not to exceed the difference between the employer's actuarial contribution and the employer's graded contribution for the fiscal year.

(3) Notwithstanding the provisions of paragraph two of this subdivision, if at the close of any given fiscal year the balance of an employer's account within the fund exceeds one hundred percent of the employer's payroll for such fiscal year, the excess shall be applied to reduce the employer's payment to the retirement system for the next succeeding fiscal year.

(4) The assets of the fund shall be invested in only the following types of investments:

(i) obligations of the United States of America or in obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America or in obligations of the state of New York;

(ii) general obligation bonds and notes of any state other than this state, provided that such bonds and notes receive the highest rating of at least one independent rating agency;

(iii) obligations of, or instruments issued by or fully guaranteed as to principal and interest by, any agency or instrumentality of the United States acting pursuant to a grant of authority from the congress of the United States, including, but not limited to, any federal home loan bank or banks, the Tennessee valley authority, the federal national mortgage association, the federal home loan mortgage corporation and the United States postal service;

(iv) certificate of deposits that are fully secured by the issuer by depositing with the comptroller direct or indirect obligations of the United States or its agencies or a letter of credit issued by the Federal Home Loan Bank; and

(v) obligations of any corporation organized under the laws of any state in the United States maturing within two hundred seventy days provided that such obligations receive the highest rating of two independent rating services designated by the comptroller.

(5) At the close of each fiscal year, the amount of interest and earnings attributable to each employer's account shall be computed by the actuary and certified to the comptroller, who shall thereupon credit each employer's account in accordance therewith.

(6) The assets of the fund shall be excluded from the annual valuation of the assets and liabilities of the funds of the retirement system required by section three hundred eleven of this title. The assets of the fund shall not finance increases in pension benefits.

§ 4. Section 521 of the education law is amended by adding a new subdivision 3 to read as follows:

3. Stable contribution option for participating educational employers for the two thousand thirteen - two thousand fourteen plan year. a. In addition to the definitions in section five hundred one of this article, when used in this subdivision:

(1) "participating educational employer" shall mean a school district or board of cooperative educational services which elects to pay the stable contribution amount in the manner provided in this subdivision;

(2) "stable contribution amount" shall mean an amount equal to the stable contribution rate multiplied by the pensionable salary base (exclusive of payments for group term life insurance, deficiency contributions, adjustments relating to prior fiscal years' obligations, obligations pertaining to retirement incentives or any other obligations that a participating educational employer is permitted to pay on an amortized basis);

(3) "stable contribution rate" shall mean fourteen percent for the two thousand thirteen - two thousand fourteen plan year and the two thousand fourteen - two thousand fifteen plan year and the rate as adopted by the retirement board in accordance with paragraph h of this subdivision; and

(4) "deferred employer contribution amount" shall mean an amount adequate to fund the benefits for active and retired members associated with such participating educational employer had such participating educational employer not elected the provisions of this subdivision. Such deferred employer contribution amount shall be calculated for each year of participation in the stable contribution option with associated interest determined specific to each applicable plan year's deferred amount.

b. Notwithstanding the provisions of this chapter or any other law to the contrary, the retirement board, in its discretion, shall have authority to implement the provisions of this subdivision. If the retirement board elects to implement the provisions of this subdivision, the provisions shall apply to the payment of participating educational employer contributions in the plan year commencing July first, two thousand thirteen, for the pension bill paid on September fifteenth, October fifteenth, and November fifteenth of two thousand fourteen, and for the subsequent six plan years. If a participating educational employer does not elect the stable contribution option in the fiscal year commencing on July first, two thousand thirteen for the pension bill paid on September fifteenth, October fifteenth, and November fifteenth of two thousand fourteen, it shall not be eligible to elect the stable contribution option in any succeeding plan year.

c. For each of the seven plan years to which the provisions of this subdivision apply, the retirement board shall use a stable contribution rate established by the retirement board for participating educational employers.

d. If the retirement board, in its discretion, decides to adopt a stable contribution option pursuant to this subdivision, the retirement

board shall determine the stable contribution amount in each plan year for a participating educational employer pursuant to subparagraph two of paragraph a of this subdivision. Such stable contribution amount shall be in lieu of a participating educational employer's actuarially required contribution rate of normal and administrative contributions pursuant to sections five hundred seventeen and five hundred nineteen of this article for the plan year commencing July first, two thousand thirteen, and for the next six subsequent plan years.

e. Any participating educational employer which elects to pay the stable contribution amount pursuant to this subdivision shall pay the amount based on the stable contribution rate for a period of seven years and such option shall be available to participating educational employers from the two thousand thirteen - two thousand fourteen plan year through the two thousand nineteen - two thousand twenty plan year. In the sixth plan year, the two thousand eighteen - two thousand nineteen plan year, the participating educational employer shall pay the stable contribution rate and, in addition, commence payment for deferred employer contributions in accordance with paragraph j of this subdivision. Commencing with the plan year beginning July first, two thousand twenty, the participating educational employer shall resume payment of the actuarially required contribution rate of normal and administrative contributions pursuant to sections five hundred seventeen and five hundred nineteen of this article and, in addition, any payment for deferred employer contribution amounts in accordance with paragraphs j and k of this subdivision.

f. A participating educational employer paying a stable contribution amount shall remit, commencing with the July first, two thousand thirteen plan year, an amount determined by the retirement board by adding the following two amounts together:

(1) the stable contribution amount calculated pursuant to this subdivision; and

(2) payments for group term life insurance, deficiency payments, adjustments relating to prior fiscal years' obligations and obligations pertaining to retirement incentives or any other obligations that a participating educational employer is permitted to pay on an amortized basis.

g. The stable contribution amount must be paid in full by participating educational employers on the dates specified in paragraph h of subdivision two of this section.

h. Prior to July first, two thousand fifteen and July first, two thousand seventeen the retirement board is authorized to evaluate the stable contribution rate used to calculate participating educational employer stable contribution amounts. Such evaluation shall be based on a projection of assets and liabilities so as to ensure that contributions by participating educational employers which participate in the stable contribution option are adequate to ensure that system assets are sufficient to fund benefits for active and retired members. The retirement board is authorized to increase the stable contribution rate by up to two percentage points on July first, two thousand fifteen and on July first, two thousand seventeen. The revised stable contribution rate resulting from the foregoing evaluations and July first, two thousand fifteen and July first, two thousand seventeen stable rate increases may not, in combination, exceed eighteen percent. The retirement board is authorized to decrease the stable contribution rate, if warranted, but in no event shall the stable contribution rate be less than fourteen percent.

1 i. A participating educational employer may elect to terminate partic-
2 ipation in the stable contribution option and resume payment of the
3 actuarially required contribution of normal and administrative contrib-
4 utions in accordance with sections five hundred seventeen and five
5 hundred nineteen of this article. Provided, however, that such partic-
6 ipating educational employer which elects to terminate participation
7 shall make a reconciliation contribution to the retirement system, at an
8 amount to be determined by the retirement board, adequate to fund the
9 benefits for active and retired members associated with such participat-
10 ing educational employer had such participating educational employer not
11 elected the provisions of this subdivision. Such reconciliation contrib-
12 ution shall be made over a period not to exceed five years and shall be
13 made in addition to the normal and administrative contributions pursuant
14 to sections five hundred seventeen and five hundred nineteen of this
15 article for the plan year in which such participating educational
16 employer chooses to resume payment of the normal and administrative
17 contributions pursuant to sections five hundred seventeen and five
18 hundred nineteen of this article. For the purposes of determining the
19 reconciliation contribution amount, the retirement board shall assume
20 interest on the deferred employer contribution amount at a rate which
21 approximates the monthly average yield on United States treasury securi-
22 ties at ten-year constant maturity for the twelve-month period preceding
23 August first of each year plus one percentage point. The interest rate
24 associated with such deferred employer contribution amount shall be
25 specific to each applicable plan year's deferred amount.
26 j. In the sixth plan year, commencing July first, two thousand eigh-
27 teen, all participating educational employers having elected the stable
28 contribution option shall continue to contribute the stable contribution
29 amount to the retirement system and remit to the retirement system the
30 accrued deferred employer contributions accumulated in the first five
31 plan years. The stable payment of the deferred employer contribution
32 accrued by the participating educational employer shall be paid to the
33 retirement system in equal annual installments over a five-year period,
34 with interest on the unpaid portion to be based on the monthly average
35 yield on United States treasury securities at a ten-year constant matu-
36 rity for the twelve-month period preceding August first of each year
37 plus one percentage point. The interest rate associated with such
38 deferred employer contribution amount shall be specific to the rate as
39 measured on August first of the applicable plan year to such deferred
40 amount. Payments of the stable installments shall be made in the same
41 manner as other employer contributions as prescribed in this article.
42 Nothing in this subdivision shall be construed as prohibiting such
43 participating educational employer from making a reconciliation contrib-
44 ution in accordance with paragraph i of this subdivision.
45 k. In the eighth plan year, commencing July first, two thousand twen-
46 ty, all participating educational employers having elected the stable
47 contribution option shall resume payment of the actuarially required
48 contribution rate of normal and administrative contributions in accord-
49 ance with section five hundred seventeen and five hundred nineteen of
50 this article. Additionally, such employer will remit to the retirement
51 system the accrued deferred employer contributions accumulated during
52 the plan years commencing July first, two thousand eighteen and July
53 first, two thousand nineteen of the stable contribution option. The
54 stable payment of the deferred employer contribution accrued by the
55 participating educational employer shall be paid to the retirement
56 system in equal annual installments over a five-year period with inter-

est on the unpaid portion to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity for the twelve-month period preceding August first of each year plus one percentage point. The interest rate associated with such deferred employer contribution amount shall be specific to the rate as measured on August first of the applicable plan year to such deferred amount. Payments of the stable installments shall be made in the same manner as other employer contributions as prescribed in this article. Nothing in this subdivision shall be construed as prohibiting such participating educational employer from making a reconciliation contribution in accordance with paragraph i of this subdivision.

l. Notwithstanding the provisions of this subdivision, if the retirement board decides to adopt a stable contribution option, in accordance with this subdivision, and the funded status of the retirement system reaches a threshold below eighty percent at the end of any plan year during the seven plan year term of this option, the option shall cease and participating educational employers who have elected the stable contribution option shall resume payment of the actuarially required contribution rate of normal and administrative contributions in accordance with section five hundred seventeen and five hundred nineteen of this article. Additionally, such employer will make a reconciliation contribution to the retirement system, at an amount to be determined by the retirement board, adequate to fund the benefits for active and retired members associated with such participating educational employer had such participating educational employer not elected the provisions of this section. The payment of the deferred employer contribution accrued by the participating educational employer shall be paid to the retirement system in equal annual installments over a five-year period with interest on the unpaid portion to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity for the twelve-month period preceding August first of each year plus one percentage point. The interest rate associated with such deferred employer contribution amount shall be specific to the rate as measured on August first of the applicable plan year to such deferred amount. Payments of the stable installments shall be made in the same manner as other employer contributions as prescribed in this article.

m. The retirement board is authorized to promulgate rules and regulations for implementation of this subdivision.

§ 5. This act shall take effect immediately.

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

This bill would amend Section 19-a and Section 319-a of the Retirement and Social Security Law as it pertains to employer bills of the New York State and Local Employees Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS). Eligible employers would be allowed to irrevocably elect an alternative amortization program which specifies:

1. The graded rate for contributions payable in fiscal years ending 2014 and 2015 will be 12.0% for employers in the New York State and Local Employees Retirement System (ERS) and 20.0% for employers in the New York State and Local Police and Fire Retirement System (PFRS).

2. The graded rate will move toward the actuarially required rate by no more than 0.5% per year from the prior year's graded rate.

3. Electing employers may amortize contributions based on the difference between the actuarially required rate and the graded rate over a 12 year period at the 10 year treasury rate interpolated to 12 years plus 100 basis points.

This bill puts in place a program that allows ERS and PFRS employers, if they choose to participate, to amortize a larger portion of their bill with their respective Retirement System than they are currently eligible under Section 19-a and Section 319-a. If they do this, then when rates are falling below certain levels and they have paid off all outstanding amortizations, the employer will be required to pay additional monies into a reserve fund that will be used when employer contribution rates begin to rise in the future.

If this bill is enacted, we estimate that there would be a small administrative cost to the System to revise the current billing and business communication processes.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained.

This estimate, dated March 19, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-70, prepared by the Actuary for the ERS and PFRS.

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

This fiscal note was requested by the New York State Division of the Budget. Pursuant to Section 50 of the Legislative Law, the fiscal note that must be appended in its entirety to this bill is:

This bill would amend the Education Law to add an optional payment program for payment of employer contributions to the New York State Teachers' Retirement System (NYSTRS). The bill would add a new subdivision 3 to Section 521 which would permit the Retirement Board to allow employers of members of NYSTRS to elect to pay a stable contribution rate in lieu of the annually calculated actuarially-required contributions due for each of the next seven plan years beginning with the July first, two thousand thirteen through June thirtieth, two thousand fourteen plan year.

The stable contribution rate shall be fourteen percent of such employer's pensionable compensation paid during the plan year, for the term of the program beginning with the July first, two thousand thirteen through June thirtieth, two thousand fourteen plan year. This stable contribution rate shall be exclusive of payments for group term life insurance, deficiency contributions, adjustments relating to prior fiscal years' obligations, obligations pertaining to retirement incentives or any other obligation that the employer is permitted to pay on an amortized basis.

The Retirement Board is authorized to increase the stable contribution rate by up to two percentage points in plan years beginning July first, two thousand fifteen and July first, two thousand seventeen. The stable contribution rate may not exceed eighteen percent and it may not be less than fourteen percent.

In the sixth year, the fiscal year commencing July first, two thousand eighteen, employers who elected program participation shall continue to contribute the stable contribution rate and in addition shall contribute a stable payment to the retirement system to pay back the accrued deferred employer contributions accumulated in the first five years. The stable payment shall be paid to the retirement system in equal annual installments over a five-year period, with interest on the unpaid portion to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity for the twelve month period preceding August first of each year plus one percentage point.

In the eighth year, the fiscal year commencing July first, two thousand twenty, all employers having elected program participation shall resume payment of the annually calculated actuarially-required contribution. Additionally there will be a payment to the retirement system to pay back the deferred employer contributions accumulated in years six and seven. The stable payment shall be paid to the retirement system in equal annual installments over a five-year period with interest on the unpaid portion to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity for the twelve month period preceding August first of each year plus one percentage point.

An employer must elect to participate in the program in the plan year beginning July first, two thousand thirteen. An employer may subsequently elect to terminate participation in the program and resume payment of the annually calculated actuarially-required contribution. Additionally such employer will make a reconciliation payment intended to fund any deficiencies that have accrued along with interest due to the actuarially-required contributions being in excess of the contributions paid by the employer during participation in the program. The reconciliation payment shall be made over a period not to exceed five years.

Should the funded status of the retirement system become less than eighty percent at the end of any plan year, the program shall end and employers who have elected the program shall contribute the annually calculated actuarially-required contributions in the succeeding plan year, along with a reconciliation payment intended to fund any deficiencies that have accrued along with interest due to the actuarially-required contributions being in excess of the contributions paid by the employer during participation in the program. The reconciliation payment shall be made over a period not to exceed five years.

Cost Impact - This bill would permit a change in the manner in which employer contributions are to be collected over the next seven years. Employer contributions would continue to be determined in accordance with an annual actuarial valuation, but employers who elect to participate would be permitted to defer payment of a portion of their required contribution above a fixed amount (14% increased by 2.0% in years three and five, as needed, to a maximum of 18%). The annual deficiency amounts will be accumulated with an interest rate to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity plus one percentage point. Deficiencies accumulated in program years one through five will be paid back over a five year period with the first payment due for the fiscal year beginning July first, two thousand eighteen and deficiencies accumulated in program years six and seven will be paid back over a five year period with the first payment due for the fiscal year beginning July first, two thousand twenty. There could be a cost to the System to the extent that the System could have achieved a higher investment return on the deficiency amounts than the interest that employers will pay.

According to a stochastic analysis of this proposed plan, the probability of System failure, with failure being defined as the System's funded ratio falling to 30% or lower, is only slightly higher under this proposal than it is under the current annually adjusting actuarial-funding method, with both probabilities less than 1.5%. This analysis assumes contributions are made as required and after the seven years the System returns to collecting the annual actuarially-required employer contribution on time and in full from all employers.

The actuarially-required employer contribution rates which will be applicable to the next seven fiscal years are as yet unknown, except for the first year. The actuarially-determined rate to be applicable to member compensation paid during the '13-'14 plan year is estimated to be equal to 16.25%.

The source of this estimate is Fiscal Note 2013-15 dated March 19, 2013 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

25 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
26 sion, section or part of this act shall be adjudged by any court of
27 competent jurisdiction to be invalid, such judgment shall not affect,
28 impair, or invalidate the remainder thereof, but shall be confined in
29 its operation to the clause, sentence, paragraph, subdivision, section
30 or part thereof directly involved in the controversy in which such judg-
31 ment shall have been rendered. It is hereby declared to be the intent of
32 the legislature that this act would have been enacted even if such
33 invalid provisions had not been included herein.
34 § 3. This act shall take effect immediately provided, however, that
35 the applicable effective date of Parts A through HH of this act shall be
36 as specifically set forth in the last section of such Parts.

STATE OF NEW YORK

S. 5865 A. 8086

2013-2014 Regular Sessions

SENATE - ASSEMBLY

June 18, 2013

IN SENATE -- Introduced by Sens. MARTINS, VALESKY -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. FARRELL -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, the local finance law and the civil service law, in relation to the financial restructuring board for local governments; and to amend the civil service law, in relation to public arbitration panels determinations of whether public employers are fiscally eligible

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

Section 1. Paragraph t of subdivision 10 of section 54 of the state finance law, as added by section 3 of part K of chapter 57 of the laws of 2011 and as relettered by section 3 of part K of chapter 55 of the laws of 2013, and subparagraph (vii) as added and subparagraph (viii) as renumbered by section 3-a of part K of chapter 55 of the laws of 2013, is amended to read as follows:

t. Local government performance and efficiency program. (i) **(1)** Definitions. For the purposes of this [~~**paragraph**~~] **subparagraph**, "municipality" shall mean a county, city, town, or village, but shall not include the individual counties contained in the city of New York.

[~~**(ii)**~~] **(2)** Purpose. [~~**There is hereby established a local government performance and efficiency program.**~~] The purpose of [~~**this program**~~] **awards made pursuant to this subparagraph** is to recognize municipalities that have undertaken significant and innovative actions to improve the overall efficiency of governmental operations and produce quantifiable recurring financial savings that reduce the municipal tax burden on residents.

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

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[~~(iii)~~] **(3)** Eligibility. All municipalities in New York state are eligible to apply individually or jointly, provided however that if an action was undertaken jointly, municipalities must apply jointly for such an action. The actions for which they apply must already have been implemented.

[~~(iv)~~] **(4)** Use of awards. Awards received [~~pursuant to the program~~] shall be used by municipalities for general municipal purposes.

[~~(v)~~] **(5)** Application. The secretary of state shall develop an application for municipalities seeking to receive awards and a process by which the applications will be evaluated. Such application shall require municipalities to demonstrate how the action for which they have applied has resulted in quantifiable recurring savings, efficiencies, and permanent improvements to municipal services. The secretary of state may focus the [~~program~~] **awards** in specific functional service areas, in which case such areas of focus shall be detailed in a request for applications. No application shall be considered for actions that commenced prior to January first, two thousand ten.

[~~(vi)~~] **(6)** Awards. The secretary of state may make awards to applicants based on factors including, but not limited to, the amount of current and future savings, the impact of such action upon the municipal property tax levy, the size and complexity of the action, and the ability for the action to be replicated by other municipalities. Awards shall only be made to municipalities for actions that have been fully implemented, that clearly resulted in quantifiable savings and efficiencies, and that produced permanent and quantifiable improvements to municipal efficiency or services. The maximum amount awarded per application shall not exceed the lesser of five million dollars or twenty-five dollars per resident of the applying municipalities as of the most recent federal decennial census, provided, however, that if the boundaries of municipalities jointly applying for such funding overlap, the residents in overlapping areas shall only be counted once, and provided, further, that if a county jointly applies with some but not all of the other municipalities therein, only the residents in such other municipalities shall be counted.

[~~(vii)~~] **(7)** Written notice shall be provided to an applicant of a decision regarding the grant or denial of an award under this paragraph, within thirty days after such decision.

[~~(viii)~~] **(8)** Regulation. The secretary of state shall, prior to the establishment of applications, promulgate rules and regulations on the [~~program~~] **awards**, including but not limited to award eligibility criteria and application, review and approval procedures.

(ii)(1) Definitions. For the purposes of this subparagraph, "fiscally eligible municipality" shall have the same meaning as "fiscally eligible municipality" as defined by section 160.05 of the local finance law. For the purposes of this subparagraph, "financial restructuring board for local governments" or "board" shall mean the financial restructuring board for local governments as authorized by section 160.05 of the local finance law.

(2) In addition to awards made pursuant to subparagraph (i) of this paragraph, the board may award funding to fiscally eligible municipalities for financial restructuring and related purposes, as determined by the board. This funding may be structured as a loan, a grant, or combination thereof. The amount of such funding to be provided to a fiscally eligible municipality, the structure of such funding, any conditions to be placed on a fiscally eligible municipality that accepts such funding, and any other aspects of funding awarded pursuant to this

subparagraph shall be determined by an affirmative vote of a majority of the total number of members of the board and may differ for each award of funding. Such loans shall not be bound by the local finance law with respect to terms and repayment limitations but in no event may the sum of all awards pursuant to this subparagraph be greater than five million dollars for any single municipality nor may any loan be for a term longer than ten years. Further, any such loans shall not be considered debt for purposes of calculating constitutional limit provisions. Notwithstanding any other law to the contrary, the director of the budget may direct the state comptroller to withhold any state aid payments due to a fiscally eligible municipality in order to satisfy the repayment conditions of the funding awarded pursuant to this subparagraph.

§ 2. The local finance law is amended by adding a new section 160.05 to read as follows:

§ 160.05. Financial restructuring board for local governments. 1. There shall be a financial restructuring board for local governments which shall consist of ten members: the director of the budget who shall be chair of the board, the attorney general, the state comptroller, and the secretary of state, each of whom may designate a representative to attend sessions of the board on his or her behalf, and six members appointed by the governor, one of whom upon the recommendation of the temporary president of the senate, one of whom upon the recommendation of the speaker of the assembly, and four other members appointed by the governor, one of whom shall have significant experience in municipal financial and restructuring matters. In making such appointments, the governor shall consider regional diversity. Appointees shall serve at the pleasure of his or her appointing authority. The appointee of the governor who has been designated as having significant experience in municipal financial and restructuring matters shall receive fair compensation for his or her services performed pursuant to this section in an amount to be determined by the director of the budget and all members shall be reimbursed for all reasonable expenses actually and necessarily incurred by him or her in the performance of his or her duties. The board shall have the power to act by an affirmative vote of a majority of the total number of members and shall render its findings and recommendations within six months of being requested to act by a fiscally eligible municipality. The provisions of section seventeen of the public officers law shall apply to members of the board. No member of the board shall be held liable for the performance of any function or duty authorized by this section. The work of the board shall be conducted with such staff as the director of the budget, the secretary of state, the attorney general and the state comptroller shall make available. All proceedings, meetings and hearings conducted by the board shall be held in the city of Albany.

2. A "fiscally eligible municipality" shall mean any county, city, excluding a city with a population greater than one million, town, or village that the board, on a case by case basis, determines would benefit from the services and assistance which the board has legal authority to offer. In evaluating whether a municipality is a fiscally eligible municipality, the board shall consider the average full value property tax rate of such public employer and the average fund balance percentage of such public employer and such other criteria as the board deems relevant. For purposes of this section, "full value property tax rate" shall mean the amount to be raised by tax on real estate by a local government in a given fiscal year divided by the full valuation of taxable real estate for that same fiscal year as reported to the office of

the state comptroller; "average full value property tax rate" shall mean the sum of the full value property tax rates for the five most recent fiscal years divided by five; "fund balance percentage" shall mean the total fund balance in the general fund of a local government in a given fiscal year divided by the total expenditures from the general fund for that same fiscal year as reported to the office of the state comptroller; and "average fund balance percentage" shall mean the sum of the fund balance percentages for the five most recently completed fiscal years divided by five.

(a) If the average full value property tax rate of such municipality is greater than the average full value property tax rate of seventy-five percent of counties, cities, towns, and villages, with local fiscal years ending in the same calendar year as of the most recently available information, the board must find that such municipality is a fiscally eligible municipality. The office of the state comptroller shall make publicly available the list of counties, cities, towns, and villages that have an average full value property tax rate that meets such criteria in each local fiscal year. If a municipality has not reported to the office of the state comptroller the information necessary to calculate its average full value property tax rate, such municipality may not be deemed a fiscally eligible municipality and the provisions of this section shall not apply.

(b) If the average fund balance percentage of such municipality is less than five percent, the board must find that such municipality is a fiscally eligible municipality. The office of the state comptroller shall make publicly available the list of counties, cities, towns, and villages that have an average fund balance percentage that meets such criteria in each local fiscal year. If a municipality has not reported to the office of the state comptroller the information necessary to calculate its average fund balance percentage, such municipality may not be deemed a fiscally eligible municipality and the provisions of this section shall not apply.

3. Upon the request of a fiscally eligible municipality, by resolution of the governing body of such municipality with the concurrence of the chief executive of such municipality, the financial restructuring board for local governments may undertake a comprehensive review of the operations, finances, management practices, economic base and any other factors that in its sole discretion it deems relevant to be able to make findings and recommendations on reforming and restructuring the operations of the fiscally eligible municipality. As part of such recommendations, the board may propose that such municipality agree to fiscal accountability measures, as determined by the board, including, but not limited to, multi-year financial planning. It may also identify cost-saving measures, recommend consolidation of functions or agencies within such municipality or between such municipality and other municipalities, consistent with existing law, identify and make available, to the extent otherwise permitted by law, grants and loans on such terms and conditions as it deems appropriate, and make such other recommendations as the board may deem just and proper but in no event shall the sum of all awards made by the board to a single fiscally eligible municipality be greater than five million dollars. If such award is a loan, it may not be for a term longer than ten years. In the event a grant or loan is made, the board may condition such award on the fiscally eligible municipality submitting a report or reports on such actions taken by the fiscally eligible municipality pursuant to the board's recommendations, and the board shall require that the eligible municipality must adopt

and implement all the board's recommendations as a condition to receiving an award or awards. Before making final recommendations, the board shall consult with the fiscally eligible municipality. Such recommendations shall not be final and binding on a fiscally eligible municipality unless it formally agrees to abide by and implement such recommendations in which event such recommendations and the terms provided thereunder shall be final and binding on such municipality.

4. The board may hold hearings and shall have authority to require the production of any information that it deems necessary to undertake its comprehensive review. The board shall post on a publicly available website all recommendations and findings made pursuant to this section.

5. The board shall also be authorized to resolve an impasse pursuant to subdivision four-a of section two hundred nine of the civil service law.

§ 3. Section 209 of the civil service law is amended by adding a new subdivision 4-a to read as follows:

4-a. (a) Notwithstanding anything in subdivision four of this section to the contrary, a public employer that is a fiscally eligible municipality, as defined in section 160.05 of the local finance law, and is otherwise subject to subdivision four of this section, upon resolution of its governing body with the concurrence of its chief executive officer, and a public employee organization subject to subdivision four of this section may, jointly, stipulate and agree that an impasse exists, at any time, with respect to collective negotiations between the parties for a collective bargaining agreement and, in lieu of commencing a proceeding under subdivision four of this section, may jointly request that the financial restructuring board for local governments, established in section 160.05 of the local finance law, resolve such impasse. A joint request pursuant to this subdivision shall be irrevocable.

(b) The financial restructuring board for local governments shall render a just and reasonable determination of the matters in dispute by an affirmative vote of a majority of the total number of its members. In arriving at such determination, it shall specify the basis for its findings, taking into consideration, in addition to any other relevant factors, those factors set forth in subdivision six of this section. In all matters regarding public disclosure of its proceedings and findings, it shall be treated the same as the panel convened pursuant to subdivision four of this section. It shall render a determination within six months of being formally requested by the parties to convene.

(c) Each party before the financial restructuring board for local governments may be heard either in person, by counsel, or by other representatives, as they may respectively designate and may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case. The board shall have authority to require the production of additional evidence, either oral or written, as it may desire from the parties. All proceedings, meetings and hearings conducted by the board shall be held in the city of Albany.

(d) The determination of the financial restructuring board for local governments with respect to the conditions of employment presented to it pursuant to this section shall be final and binding upon the parties for the period prescribed by such board, but in no event shall such period exceed four years from the termination date of any previous collective bargaining agreement or if there is no previous collective bargaining agreement then for a period not to exceed four years from the date of determination by the board. Such determination shall not be subject to

the approval of any local legislative body or other municipal authority, and shall only be subject to review by a court of competent jurisdiction in the manner prescribed by law.

§ 4. Paragraph (d) of subdivision 4 of section 209 of the civil service law, as amended by section 9 of part A of chapter 504 of the laws of 2009, is amended to read as follows:

(d) The provisions of this subdivision shall expire [~~thirty-six~~] **thirty-nine** years from July first, nineteen hundred seventy-seven, and hereafter may be renewed every four years.

§ 5. Section 209 of the civil service law is amended by adding a new subdivision 6 to read as follows:

6. (a) For disputes concerning an impasse pursuant to subdivision four of this section that involve a county, city, town, or village subject to section three-c of the general municipal law, a public arbitration panel shall make a determination as to whether such county, city, town, or village, is a public employer that is a fiscally eligible municipality as part of its analysis of the financial ability of the public employer to pay.

(b) In evaluating whether a public employer covered by this subdivision is a fiscally eligible municipality, such public arbitration panel shall consider the average full value property tax rate of such public employer and the average fund balance percentage of such public employer.

(i) For purposes of this subdivision, "full value property tax rate" shall mean the amount to be raised by tax on real estate by a local government in a given fiscal year divided by the full valuation of taxable real estate for that same fiscal year as reported to the office of the state comptroller.

(ii) For purposes of this subdivision, "average full value property tax rate" shall mean the sum of the full value property tax rates for the five most recent fiscal years divided by five.

(iii) For purposes of this subdivision, "fund balance percentage" shall mean the total fund balance in the general fund of a local government in a given fiscal year divided by the total expenditures from the general fund for that same fiscal year as reported to the office of the state comptroller.

(iv) For purposes of this subdivision, "average fund balance percentage" shall mean the sum of the fund balance percentages for the five most recently completed fiscal years divided by five.

(c) If the average full value property tax rate of such public employer is greater than the average full value property tax rate of seventy-five percent of counties, cities, towns, and villages, with local fiscal years ending in the same calendar year as of the most recently available information, the public arbitration panel must find that such public employer is a fiscally eligible municipality. The office of the state comptroller shall make publicly available the list of counties, cities, towns, and villages that have an average full value property tax rate that meets such criteria in each local fiscal year. If a public employer has not reported to the office of the state comptroller the information necessary to calculate its average full value property tax rate, such public employer may not be deemed a fiscally eligible municipality and the provisions of this subdivision shall not apply.

(d) If the average fund balance percentage of such public employer is less than five percent and the state comptroller has certified that any additional fund balances in funds other than the general fund available for payment of arbitration awards in each year, if added to the fund

balance of the general fund, would not cause the average fund balance percentage of such public employer to exceed five percent, the public arbitration panel must find that such public employer is a fiscally eligible municipality. The office of the state comptroller shall make publicly available the list of counties, cities, towns, and villages that have an average fund balance percentage that is less than five percent in each local fiscal year. If a public employer has not reported to the office of the state comptroller the information necessary to calculate its average fund balance percentage, such public employer may not be deemed a fiscally eligible municipality and the provisions of this subdivision shall not apply.

(e) When such public employer has been found to be a fiscally eligible municipality, the public arbitration panel shall, first and foremost, consider ability to pay by assigning a weight of seventy percent to that portion of the criterion contained within clause b of subparagraph (v) of paragraph (c) of subdivision four of this section that pertains only to the public employer's ability to pay. All other criteria contained in subparagraph (v) of paragraph (c) of subdivision four of this section, including that portion of clause b of subparagraph (v) of paragraph (c) of subdivision four of this section that pertains to the interest and welfare of the public, shall constitute an aggregate weight of thirty percent. Additionally, with respect to the total monetary value of any determination, the panel must recognize and take into account in its determination the constraints, obligations and requirements imposed by the real property tax cap pursuant to section three-c of the general municipal law upon the public employer involved in the dispute before the panel.

(f) The provisions of this subdivision shall expire three years from July first, two thousand thirteen.

§ 6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 7. This act shall take effect immediately, provided that sections one, two and three of this act shall take effect on the ninetieth day after it shall have become a law and sections four and five of this act shall be deemed to have been in full force and effect on and after April 1, 2013; and provided, further, that sections three, four and five of this act shall apply to all agreements and interest arbitration determinations that expire before, on or after April 1, 2013 except those (a) where the public employment relations board received a petition to refer the dispute to a public arbitration panel pursuant to subdivision 4 of section 209 of the civil service law before June 14, 2013 or (b) where the public employment relations board received a declaration of impasse pursuant to subdivision 4 of section 209 of the civil service law on or after April 1, 2013 but on or before June 14, 2013.

Chapter 185 **Signed July 31, 2013**

STATE OF NEW YORK

S. 2587 A. 2888

2013-2014 Regular Sessions

SENATE - ASSEMBLY

January 22, 2013

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

IN ASSEMBLY -- Introduced by M. of A. MAGEE -- read once and referred to the Committee on Governmental Employees

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Sarah Fish

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, Sarah Fish, a member of the New York state and local employees' retirement system, who was employed as a staff social worker on December 28, 2009, by the county of Madison, for reasons not ascribable to her own negligence, did not file a membership application in such system until January 4, 2010, which gave her Tier V status instead of Tier IV status, where she would have been had she been able to file a membership application when she became a permanent employee on December 28, 2009 may be deemed to have become a member of the New York state and local employees' retirement system December 28, 2009 if on or before December 31, 2013 she shall file with the state comptroller a written request to that effect. Upon the granting of such retroactive membership, Sarah Fish shall not be granted a refund of any employee contribution made by her to the New York state and local employees' retirement system.

§ 2. Any past service costs incurred in implementing the provisions of this act shall be borne by Madison county.

§ 3. This act shall take effect immediately.

Fiscal Note.--This bill would grant Tier 4 membership in the New York State and Local Employees' Retirement System to Sarah Fish by changing her date of membership to December 28, 2009. She currently is a Tier 5 member.

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

LBD04739-02-3

If this bill is enacted, we anticipate that there will be an increase in the annual contributions of Madison County for the fiscal year ending March 31, 2014 of approximately $2,100.

In addition to the annual contributions discussed above, there will be a one-time past service cost of approximately $2,590 which will be borne by Madison County, assuming a payment date of February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 18, 2012, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-54, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

4963

2013-2014 Regular Sessions

IN ASSEMBLY

February 13, 2013

Introduced by M. of A. STEC -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the town of Ticonderoga, in the county of Essex to offer an optional twenty year retirement plan to police officer Dale W. Quesnel, Jr.

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 law to the contrary,
2 the town of Ticonderoga, in the county of Essex, a participating employ-
3 er in the New York state and local police and fire retirement system,
4 which previously elected to offer the optional twenty year retirement
5 plan, established pursuant to section 384-d of the retirement and social
6 security law, to police officers employed by such town, is hereby
7 authorized to make participation in such plan available to patrolman
8 Dale W. Quesnel, Jr., a police officer employed by the town of Ticonde-
9 roga, who, for reasons not ascribable to his own negligence, failed to
10 make a timely application to participate in such optional twenty year
11 retirement plan. The town of Ticonderoga may so elect by filing with
12 the state comptroller, on or before December 31, 2014, a resolution of
13 its town board together with certification that such police officer did
14 not bar himself from participation in such retirement plan as a result
15 of his own negligence. Thereafter, such police officer may elect to be
16 covered by the provisions of section 384-d of the retirement and social
17 security law, and shall be entitled to the full rights and benefits
18 associated with coverage under such section, by filing a request to that
19 effect with the state comptroller on or before June 30, 2015.
20 § 2. All past costs associated with implementing the provisions of
21 this act shall be borne by the town of Ticonderoga.
22 § 3. This act shall take effect immediately.

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

LBD01211-02-3

FISCAL NOTE.-- This bill will allow the Town of Ticonderoga to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for patrolman Dale W. Quesnel, Jr.

If this bill is enacted and Dale W. Quesnel, Jr. becomes covered under Section 384-d, we anticipate that there will be an increase of approximately $6,600 in the annual contributions of the Town of Ticonderoga for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $10,800 which would be borne by the Town of Ticonderoga as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 25, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-48, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

5576--B

2013-2014 Regular Sessions

IN ASSEMBLY

March 1, 2013

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Introduced by M. of A. MARKEY, CUSICK, KEARNS, SKOUFIS, MAISEL, MILLER, RAMOS, SIMANOWITZ, JAFFEE, BOYLAND, GABRYSZAK, GIBSON -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, CASTRO, COLTON, COOK, DenDEKKER, HEASTIE, HEVESI, RIVERA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

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

Section 1. Subdivision c of section 208-f of the general municipal law, as amended by chapter 285 of the laws of 2012, is amended to read as follows:

c. Commencing July first, two thousand [~~twelve~~] **thirteen** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[~~181.4%~~] **189.8%**
1978	[~~173.2%~~] **181.4%**
1979	[~~165.2%~~] **173.2%**
1980	[~~157.5%~~] **165.2%**
1981	[~~150.0%~~] **157.5%**
1982	[~~142.7%~~] **150.0%**

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

LBD08382-05-3

1983	[~~135.7%~~]	**142.7%**
1984	[~~128.8%~~]	**135.7%**
1985	[~~122.1%~~]	**128.8%**
1986	[~~115.7%~~]	**122.1%**
1987	[~~109.4%~~]	**115.7%**
1988	[~~103.3%~~]	**109.4%**
1989	[~~97.4%~~]	**103.3%**
1990	[~~91.6%~~]	**97.4%**
1991	[~~86.0%~~]	**91.6%**
1992	[~~80.6%~~]	**86.0%**
1993	[~~75.4%~~]	**80.6%**
1994	[~~70.2%~~]	**75.4%**
1995	[~~65.3%~~]	**70.2%**
1996	[~~60.5%~~]	**65.3%**
1997	[~~55.8%~~]	**60.5%**
1998	[~~51.3%~~]	**55.8%**
1999	[~~46.9%~~]	**51.3%**
2000	[~~42.6%~~]	**46.9%**
2001	[~~38.4%~~]	**42.6%**
2002	[~~34.4%~~]	**38.4%**
2003	[~~30.5%~~]	**34.4%**
2004	[~~26.7%~~]	**30.5%**
2005	[~~23.0%~~]	**26.7%**
2006	[~~19.4%~~]	**23.0%**
2007	[~~15.9%~~]	**19.4%**
2008	[~~12.6%~~]	**15.9%**
2009	[~~9.3%~~]	**12.6%**
2010	[~~6.1%~~]	**9.3%**
2011	[~~3.0%~~]	**6.1%**
2012	[~~0.0%~~]	**3.0%**
2013		**0.0%**

§ 2. Subdivision c of section 361-a of the retirement and social security law, as amended by chapter 285 of the laws of 2012, is amended to read as follows:

c. Commencing July first, two thousand [~~twelve~~] **thirteen** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member, as increased pursuant to subdivision b of this section, in accordance with the following schedule:

calendar year of death of the deceased member	per centum	
1977 or prior	[~~181.4%~~]	**189.8%**
1978	[~~173.2%~~]	**181.4%**
1979	[~~165.2%~~]	**173.2%**
1980	[~~157.5%~~]	**165.2%**
1981	[~~150.0%~~]	**157.5%**
1982	[~~142.7%~~]	**150.0%**
1983	[~~135.7%~~]	**142.7%**
1984	[~~128.8%~~]	**135.7%**
1985	[~~122.1%~~]	**128.8%**
1986	[~~115.7%~~]	**122.1%**
1987	[~~109.4%~~]	**115.7%**
1988	[~~103.3%~~]	**109.4%**
1989	[~~97.4%~~]	**103.3%**

1990	[~~91.6%~~]	**97.4%**
1991	[~~86.0%~~]	**91.6%**
1992	[~~80.6%~~]	**86.0%**
1993	[~~75.4%~~]	**80.6%**
1994	[~~70.2%~~]	**75.4%**
1995	[~~65.3%~~]	**70.2%**
1996	[~~60.5%~~]	**65.3%**
1997	[~~55.8%~~]	**60.5%**
1998	[~~51.3%~~]	**55.8%**
1999	[~~46.9%~~]	**51.3%**
2000	[~~42.6%~~]	**46.9%**
2001	[~~38.4%~~]	**42.6%**
2002	[~~34.4%~~]	**38.4%**
2003	[~~30.5%~~]	**34.4%**
2004	[~~26.7%~~]	**30.5%**
2005	[~~23.0%~~]	**26.7%**
2006	[~~19.4%~~]	**23.0%**
2007	[~~15.9%~~]	**19.4%**
2008	[~~12.6%~~]	**15.9%**
2009	[~~9.3%~~]	**12.6%**
2010	[~~6.1%~~]	**9.3%**
2011	[~~3.0%~~]	**6.1%**
2012	[~~0.0%~~]	**3.0%**
2013		**0.0%**

§ 3. This act shall take effect July 1, 2013.

FISCAL NOTE.--Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately $43,000 above the approximately $9 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Variations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained.

This estimate, dated January 7, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-37, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

FISCAL NOTE.-- PROVISIONS OF PROPOSED LEGISLATION - OVERVIEW: With respect to the City of New York (the "City"), this proposed legislation would amend General Municipal Law ("GML") Section 208-f.c to increase certain Special Accidental Death Benefits ("SADB") for line-of-duty widows/widowers and/or children of former uniformed employees of the City and the New York City Health and Hospitals Corporation and certain

former employees of the Triborough Bridge and Tunnel Authority who were members of certain New York City Retirement Systems ("NYCRS").

The Effective Date of the proposed legislation would be July 1, 2013.

IMPACT ON BENEFITS - SADB RECIPIENTS: With respect to the NYCRS, the proposed legislation would impact the SADB payable to certain survivors of members of the:

* New York City Employees' Retirement System ("NYCERS"), or
* New York City Police Pension Fund ("POLICE"), or
* New York City Fire Department Pension Fund ("FIRE"), and

who were employed by one of the following employers in certain positions:

* New York City Police Department - Uniformed Position,
* New York City Fire Department - Uniformed Position,
* New York City Housing Authority - Uniformed Position,
* New York City Transit Authority - Uniformed Position,
* New York City Department of Correction - Uniformed Position,
* New York City - Uniformed Position as Emergency Medical Technician ("EMT"),
* New York City Health and Hospitals Corporation - Uniformed Position as EMT, or
* Triborough Bridge and Tunnel Authority - Bridge and Tunnel Position.

DESCRIPTION OF BENEFITS PAYABLE: Under the GML, the basic SADB is defined to equal:

The salary of the deceased member at date of death (or, in certain instances, a greater salary based on rank or other status) ("Final Salary"), less:

* Any death benefit as adjusted by any Supplementation or Cost-of-Living Adjustment ("COLA") paid by the NYCRS to the member's survivors,
* Any death benefit paid by Social Security to the member's survivors, and
* Any Worker's Compensation benefit paid to the member's survivors.

The SADB is paid to the deceased member's surviving widow or widower, if alive. If the widow/widower is no longer alive, then the SADB is paid to the deceased member's children until age eighteen or while attending school until age twenty-three.

The GML also provides that the SADB is subject to escalation based on the calendar year of death of the member. Each year since Calendar Year 1977 the SADB has been increased by an additional cumulative, incremental percentage of Final Salary. For example, for a covered member deceased in Calendar Year 1979, the SADB cumulative percentage is 165.2% of Final Salary as of July 1, 2012.

Under the proposed legislation, the additional, incremental percentage of Final Salary to be effective July 1, 2013 would be 3.0%.

FINANCIAL IMPACT - EMPLOYER PAYMENTS: With respect to the NYCRS, as these SADB are provided on a pay-as-you-go basis, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately $2.5 million.

Note: These additional payments represent an increase of approximately 4.6% in the estimated SADB payments during the first year.

The SADB payments are made by the NYCRS who are reimbursed by the City.

Where previously the State of New York (the "State") reimbursed the City for most GML 208.f payments, it is the understanding of the Actuary that since 2009 the State has limited its reimbursement to a fixed amount. Should this amount not be increased, then the additional cost

of this proposed legislation would be borne entirely by the City of New York.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS ("APVB"): With respect to the survivors of deceased NYCRS members who would be impacted by this proposed legislation, under the actuarial assumptions used in the June 30, 2011 (Lag) actuarial valuations of the NYCRS, including an Actuarial Interest Rate ("AIR") assumption of 7.0% per annum, the enactment of this proposed legislation would increase APVB by approximately $29.5 million as of June 30, 2013.

Based on the same demographic actuarial assumptions but with an AIR assumption of 4.0% per annum, the enactment of this proposed legislation would increase APVB by approximately $40.1 million as of June 30, 2013.

OTHER COSTS: The enactment of this proposed legislation would also be expected to result in modest increases in administrative expenses of NYCERS, POLICE, FIRE, the employers and certain New York City agencies.

CENSUS DATA: The financial impact of the proposed legislation is based upon the census data for such widows, widowers and children provided by the NYCRS and adjusted, as necessary, to prepare the computations and for consistency with other data.

The following table shows, by Retirement System, the number of deceased members with eligible survivors as of June 30, 2012 and the estimated annual SADB rate prior to the increase proposed to be effective as of July 1, 2013.

Table 1

SADB Census Data as of June 30, 2012

($ Millions)

Retirement System	Number of Deceased Members with Eligible Survivors	Annual SADB Rate Prior to Proposed July 1, 2013 Increase
NYCERS	27	$ 1.1
POLICE	310	16.1
FIRE	**607**	**37.5**
Total	944	$ 54.7

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APVB have been computed based on the actuarial assumptions and methods in effect for the June 30, 2011 (Lag) actuarial valuations of NYCERS, POLICE and FIRE used to determine the Preliminary Fiscal Year 2013 employer contributions, including an AIR assumption of 7.0% per annum (net of Investment Expenses).

The demographic actuarial assumptions were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the AIR assumption was enacted by the New York State Legislature and Governor as Chapter 3 of the Laws of 2013 ("Chapter 3/13").

Additional APVB have also been developed using an AIR assumption of 4.0% per annum that could be more consistent with the potential cost of debt issued by the State of New York or the City of New York under a long-term Consumer Price Inflation ("CPI") assumption of 2.5% per year.

ECONOMIC VALUE OF BENEFITS: The actuarial assumptions used in the June 30, 2011 (Lag) actuarial valuations of the NYCRS are appropriate for budgetary models and for determining annual employer contributions to the NYCRS.

However, these actuarial assumptions used to determine employer contributions do not develop risk-adjusted, economic values of benefits. In the current economic environment of low U.S. Treasury security yields, such risk-adjusted, economic values of benefits could be significantly greater than the APVB developed herein.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2013 Legislative Session. It is Fiscal Note 2013-05R, dated March 19, 2013, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and the New York City Fire Department Pension Fund.

STATE OF NEW YORK

6687

2013-2014 Regular Sessions

IN ASSEMBLY

April 12, 2013

Introduced by M. of A. LIFTON -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the city of Ithaca, in the county of Tompkins to offer an optional twenty year retirement plan to firefighter James Crowley

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 to the contrary, the city of Ithaca, in the county of Tompkins, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to firefighters employed by such city, is hereby authorized to make participation in such plan available to James Crowley, a firefighter employed by the city of Ithaca, who, for reasons not ascribable to his own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The city of Ithaca may so elect by filing with the state comptroller, on or before December 31, 2014, a resolution of its common council together with certification that such firefighter did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such firefighter may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2015.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the city of Ithaca.

§ 3. This act shall take effect immediately.

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

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

LBD09966-03-3

This bill will allow the City of Ithaca to reopen the provisions of Section 384-d of the Retirement and Social Security Law for firefighter James M. Crowley.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately $6,400 in the annual contributions of the City of Ithaca for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $93,100, which would be borne by the City of Ithaca as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 28, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal No. 2013-110, prepared by the Actuary for the New York State and Local Employees' Retirement System.

Chapter 262 **Signed July 31, 2013**

STATE OF NEW YORK

4389

2013-2014 Regular Sessions

IN SENATE

March 26, 2013

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

AN ACT in relation to allowing John R. Panichi to join the special retirement plan for sheriffs, undersheriffs and deputy sheriffs

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 law, John R. Pani-
2 chi, who is employed as a deputy sheriff in the county of Rensselaer,
3 and who is a member of the New York state and local employees' retire-
4 ment system, and who was eligible to make the election pursuant to
5 section 553 of the retirement and social security law to join the
6 special retirement plan for sheriffs, undersheriffs and deputy sheriffs
7 engaged in law enforcement activities, shall be eligible to individually
8 join such special retirement plan if the county of Rensselaer so elects
9 by filing with the state comptroller, on or before December 31, 2013, a
10 resolution of its governing body together with certification that such
11 deputy sheriff did not bar himself from participation in such retirement
12 plan as a result of his own negligence. Thereafter such deputy sheriff
13 may elect to be covered by the provisions of section 553 of the retire-
14 ment and social security law, and shall be entitled to the full rights
15 and benefits associated with coverage under such section for the service
16 rendered with the county of Rensselaer only, by filing a request to that
17 effect with the state comptroller on or before June 30, 2014.
18 § 2. All costs incurred by the implementation of this act shall be
19 borne by the county of Rensselaer.
20 § 3. This act shall take effect immediately.

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

This bill will allow Rensselaer County to reopen section 553 of the Retirement and Social Security Law for deputy sheriff John R. Panichi.

If this bill is enacted during the 2013 legislative session and deputy sheriff John R. Panichi becomes covered under the provisions of section

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

LBD02760-03-3

553, we anticipate that there will be an increase of approximately $8,100 in the annual contributions of Rensselaer County for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $51,600 which would be borne by Rensselaer County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 20, 2013 and intended for used only during the 2013 Legislative Session, is Fiscal Note No. 2013-102, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

S. 4584--A A. 6643--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

April 12, 2013

IN SENATE -- Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. BUTLER -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to allow Eric Brown to join the optional twenty year retirement plan, city of Johnstown, county of Fulton

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 law to the contrary,
2 the city of Johnstown, in the county of Fulton, a participating employer
3 in the New York state and local police and fire retirement system, which
4 previously elected to offer the optional twenty year retirement plan,
5 established pursuant to section 384-d of the retirement and social secu-
6 rity law, to firefighters employed by such city, is hereby authorized to
7 make participation in such plan available to Eric Brown, a firefighter
8 employed by the city of Johnstown, who, for reasons not ascribable to
9 his own negligence failed to make a timely application to participate in
10 such optional twenty year retirement plan. The city of Johnstown may so
11 elect by filing with the state comptroller, on or before December 31,
12 2013, a resolution of its governing body together with certification
13 that such firefighter did not bar himself from participation in such
14 retirement plan as a result of his own negligence. Thereafter, Eric
15 Brown, may elect to be covered by the provisions of section 384-d of the
16 retirement and social security law as a Tier 5 member, and shall be
17 entitled to the full rights and benefits associated with coverage under

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

LBD10022-03-3

1 such section, by filing a request to that effect with the state comp-
2 troller on or before December 31, 2013.
3 § 2. All past service costs associated with implementing the
4 provisions of this act shall be borne by the city of Johnstown and may
5 be amortized over a period of five years.
6 § 3. This act shall take effect immediately.

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

This bill would allow Eric D. Brown, a firefighter employed by the City of Johnstown, to elect to become covered under the provisions of Section 384-d of the Retirement and Social Security Law as a Tier 5 member. He is currently covered under the provisions of the 20 year retirement plan in Article 14.

If such legislation is enacted during the 2013 legislative session, we anticipate that there will not be an increase in the annual contributions of the City of Johnstown for the fiscal year ending March 31, 2014.

There also will be no past service cost.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 29, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-158, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

S. 4735--A A. 6811--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

April 19, 2013

IN SENATE -- Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to allow Michael E. Petroski to join the optional twenty year retirement plan, town of Glenville, county of Schenectady

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 law to the contrary,
2 the town of Glenville, in the county of Schenectady, a participating
3 employer in the New York state and local police and fire retirement
4 system, which previously elected to offer the optional twenty year
5 retirement plan, established pursuant to section 384-d of the retirement
6 and social security law, to police officers employed by such town, is
7 hereby authorized to make participation in such plan available to Micha-
8 el E. Petroski, a police officer employed by the town of Glenville, who,
9 for reasons not ascribable to his own negligence failed to make a timely
10 application to participate in such optional twenty year retirement plan.
11 The town of Glenville may so elect by filing with the state comptroller,
12 on or before December 31, 2013, a resolution of its town board together
13 with certification that such police officer did not bar himself from
14 participation in such retirement plan as a result of his own negligence.
15 Thereafter, Michael E. Petroski, may elect to be covered by the
16 provisions of section 384-d of the retirement and social security law,
17 and shall be entitled to the full rights and benefits associated with

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

LBD10206-03-3

1 coverage under such section, by filing a request to that effect with the
2 state comptroller on or before December 31, 2013.
3 § 2. All past service costs associated with implementing the
4 provisions of this act shall be borne by the town of Glenville.
5 § 3. This act shall take effect immediately.

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

This bill will allow the town of Glenville to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Michael E. Petroski.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately $8,750 in the annual contributions of the town of Glenville for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $52,200, which would be borne by the town of Glenville as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated April 15, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-115, prepared by the Actuary for the New York State and Local Police and Fire Retirement system.

STATE OF NEW YORK

4800

2013-2014 Regular Sessions

IN SENATE

April 24, 2013

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

AN ACT to authorize the village of Rockville Centre, in the county of Nassau, to offer an optional twenty year retirement plan to police officer Noz Firoz

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 to the contrary, the village of Rockville Centre, in the county of Nassau, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan established pursuant to section 384-d, and the additional pension benefits for members of optional twenty year retirement plans, pursuant to section 384-e of the retirement and social security law, available to the police officers employed by it, is hereby authorized to make such benefits available to officer Noz Firoz, who for reasons not ascribable to his own negligence, was not enrolled in such plan at the time of his hiring. Such participating employer may elect to make such provisions available to such officer by filing with the state comptroller, on or before December 31, 2013, a resolution of its governing board certifying that such police officer is eligible to apply, is not barred from participating in such retirement plan as the result of his own negligence, and that the village of Rockville Centre shall pay all past service costs attributable to this act, as determined by the comptroller, into the pension accumulation fund. Thereafter, such police officer may apply to participate in such plan by filing the appropriate application with the state comptroller on or before June 30, 2014. Upon applying, the officer shall have all of his service credit with the village of Rockville Centre, as a police officer, be creditable under sections 384-d and 384-e of the retirement and social security law.

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

LBD10478-03-3

1 § 2. All employer past service costs associated with implementing the
2 provisions of this act shall be borne by the village of Rockville Centre
3 and the past service costs associated with this act may be amortized
4 over a ten year period.
5 § 3. This act shall take effect immediately.

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

This bill will allow the Village of Rockville Centre to elect to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for police officer Noz Firoz.

If this bill were enacted, we anticipate that there will be an increase of approximately $12,800 in the annual contributions of the Village of Rockville Centre for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $234,000 which would be borne by the Village of Rockville Centre as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014. If the past service cost is amortized over a period of ten (10) years, the past service costs for the first year including interest, would be approximately $31,700.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated April 23, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-125, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

Chapter 288 **Signed July 31, 2013**

STATE OF NEW YORK

5140

2013-2014 Regular Sessions

IN SENATE

May 10, 2013

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

AN ACT to authorize the village of Hudson Falls, in the county of Washington to offer an optional twenty year retirement plan to police officer Brandon Kommer

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 to the contrary, the village of Hudson Falls, in the county of Washington, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to Brandon Kommer, a police officer employed by the village of Hudson Falls, who, for reasons not ascribable to his own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The village of Hudson Falls may so elect by filing with the state comptroller, on or before December 31, 2014, a resolution of its board of trustees together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2015.

§ 2. All past costs associated with implementing the provisions of this act shall be borne by the village of Hudson Falls.

§ 3. This act shall take effect immediately.

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

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

LBD10784-02-3

This bill will allow the Village of Hudson Falls to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Brandon Kommer.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately $3,100 in the annual contributions of the Village of Hudson Falls for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $7,410, which would be borne by the Village of Hudson Falls as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 9, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-143, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

Chapter 291 **Signed July 31, 2013**

STATE OF NEW YORK

5143

2013-2014 Regular Sessions

IN SENATE

May 10, 2013

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

AN ACT to authorize the village of Lyons to offer an optional twenty year retirement plan to Charles Witt who is employed by such village

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 to the contrary, the village of Lyons, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to members of the retirement system employed by such village, is hereby authorized to make participation in such plan available to Charles Witt, a firefighter employed by the village of Lyons, who, for reasons not ascribable to his own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The village of Lyons may so elect by filing with the state comptroller, on or before December 31, 2013, a resolution of its local legislative body together with certification that Charles Witt did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, Charles Witt may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2014.

§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the village of Lyons and the past service costs associated with this act may be amortized over a period of five or ten years.

§ 3. This act shall take effect immediately.

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

LBD10874-02-3

FISCAL NOTE.--This bill will allow the Village of Lyons to reopen the provisions of Section 384-d of the Retirement and Social Security Law for firefighter Charles Witt.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately $2,900 in the annual contributions of the Village of Lyons for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost to the Village of Lyons of approximately $49,500, assuming that payment will be made on February 1, 2014. If the Village so elects, this cost may be amortized over a period of five (5) or ten (10) years. The past service costs for the first year, including interest, would be $11,400 or $6,710 respectively.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 9, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-148, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

Chapter 293 **Signed July 31, 2013**

STATE OF NEW YORK

5207

2013-2014 Regular Sessions

IN SENATE

May 14, 2013

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

AN ACT in relation to allowing Nancy M. Dwyer to file a request for Tier IV status in the New York state and local employees' retirement system with the state comptroller

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 law, Nancy M. Dwyer,
2 a member of the New York state and local employees' retirement system
3 employed by the town of Southeast in Putnam county, who was employed by
4 the tax department in the town of Southeast in Putnam county beginning
5 on August 27, 2001, and who, for reasons not ascribable to her own
6 negligence, failed to become a member of the New York state and local
7 employees' retirement system while so employed by the tax department in
8 the town of Southeast, shall be deemed to have joined the New York state
9 and local employees' retirement system on August 27, 2001, if on or
10 before December 31, 2013 she shall file an application therefor with the
11 state comptroller. Upon the receipt of such application, Nancy M. Dwyer
12 shall be granted Tier IV status in the New York state and local employ-
13 ees' retirement system and be eligible for all the rights and benefits
14 thereof.
15 § 2. No contributions made to the New York state and local employees'
16 retirement system by Nancy M. Dwyer shall be returned to her pursuant to
17 this act.
18 § 3. All past service costs of implementing the provisions of this act
19 shall be borne by the town of Southeast in Putnam county.
20 § 4. This act shall take effect immediately.

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

This bill will deem Nancy M. Dwyer, an employee of the Town of Southeast in Putnam County and a Tier 5 member of the New York State and Local Employees' Retirement System, to have first become a member of the

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

LBD05524-02-3

Retirement System on August 27, 2001, thereby making her a Tier 4 member.

If this bill is enacted, we anticipate that there will be an increase of approximately $2,000 in the annual contributions of the Town of Southeast for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $1,050 which would be borne by the Town of Southeast as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 15, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-46, prepared by the Actuary for the New York State and Local Employees' Retirement System.

Chapter 295 **Signed July 31, 2013**

STATE OF NEW YORK

5239

2013-2014 Regular Sessions

IN SENATE

May 15, 2013

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

AN ACT to authorize the village of Sleepy Hollow to offer an optional twenty year retirement plan to certain police officers employed by such village

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 to the contrary, the village of Sleepy Hollow, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to Raymond D'Alessandro and James Warren, police officers employed by the village of Sleepy Hollow, who, for reasons not ascribable to their own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The village of Sleepy Hollow may so elect by filing with the state comptroller, on or before December 31, 2013, a resolution of its local legislative body together with certification that such police officers did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such police officers may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2014.

§ 2. All employer past service costs associated with implementing the provisions of this act shall be borne by the village of Sleepy Hollow and may be amortized over a ten year period.

§ 3. This act shall take effect immediately.

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

LBD10332-03-3

FISCAL NOTE.--This bill will allow Officers Raymond D'Alessandro, and James Warren to become covered by the provisions of Section 384-d of the Retirement and Social Security Law.

If this bill were enacted, we anticipate that there will be an increase of approximately $25,100 in the annual contributions of the Village of Sleepy Hollow for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $134,000 which would be borne by the Village of Sleepy Hollow as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014. If the past service cost is amortized over a period of ten (10) years, the past service costs for the first year including interest, would be approximately $18,100.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated April 17, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-121, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

Chapter 296 **Signed July 31, 2013**

STATE OF NEW YORK

S. 5266 A. 7398

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 15, 2013

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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Quogue, in the county of Suffolk to offer an optional twenty year retirement plan to police officer Robert J. Hammel

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 to the contrary, the village of Quogue, in the county of Suffolk, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such town, is hereby authorized to make participation in such plan available to patrolman Robert J. Hammel, registration number OB01367-1, a police officer employed by the village of Quogue, who, for reasons not ascribable to his own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The village of Quogue may so elect by filing with the state comptroller, on or before December 31, 2013, a resolution of its town board together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2014.

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

LBD10723-04-3

1 § 2. All past costs associated with implementing the provisions of
2 this act shall be borne by the village of Quogue and may be amortized
3 over a five-year period.
4 § 3. This act shall take effect immediately.

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

This bill will allow the Village of Quogue to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Robert J. Hammel.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately $7,800 in the annual contributions of the village of Quogue for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $10,300, which would be borne by the Village of Quogue as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014. If this cost is amortized over a 5 year period, the cost for the first year would be approximately $2,370.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 10, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-149, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

Chapter 303 **Signed July 31, 2013**

STATE OF NEW YORK

5753

2013-2014 Regular Sessions

IN SENATE

June 12, 2013

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

AN ACT to authorize the village of Menands, in the county of Albany to offer an optional twenty year retirement plan to police officer Aaron St. Gelais

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 law to the contrary,
2 the village of Menands, in the county of Albany, a participating employ-
3 er in the New York state and local police and fire retirement system,
4 which previously elected to offer the optional twenty year retirement
5 plan, established pursuant to section 384-d of the retirement and social
6 security law, to police officers employed by such town, is hereby
7 authorized to make participation in such plan available to Aaron St.
8 Gelais, a police officer employed by the village of Menands with a start
9 date of October 2, 2010, who, for reasons not ascribable to his own
10 negligence, failed to make a timely application to participate in such
11 optional twenty year retirement plan. The village of Menands may so
12 elect by filing with the state comptroller, on or before December 31,
13 2013, a resolution of its town board together with certification that
14 such police officer did not bar himself from participation in such
15 retirement plan as a result of his own negligence. Thereafter, such
16 police officer may elect to be covered by the provisions of section
17 384-d of the retirement and social security law, and shall be entitled
18 to the full rights and benefits associated with coverage under such
19 section, by filing a request to that effect with the state comptroller
20 on or before June 30, 2014.
21 § 2. All past costs associated with implementing the provisions of
22 this act shall be borne by the village of Menands.
23 § 3. This act shall take effect immediately.
FISCAL NOTE.--Pursuant to Section 50 of the Legislative Law:

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

LBD11262-02-3

This bill will allow the village of Menands to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Aaron St. Gelais.

If this bill is enacted and Aaron St. Gelais becomes covered under Section 384-d, we anticipate that there will be an increase of approximately $5,200 in the annual contributions of the village of Menands for the fiscal year ending March 31, 2014.

There will be no past service cost.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated June 7, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-159, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

5612

2013-2014 Regular Sessions

IN SENATE

May 28, 2013

Introduced by Sen. O'MARA -- 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 Stephen P. Cronin past service credit in the optional twenty year retirement plan for certain firemen and policemen

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 law, Stephen P.
2 Cronin, a member of the New York state and local police and fire retire-
3 ment system under section 384-d of the retirement and social security
4 law, who, for the period beginning June 7, 1993 and ending July 31,
5 1994, was employed by the village of Watkins Glen, county of Schuyler,
6 and who, for the periods beginning April 1, 1993 and ending October 10,
7 1993 and beginning April 1, 1994 and ending August 28, 1994, was
8 employed by the office of parks, recreation and historic preservation,
9 and who, for the period beginning August 4, 1994 and ending May 31,
10 1998, was employed by the village of Horseheads, county of Chemung, and
11 who, for the period beginning June 1, 1998 has been employed by the city
12 of Elmira, county of Chemung, and who, for reasons not ascribable to his
13 own negligence, was not granted service credit under section 384-d of
14 the retirement and social security law for his period of employment
15 with: (a) the village of Watkins Glen, county of Schuyler; or (b) the
16 office of parks, recreation and historic preservation, shall be granted
17 such service credit under section 384-d of the retirement and social
18 security law for his employment with: (a) the village of Watkins Glen,
19 county of Schuyler for the period beginning June 7, 1993 and ending July
20 31, 1994; and (b) the office of parks, recreation and historic preserva-
21 tion for the periods beginning April 1, 1993 and ending October 10, 1993
22 and beginning April 1, 1994 and ending August 28, 1994, if on or before
23 December 31, 2013 he shall file a written request to that effect with
24 the state comptroller.

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

LBD10785-04-3

§ 2. No contributions made to the New York state and local police and fire retirement system by Stephen P. Cronin shall be returned to him pursuant to this act.

§ 3. All past service costs of implementing the provisions of this act shall be borne by the village of Watkins Glen, county of Schuyler and the state of New York in proportion to the additional service credit granted under this legislation.

§ 4. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow Police Officer Stephen P. Cronin, currently employed by the City of Elmira, to receive retirement credit under the 20 year retirement plan pursuant to section 384-d of the Retirement and Social Security Law for service he rendered as a police officer with the Village of Watkins Glen and the Office of Parks, Recreation and Historic Preservation. The past service costs are to be paid by the Village of Watkins Glen and New York State in proportion to the amount of additional service credit granted under this legislation.

If this bill is enacted, we anticipate that there will be immediate past service costs of approximately $16,700 which will be borne by the Village of Watkins Glen, assuming a payment date of February 1, 2014, and $21,000 which will be borne by the State of New York, assuming a March 1, 2014 payment date.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 21, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-154, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

8032

2013-2014 Regular Sessions

IN ASSEMBLY

June 16, 2013

Introduced by M. of A. ABBATE -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT implementing an agreement between the state and an employee organization; providing for the adjustment of salaries or hourly rates of certain incumbents in the professional services negotiating unit; and making an appropriation therefor

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

Section 1. Definitions. 1. For purposes of this act, "eligible unit members" means those members of the collective negotiating unit designated as the professional services negotiating unit established pursuant to article 14 of the civil service law that are in lifeguard titles and who are in positions designated as part of bargaining unit 68.

2. For purposes of this act, "the agreement" means a collectively negotiated agreement entered into in 2013 between the state and the employee organization representing eligible unit members of the professional services negotiating unit as designated in subdivision 1 of this section.

3. For purposes of this act, "the employee organization" means the employee organization representing members of the professional services negotiating unit.

§ 2. Adjustment to salaries and hourly rates and other compensation of certain eligible unit members in the professional services negotiating unit.

1. The provisions of this section shall apply to certain eligible unit members in the professional services negotiating unit that are in lifeguard titles and who are in positions designated as part of bargaining unit 68.

2. Percentage increases applicable to certain eligible unit members prior to March 31, 2011.

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

LBD12038-01-3

(a) Effective April 1, 2004, the salary or hourly rate of certain eligible unit members shall increase by two and one-half percent.

(b) Effective April 1, 2005, the salary or hourly rate of certain eligible unit members shall increase by two and three-quarters percent.

(c) Effective April 1, 2006, the salary or hourly rate of certain eligible unit members shall increase by three percent.

(d) Effective April 1, 2007, the salary or hourly rate of certain eligible unit members shall increase by three percent.

(e) Effective April 1, 2008, the salary or hourly rate of certain eligible unit members shall increase by three percent.

(f) Effective April 1, 2009, the salary or hourly rate of certain eligible unit members shall increase by three percent.

(g) Effective April 1, 2010, the salary or hourly rate of certain eligible unit members shall increase by four percent.

(h) To be eligible for the retroactive increases set forth in paragraphs (a) through (g) of this subdivision, an eligible unit member (i) must have been in employment status on the effective date of the salary or hourly rate increase or employed during a season that commences during the fiscal year that includes such salary or hourly rate increase, and (ii) must have been in employment status on April 1, 2013 or during a season that commences in the fiscal year that includes April 1, 2013.

3. Percentage increases applicable to certain eligible unit members after March 31, 2011.

(a) Effective April 1, 2014, the salary or hourly rate of certain eligible unit members shall increase by two percent.

(b) Effective April 1, 2015, the salary or hourly rate of certain eligible unit members shall increase by two percent.

(c) The salary or hourly rate increases set forth in paragraph (a) of this subdivision shall not be payable until the director of employee relations notifies the director of the budget that the state and the employee organization representing eligible unit members have reached an agreement on issues of mutual concern included in the "Joint Meeting Minutes between Long Island State Park and Recreation Commission and the Jones Beach Lifeguard Corp" and any other labor-management agreements between the state and the parties concerning the Jones Beach Lifeguard Corp, in accordance with the terms of the agreement.

4. In accordance with the terms of the agreement, certain eligible unit members who work at least 160 hours during the season (at least 20 days) shall be entitled to additional compensation at their hourly rate, up to a maximum of eight hours, for time worked on each of the first three days during their employment in any seasonal period (April 1 to September 30 or October 1 to March 31) which are observed as holidays by the state. Such compensation shall be paid retroactively upon completion of five weeks of work.

5. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section are applicable when, in the opinion of the director of employee relations and the director of the budget, such increase is not warranted or is not appropriate.

§ 3. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment of grievance and arbitration settlements and awards pursuant to article 7 of the agreement between the state and the employee organization that covers members of the professional services negotiating unit.

§ 4. The salary or hourly increases and benefit modifications, and any other modifications to the terms and conditions of employment provided for by this act for eligible unit members in the professional services negotiating unit, shall not be implemented until the director of employee relations has delivered, to the director of the budget and the comptroller, a certificate that there is in effect with respect to such negotiating unit a collectively negotiated agreement which provides for such increases and modifications and which is fully executed in writing with the state pursuant to article 14 of the civil service law, and ratified pursuant to the ratification procedure, if any, applicable to eligible unit members.

§ 5. Notwithstanding any inconsistent provision of law, where and to the extent that any agreement between the state and the employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of certain employees in the professional services negotiating unit, effective January 1, 2014, the state shall contribute an amount designated in such agreement and for the period covered by such agreement to the accounts of such eligible employees enrolled for dependent care deductions pursuant to subdivision 7 of section 201-a of the state finance law. Such amounts shall not be counted as compensation for overtime or retirement purposes.

§ 6. Date of entitlement to salary or hourly increase. Notwithstanding the provisions of this act or of any other law, the increase in compensation of any officer or employee provided by this act shall be added to the compensation of such officer or employee at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act, provided, however, that for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement or other change of status, such salary or hourly rate increase shall be deemed to be effective on the date thereof as prescribed in this act, and the payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such officer or employee. Payment of such salary or hourly increase may be deferred pursuant to section seven of this act.

§ 7. Deferred payment of salary or hourly increase. Notwithstanding the provisions of any other section of this act or of any other law, pending payment pursuant to this act of the compensation due to eligible unit members subject to this act, such members shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An eligible unit member holding a position subject to this act at any time during the period from the effective dates of the salary or hourly increases provided for in this act until the time when compensation due to eligible unit members is first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary or hourly rate to which such eligible unit member is entitled for such services and the compensation actually received therefor. Such lump sum payments shall be made as soon as practicable. The amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which it is paid.

Notwithstanding any law, rule or regulation to the contrary, no member of the professional services negotiating unit to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the agreement covering certain employees in the professional services negotiating unit.

§ 8. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2013, by the provisions of this act for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations are insufficient in any fund to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts. The aforementioned appropriations shall be available for payment of any liabilities or obligations incurred prior to April 1, 2013 in addition to current liabilities.

§ 9. Payment from special or administrative funds. If the compensation to which officers and employees of the state are otherwise entitled is payable from a special or administrative fund or funds of the state, other than the general fund or the capital projects fund of the state, the increase in compensation to which such officers or employees are entitled under this act shall be payable from such other fund or funds in the same manner as such other compensation. If the amounts appropriated or allocable from such other fund or funds are insufficient to accomplish the purposes of this act, the director of the budget is hereby authorized to allocate such additional sums from such other fund or funds as may be necessary therefor.

§ 10. Effect of participation in special annuity program. No employee participating in a special annuity program pursuant to the provisions of article 8-C of the education law shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary or hourly adjustment to which such officer or employee would otherwise be entitled by reason of participation in such program, and such salary or hourly adjustment shall be based upon the salary or hourly rate of such officer or employee without regard to the reduction authorized by said article.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $282,000 from the general fund to the environmental conservation fund (301) to carry out the provisions of section thirteen of this act.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $2,769,000 from the general fund to the special revenue fund (339), subfund 22163, to carry out the provisions of section thirteen of this act.

§ 13. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency, for the fiscal year beginning April 1, 2013, to supplement appropriations available for fringe benefits, and to carry out the provisions of this act. The monies hereby appropriated are

available for payment of any liabilities or obligations incurred prior to April 1, 2013 in addition to liabilities or obligations associated with the fiscal year commencing April 1, 2013. No money shall be available for expenditure from this appropriation until a certificate of approval of availability has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account 003

PERSONAL SERVICE

Personal service - regular 4,714,000

NONPERSONAL SERVICES

Fringe Benefits 580,000

Special Revenue Funds - Other
Environmental Conservation Special Revenue Fund - 301

PERSONAL SERVICE

Personal service - regular 254,000

NONPERSONAL SERVICE

Fringe Benefits 28,000

Special Revenue Funds - Other
Miscellaneous State Special Revenue Fund - 339

PERSONAL SERVICE

Personal service - regular 2,612,000

NONPERSONAL SERVICE

Fringe Benefits 269,000

§ 14. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2003.

STATE OF NEW YORK

5799

2013-2014 Regular Sessions

IN SENATE

June 14, 2013

Introduced by Sen. SAVINO -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT implementing an agreement between the state and an employee organization; providing for the adjustment of salaries of certain incumbents in the professional service in the state university; certain employees of the contract colleges of Cornell and Alfred Universities and making an appropriation therefor

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

1 Section 1. Definitions. 1. For purposes of this act, "professional
2 services unit" means the collective negotiating unit designated as the
3 professional services negotiating unit in the state university of New
4 York established pursuant to article 14 of the civil service law.
5 2. For purposes of this act, "the agreement" means a collectively
6 negotiated agreement entered into in 2013 between the state and the
7 employee organization representing members of the professional services
8 unit.
9 3. For purposes of this act, "the employee organization" means the
10 employee organization representing members of the professional services
11 unit.
12 § 2. Adjustment to salaries and other compensation of certain incum-
13 bents in positions in the professional service in the state university.
14 1. The basic annual salaries as of June 30, 2014, of incumbents of posi-
15 tions in the professional service in the state university in the profes-
16 sional services unit, other than positions described in subdivision 11
17 of this section, shall be increased by 2 percent, adjusted to the near-
18 est whole dollar amount (a) commencing the first day of the payroll
19 period closest to July 1, 2014 for employees having a calendar year or
20 college year professional obligation or (b) commencing the first day of
21 the payroll period closest to September 1, 2014 for employees having an

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

LBD12033-01-3

academic year professional obligation, except that certain incumbents at the state university of New York at Binghamton, the colleges of technology and the agriculture and technology colleges heretofore specifically identified by the department of audit and control, for the purpose of establishing the effective date of eligibility for salary increases shall be granted said salary increase commencing the first day of the payroll period closest to July 1, 2014. Notwithstanding the above, for employees having an academic year professional obligation and who are in a 21 pay period status, for the purpose of establishing the effective date of eligibility for salary increase, shall be granted said salary increase effective August 14, 2014.

2. The basic annual salaries as of June 30, 2015, of incumbents of positions in the professional service in the state university in the professional services unit, other than positions described in subdivision 11 of this section, shall be increased by 2 percent, adjusted to the nearest whole dollar amount (a) commencing the first day of the payroll period closest to July 1, 2015, for employees having a calendar year or college year professional obligation, or (b) commencing the first day of the payroll period closest to September 1, 2015, for employees having an academic year professional obligation, except that certain incumbents at the state university of New York at Binghamton, the colleges of technology and the agriculture and technology colleges heretofore specifically identified by the department of audit and control for the purpose of establishing the effective date of eligibility for salary increases, shall be granted said salary increase commencing the first day of the payroll period closest to July 1, 2015. Notwithstanding the above provisions of this subdivision, employees having an academic year professional obligation and who are in a 21 pay period status, for the purpose of establishing the effective date of eligibility for salary increases, shall be granted said salary increase effective August 13, 2015.

3. Notwithstanding the provisions of subdivisions 1 or 2 of this section, an employee in service on April 30 of 2014 or 2015, whose employment expired prior to July 1 of either such year and who would have been eligible for the salary increase provided for in subdivision 1 or 2 of this section if the employee's employment had continued through July 1 of that year, shall be eligible for the salary increase provided for in subdivision 1 or 2 of this section if the employee is reemployed in an equivalent position for at least one semester or the equivalent of the twelve-month period commencing on July 1 of such year.

4. Notwithstanding the provisions of subdivisions 1 or 2 of this section, an employee in service during a portion of the twelve-month period commencing on July 1 of 2014 or 2015, for at least one semester or the equivalent, but whose employment expired prior to July 1 of the following year, shall be eligible for the salary increase provided for such year in subdivision 1 or 2 of this section if the employee is reemployed in an equivalent position for at least one semester or the equivalent of the twelve-month period commencing on July 1 of such following year.

5. The provisions of this subdivision shall apply to incumbents of positions in the professional services unit, other than positions described in subdivision eleven of this section. (a) For each of the years 2013, 2014 and 2015, there shall be available an amount equal to one-half of 1 percent (0.5%) of the total of the basic annual salaries on June 30 of each such year of incumbents to whom the provisions of this subdivision apply, for distribution to such incumbents as one-time

lump sum bonus payments made by the state university trustees in their discretion.

(b) For the year 2016, there shall be available an amount equal to 1 percent (1.0%) of the total of the basic annual salaries on June 30 of such year of incumbents to whom the provisions of this subdivision apply, for distribution to such incumbents as one-time lump sum bonus payments made by the state university trustees in their discretion.

(c) Such lump sum payments as described in paragraphs (a) and (b) of this subdivision shall be made to incumbents on the payroll on June 30 of each year and at the time of payment and shall occur not later than December 31 of each year. Such lump sum payments shall be in addition to and shall not be a part of an employee's basic annual salary, provided, however, that such payments shall be included as compensation for retirement purposes. The total of the basic annual salaries on June 30 shall include the total salaries of part-time faculty employees in service on April 30 of that year, but whose employment expires prior to July 1 of such year. If the part-time faculty employee is reemployed prior to the distribution of the pool, the employee will be eligible for a discretionary increase at the discretion of the state university trustees.

6. Chancellor's power of SUNY performance incentive payment. The provisions of this subdivision shall apply to incumbents of positions in the professional services unit, other than positions described in subdivision 11 of this section. (a) Pursuant to the terms of the agreement, effective July 1, 2013, there shall be a chancellor's power of SUNY performance incentive payment in the amount of 500 dollars added to the basic annual salary of eligible incumbents as of June 30, 2013 at the discretion of the chancellor. Such payment shall occur not later than December 31, 2013 and shall be retroactive to incumbents on the payroll effective July 1, 2013 or September 1, 2013, as appropriate to professional obligation, and who are active on the payroll at the time of payment. Incumbents who worked at least one semester during the twelve-month period commencing July 1, 2012 and whose employment expires prior to July 1, 2013 shall be eligible for the payment if they are reemployed and active on the payroll on the effective date of the payment. In addition, pursuant to the terms of the agreement, this payment shall be pro-rated for eligible part-time employees based on a formula to be agreed to by the state and the employee organization representing members of the professional services unit.

(b) Pursuant to the terms of the agreement, effective July 1, 2014, there shall be a chancellor's power of SUNY performance incentive payment in the amount of 250 dollars added to the basic annual salary of eligible incumbents as of June 30, 2014 at the discretion of the chancellor. Such payment shall occur not later than December 31, 2014 and shall be retroactive to incumbents on the payroll effective July 1, 2014 or September 1, 2014, as appropriate to professional obligation, and who are active on the payroll at the time of payment. Incumbents who worked at least one semester during the twelve-month period commencing July 1, 2013 and whose employment expires prior to July 1, 2014 shall be eligible for the payment if they are reemployed and active on the payroll on the effective date of the payment. In addition, pursuant to the terms of the agreement, this payment shall be pro-rated for eligible part-time employees based on a formula to be agreed to by the state and the employee organization representing members of the professional services unit.

(c) Pursuant to the terms of the agreement, effective July 1, 2015, there shall be a chancellor's power of SUNY performance incentive payment in the amount of 500 dollars added to the basic annual salary of eligible incumbents as of June 30, 2015 at the discretion of the chancellor. Such payment shall occur not later than December 31, 2015 and shall be retroactive to incumbents on the payroll effective July 1, 2015 or September 1, 2015, as appropriate to professional obligation, and who are active on the payroll at the time of payment. Incumbents who worked at least one semester during the twelve-month period commencing July 1, 2014 and whose employment expires prior to July 1, 2015 shall be eligible for the payment if they are reemployed and active on the payroll on the effective date of the payment. In addition, pursuant to the terms of the agreement, this payment shall be pro-rated for eligible part-time employees based on a formula to be agreed to by the state and the employee organization representing members of the professional services unit.

7. Location compensation of certain incumbents in positions in the professional service of the state university. (a) Employees in positions in the professional services unit who are full-time employees and whose work station is: (i) in the city of New York, or in the county of Suffolk, Nassau, Rockland or Westchester, shall continue to be entitled to location pay at the annual rate of 3,026 dollars effective January 1, 2009, or (ii) in the county of Dutchess, Putnam or Orange shall continue to be entitled to location pay at the annual rate of 1,513 dollars effective January 1, 2009.

(b) Payments made under paragraph (a) of this subdivision shall be paid biweekly and shall be in addition to and not part of the basic annual salary of such employees, provided, however, that any amount payable pursuant to this subdivision shall be included as compensation for retirement purposes.

(c) Notwithstanding the provisions of paragraph (a) of this subdivision, a full-time employee on an authorized leave of absence who is receiving a part-time salary, but who would have been otherwise eligible for the location compensation set forth in paragraph (a) of this subdivision, shall be eligible for such location compensation, on a pro-rated basis, and shall be paid the appropriately pro-rated amount of the location compensation, which pro-rated amount shall be consistent with the part-time salary of that employee.

8. (a) Pursuant to the terms of the agreement, full-time employees in the professional services unit who have been granted permanent or continuing appointment at the campus at which they currently are employed, effective on or after July 2, 2011 and on or before January 1, 2013, or full-time employees who have been granted a second five-year term appointment at the campus at which they are currently employed under Article XI, Title A of the policies of the board of trustees of the state university of New York, effective on or after July 2, 2011 and on or before January 1, 2013, or employees who have completed seven consecutive years of full-time service in Appendix C of the agreement, Lecturer, or Appendix B of the agreement, Section 4 - Division III Sports, effective on or before January 1, 2013, shall receive a one-time advance to basic annual salary of 500 dollars. Such advance shall be effective on January 1, 2013, shall be made as soon as practicable, and shall be added to and become part of such employee's basic annual salary. Eligible employees who receive such appointments after January 1, 2013 shall also receive such advance to basic annual salary of 500 dollars, to occur as soon as practicable thereafter.

(b) Pursuant to the terms of the agreement, part-time employees in the professional services unit who have completed at least eight years of consecutive service at the campus at which they are currently employed on or after July 2, 2011, shall receive a lump sum payment in the amount of 500 dollars. Such payment shall be made as soon as practicable thereafter, and shall be in addition to and shall not be a part of an employee's basic annual salary, provided, however, that such payment shall be included as compensation for retirement purposes. Pursuant to the terms of the agreement, part-time employees are eligible to receive this payment every eight years thereafter of consecutive service at the campus at which they are currently employed. In no event shall a part-time employee be eligible for a service award, as described in this paragraph, more than once every eight years.

9. Minimum basic annual salary. (a) This subdivision shall apply to employees in the professional services unit, except those who are not paid on the basis of a basic annual salary.

(b) The basic annual salary minimums as of June 30, 2014, as provided for in the agreement, shall be increased by 2 percent, adjusted to the nearest whole dollar amount, on the dates of the salary increase provided for in subdivision 1 of this section.

(c) The basic annual salary minimums as of June 30, 2015, as provided for in the agreement, shall be increased by 2 percent, adjusted to the nearest whole dollar amount, on the dates of the salary increase provided for in subdivision 2 of this section.

(d) A part-time employee who is paid on the basis of a pro-rated basic annual salary and who, if employed on a full-time basis, would be eligible to be paid a minimum basic annual salary, shall be paid a minimum basic annual salary which shall be the appropriately pro-rated amount of the minimum basic annual salary that would have been paid to the employee had the employee been employed on a full-time basis.

(e) Notwithstanding the provisions of subdivision 1 of this section, incumbents to whom the provisions of subdivisions 1 and 2 of this section apply and who are in employment status on July 1, 2014, shall receive not less than the minimum basic annual salary in force on July 1, 2014, as provided for in the agreement, for the rank or grade in which such incumbent serves.

(f) An incumbent promoted on or after the effective dates, appropriate to the incumbent's professional obligation or the incumbent's date of eligibility for salary increases, of the salary increases provided for in subdivisions 1 and 2 of this section shall receive not less than the minimum basic annual salary provided for in the agreement for the rank or grade to which the incumbent has been promoted.

(g) An employee hired on or after the effective dates, appropriate to the employee's professional obligation or the employee's date of eligibility for salary increases, of the salary increases provided for in subdivisions 1 and 2 of this section shall receive not less than the minimum basic annual salary for the employee's rank or grade provided for in the agreement on the date the employee is placed in payroll status.

10. The increases in salary payable pursuant to subdivisions 1 and 2 of this section shall apply on a pro-rated basis to incumbents otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, or who serve on a part-time basis or who are paid on any basis other than at an annual salary rate.

11. Notwithstanding any of the provisions of this section, the salary increases or payments provided by this section shall not apply to

employees deemed to be casual employees pursuant to the resolution of clarification petition CP 751 brought against the state by the employee organization representing the professional services unit; to extra service compensation; to summer session compensation; or to compensation derived from clinical practice plan arrangements; nor shall anything in this section be deemed to provide any adjustment in salary or other compensation of any person holding a chair established pursuant to section 239 of the education law.

12. Inconvenience pay. Pursuant to the terms of the agreement, effective July 2, 2011, an eligible employee, as provided for in the agreement, shall continue to be paid 575 dollars per year for working 4 or more hours between the hours of 6:00 p.m. and 6:00 a.m.

13. Basic annual salary. For the purposes of this section, basic annual salary is the amount of annual compensation payable to an employee for the performance of the employee's professional obligation, as such obligation is set forth in Title H, Article XI, of the policies of the board of trustees of the state university of New York, from state monies appropriated for such purpose. Nothing herein shall prevent increasing amounts paid to incumbents of positions of the professional service in the professional services unit in addition to the basic annual salary, provided however, that the amounts required for such other increases and the cost of fringe benefits attributable to such other increases, as determined by the comptroller, are made available to the state in accordance with procedures established by the state university; provided that the state university shall annually submit a report to the director of the budget specifying aggregate amounts by campus, sources and expenditure of such funds as payment for such increases.

14. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section are applicable when, in the opinion of the chancellor of the state university of New York and the director of employee relations, such increase is not warranted or is not appropriate.

§ 3. Compensation for certain state employees in the state university that are designated, stipulated, or excluded from negotiating units as managerial or confidential pursuant to article 14 of the civil service law and certain employees of contract colleges at Cornell and Alfred Universities. 1. The provisions of this subdivision shall apply only to incumbents of positions in bargaining unit 13 in the professional service of the state university that are designated, stipulated, or excluded from negotiating units as managerial or confidential pursuant to article 14 of the civil service law.

(a) For each of the years 2013, 2014 and 2015, there shall be available an amount equal to one-half of 1 percent (0.5%) of the total of the basic annual salaries on June 30 of each such year of incumbents to whom the provisions of this subdivision apply, for distribution, in whole or in part, to such incumbents as one-time lump sum bonus payments by the state university trustees, in their discretion, and subject to the approval of the chancellor.

(b) For the year 2016, there shall be available an amount equal to 1 percent (1.0%) of the total of the basic annual salaries on June 30 of such year of incumbents to whom the provisions of this subdivision apply, for distribution, in whole or in part, to such incumbents as one-time lump sum bonus payments by the state university trustees, in their discretion, and subject to the approval of the chancellor.

(c) If approved, such lump sum payments as described in paragraphs (a) and (b) shall be made to incumbents on the payroll on June 30 of each year and who are on the payroll at the time of payment. Such payment shall occur not later than December 31 of each year. Such lump sum payments shall be in addition to and shall not be a part of an employee's basic annual salary, provided, however, that such payments shall be included as compensation for retirement purposes.

2. Chancellor's power of SUNY performance incentive payment. The provisions of this subdivision shall apply only to incumbents of positions in bargaining unit 13 in the professional service of the state university that are designated, stipulated, or excluded from negotiating units as managerial or confidential pursuant to article 14 of the civil service law.

(a) Subject to the approval of the chancellor, effective July 1, 2013, there shall be a chancellor's power of SUNY performance incentive payment in the amount of 500 dollars added to the basic annual salary of eligible incumbents on the payroll as of June 30, 2013 and who are on the payroll at the time of payment. Such payment shall occur not later than December 31, 2013. Subject to the approval of the chancellor, this payment shall be pro-rated for eligible part-time employees based on a formula established by the chancellor.

(b) Subject to the approval of the chancellor, effective July 1, 2014, there shall be a chancellor's power of SUNY performance incentive payment in the amount of 250 dollars added to the basic annual salary of eligible incumbents on the payroll as of June 30, 2014 and who are on the payroll at the time of payment. Such payment shall occur not later than December 31, 2014. Subject to the approval of the chancellor, this payment shall be pro-rated for eligible part-time employees based on a formula established by the chancellor.

(c) Subject to the approval of the chancellor, effective July 1, 2015, there shall be a chancellor's power of SUNY performance incentive payment in the amount of 500 dollars added to the basic annual salary of eligible incumbents as of June 30, 2015 and who are on the payroll at the time of payment. Such payment shall occur not later than December 31, 2015. Subject to the approval of the chancellor, this payment shall be pro-rated for eligible part-time employees based on a formula established by the chancellor.

3. The compensation increases in subdivisions 1 and 2 of this section may also be provided by Cornell and Alfred Universities, within the appropriations available therefor, at their discretion, and with the approval of the state university trustees, to incumbents of positions in the institutions under the management of Cornell and Alfred Universities as representative of the board of trustees of the state university that, in the opinion of the director of employee relations, would be designated managerial or confidential were they subject to article 14 of the civil service law.

4. The salary increases provided for by this section shall not be implemented until the director of employee relations has delivered, to the director of the budget and the comptroller, a certificate that there is in effect a collectively negotiated agreement between the state and state employees in the professional services unit pursuant to article 14 of the civil service law, and ratified pursuant to the ratification procedure of the employee organization.

§ 4. Recall compensation for certain state officers and employees within the professional services unit. 1. Notwithstanding any provision of law to the contrary and to the extent that the agreement so provides,

full-time professional employees (a) as defined by the policies of the board of trustees of the state university of New York within the professional services unit, who provide patient care services on a full-time basis in the areas of a hospital or clinic specified in the agreement, and who are eligible to accrue overtime credits, or (b) who are specifically identified by the college president as subject to recall, shall be considered to have worked a minimum of 4 hours each time they are recalled to work overtime after having completed their scheduled work period and left their scheduled work station. In the event any such eligible employee works in excess of 4 hours upon such recall, such employee shall receive overtime compensation for the hours actually worked. To the extent that the agreement so provides, any such full-time professional employee identified in paragraph (a) of this subdivision who is not eligible to accrue overtime credits but who is deemed eligible to receive recall compensation in accordance with the terms of the agreement shall receive additional compensation at the rate of one and one-half times the regular hourly rate of compensation for time actually worked when such professional employee is recalled to work after having completed the scheduled work period and left the scheduled work station, but, in no case, shall such professional employee receive less than 4 hours of additional compensation upon recall.

2. In addition to eligible full-time professional employees as set forth in subdivision 1 of this section, notwithstanding any provision of law to the contrary and to the extent that the agreement so provides, employees in positions at the campus specifically designated by the college president, in accordance with the terms of the agreement, as eligible for recall compensation, shall be considered to have worked a minimum of 4 hours each time they are recalled to work overtime after having completed their scheduled work period and left their scheduled work station. In the event any such eligible employee works in excess of 4 hours upon such recall, such employee shall receive overtime compensation for the hours actually worked.

3. Any employee eligible to receive compensation pursuant to this section who is recalled to work more than once during a period of 4 hours commencing with the onset of the initial recall will not be eligible for more than 4 hours of compensation in any form unless more than 4 hours is actually worked. Any compensation paid pursuant to this section shall be in addition to and not part of such employee's basic annual salary, provided however, that any amounts payable pursuant to this section shall be included as compensation for retirement purposes.

§ 5. On-call compensation for certain state officers and employees in the professional services negotiating unit of the state university. Notwithstanding any provision of law to the contrary, any full-time professional employee or other employee eligible to receive compensation pursuant to section four of this act, who is required to be available for immediate recall and who must be prepared to return to duty within a limited period of time, may be granted additional compensation for each day such employee is actually scheduled to remain and remains available for recall. Such additional compensation shall be paid at a rate established pursuant to the agreement. Such compensation shall be in addition to and not part of such employee's basic annual salary, provided however, that any amount payable pursuant to this section shall be included as compensation for retirement purposes.

§ 6. Health insurance coverage for part-time employees in the professional services negotiating unit of the state university. Notwithstanding any provision of law to the contrary, any employee serving in a

position within the professional services negotiating unit of the state university who serves on a part-time basis and is otherwise ineligible to receive health insurance coverage may participate in the state health insurance program provided that such part-time employee pays the full premium cost for the coverage provided by such health insurance program.

§ 7. Statewide joint labor-management committees for certain state officers and employees. 1. During the period July 2, 2013 through July 1, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement, which shall have the responsibility for studying and making recommendations concerning the major issues of professional development and implementing such agreements which may be entered into between the state and the employee organization concerning such matters.

2. During the period July 2, 2013 through July 1, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement, which shall have the responsibility for studying and making recommendations concerning employment related issues as required by provisions of the agreement and administering the continuity of employment fund subject to the approval of the state and the employee organization.

3. During the period July 2, 2013 through July 1, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement, which shall have the responsibility for studying and making recommendations concerning issues of safety in the workplace and implementing such agreements which may be entered into between the state and the employee organization concerning such matters.

4. During the period July 2, 2013 through July 1, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement, which shall have the responsibility for studying and making recommendations concerning matters of mutual interest in the areas of equal employment and affirmative action concerning minorities, women, persons with disabilities and military status and implementing such agreements which may be entered into between the state and the employee organization concerning such matters.

5. During the period July 2, 2013 through July 1, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement, which shall have the responsibility for studying and making recommendations concerning issues of health benefits and implementing such agreements which may be entered into between the state and the employee organization concerning such matters.

6. During the period July 2, 2013 through July 1, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement, which shall have the responsibility for studying and making recommendations concerning issues of technology and implementing such agreements which may be entered into between the state and the employee organization concerning such matters.

7. During the period July 2, 2013 through July 1, 2016, there shall be a Tripartite Redeployment Committee administered pursuant to the terms of the agreement, which shall have the responsibility for reviewing and discussing issues related to redeployment consideration and implementing such agreements which may be entered into between the state and the employee organization concerning such matters.

8. During the period July 2, 2013 through July 1, 2016, there shall be a statewide joint labor-management committee established and adminis-

1 tered pursuant to the terms of the agreement, which shall have the
2 responsibility for studying, making recommendations and approving campus
3 grants that would benefit groups of employees at one or more campuses
4 and implementing such agreements which may be entered into between the
5 state and the employee organization concerning such matters.
6 § 8. Notwithstanding any provision of law to the contrary, the appro-
7 priations contained in this act shall be available to the state for the
8 payment of grievance and arbitration settlements and awards pursuant to
9 article 7 of the agreement.
10 § 9. The salary increases and benefit modifications, and any other
11 modifications to the terms and conditions of employment provided for by
12 this act for state employees in the professional services unit, shall
13 not be implemented until the director of employee relations has deliv-
14 ered, to the director of the budget and the comptroller, a certificate
15 that there is in effect with respect to such negotiating unit a collec-
16 tively negotiated agreement which provides for such increases and
17 modifications and which is fully executed in writing with the state
18 pursuant to article 14 of the civil service law, and ratified pursuant
19 to the ratification procedure of the employee organization.
20 § 10. Notwithstanding any other provision of law to the contrary,
21 where, and to the extent that, the agreement so provides, an employee is
22 affected as a result of the state's exercise of its right to contract
23 out, and in the event that such affected employee obtains employment
24 with the contractor, the employee shall not be barred from accepting
25 such employment as provided for in the agreement.
26 § 11. Notwithstanding any inconsistent provision of law, where and to
27 the extent that any agreement between the state and the employee organ-
28 ization entered into pursuant to article 14 of the civil service law so
29 provides on behalf of employees in the professional services unit,
30 effective January 1, 2014, the state shall contribute an amount desig-
31 nated in such agreement and for the period covered by such agreement to
32 the accounts of such employees enrolled for dependent care deductions
33 pursuant to subdivision 7 of section 201-a of the state finance law.
34 Such amounts shall be from funds appropriated herein and shall not be
35 part of basic annual salary for overtime or retirement purposes.
36 § 12. Date of entitlement to salary increase. Notwithstanding the
37 provisions of this act or of any other law, the increase in salary or
38 compensation of any officer or employee provided by this act shall be
39 added to the salary or compensation of such officer or employee at the
40 beginning of that payroll period the first day of which is nearest to
41 the effective date of such increase as provided in this act, or at the
42 beginning of the earlier of two payroll periods the first days of which
43 are nearest but equally near to the effective date of such increase as
44 provided in this act, provided, however, that for the purposes of deter-
45 mining the salary of such officer or employee upon reclassification,
46 reallocation, appointment, promotion, transfer, demotion, reinstatement
47 or other change of status, such salary increase shall be deemed to be
48 effective on the date thereof as prescribed in this act, and the payment
49 thereof pursuant to this section on a date prior thereto, instead of on
50 such effective date, and shall not operate to confer any additional
51 salary rights or benefits on such officer or employee. Payment of such
52 salary increase may be deferred pursuant to section thirteen of this
53 act.
54 § 13. Deferred payment of salary increase. Notwithstanding the
55 provisions of any other section of this act or of any other law, pending
56 payment pursuant to this act of the basic annual salaries of incumbents

of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from the effective dates of the salary increases provided for in this act until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such services and the compensation actually received therefor. Such lump sum payments shall be made as soon as practicable. The amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which it is paid. Notwithstanding any law, rule or regulation to the contrary, no member of the professional services unit to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the agreement covering employees in the professional services unit.

§ 14. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2013, by the provisions of this act for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations are insufficient in any fund to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts. The aforementioned appropriations shall be available for payment of any liabilities or obligations incurred prior to April 1, 2013 in addition to current liabilities.

§ 15. Payment from special or administrative funds. If the compensation to which officers and employees of the state are otherwise entitled is payable from a special or administrative fund or funds of the state, other than the general fund or the capital projects fund of the state, the increase in compensation to which such officers or employees are entitled under this act shall be payable from such other fund or funds in the same manner as such other compensation. If the amounts appropriated or allocable from such other fund or funds are insufficient to accomplish the purposes of this act, the director of the budget is hereby authorized to allocate such additional sums from such other fund or funds as may be necessary therefor.

§ 16. Effect of participation in special annuity program. No employee participating in a special annuity program pursuant to the provisions of article 8-C of title 1 of the education law shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary adjustment to which such officer or employee would otherwise be entitled by reason of participation in such program, and such salary adjustment shall be based upon the salary of such officer or employee without regard to the reduction authorized by said article.

§ 17. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency, including the contract colleges at Alfred and Cornell, for the fiscal year beginning April 1, 2013, to supplement

appropriations available for fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated to any state department or agency as needed. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to April 1, 2013 in addition to liabilities or obligations associated with the fiscal year commencing April 1, 2013. No money shall be available for expenditure from this appropriation until a certificate of approval of availability has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee.

NONPERSONAL SERVICE

For services and expenses to carry out the provisions of this act, including, but not limited to: adjustments to compensation, funding for professional development, safety and health, employee assistance programs, the employment committee, the affirmative action committee and the technology committee, the tripartite redeployment committee and the campus grants committee and for family benefit programs, including but not limited to the employer's share of dependent care, for employees of the state university of New York in the collective negotiating unit designated as the professional services negotiating unit $3,182,000
For the joint committee on health benefits $175,000

§ 18. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 2, 2011.

STATE OF NEW YORK

7500--A

2013-2014 Regular Sessions

IN ASSEMBLY

May 22, 2013

Introduced by M. of A. STECK, GOTTFRIED, SCHIMEL, GALEF -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the establishment of an electronic death registration system

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

Section 1. The public health law is amended by adding a new section 4148 to read as follows:

§ 4148. Electronic death registration system. 1. The department is hereby authorized and directed to design, implement and maintain an electronic death registration system for collecting, storing, recording, transmitting, amending, correcting and authenticating information, as necessary and appropriate to complete a death registration, and to generate such documents as determined by the department in relation to a death occurring in this state. As part of the design and implementation of the system established by this section, the department shall consult with all persons authorized to use such system to the extent practicable and feasible. The payment referenced in subdivision five of this section shall be collected for each burial or removal permit issued on or after the effective date of this section from the licensed funeral director or undertaker to whom such permit is issued, in the manner specified by the department and shall be used solely for the purpose set forth in subdivision five of this section. Except as specifically provided in this section, the existing general duties of, and remuneration received by, local registrars in accepting and filing certificates of death and issuing burial and removal permits pursuant to any statute or regulation shall be maintained, and not altered or abridged in any way by this section.

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

LBD10525-02-3

2. Commencing on the implementation date, the department shall require that deaths occurring within this state must be registered using the electronic death registration system established in this section. Electronic death registration may be phased in, as determined by the commissioner, for deaths occurring in the state until the electronic death registration system is fully implemented in the state. As used in this section, "implementation date" means the first day in January in the second year after this section becomes a law, or as soon thereafter as the commissioner reasonably determines by regulation is feasible in light of the intent of this section.

3. Commencing on the implementation date, all persons required to register a death or file a certificate of death under this article, and such others as may be authorized by the commissioner, shall have access to the electronic death registration system for the purpose of entering information required to execute, complete and file a certificate of death or to retrieve such information or generate documentation from the electronic death registration system. The confidentiality provisions in section forty-one hundred forty-seven of this title shall apply to information maintained in this system.

4. Notwithstanding any provision of law to the contrary, commencing on or after January first, two thousand fifteen, or on such date determined by the commissioner pursuant to subdivision two of this section, any requirement of this title for a signature of any person shall be deemed satisfied by the use by such person of digital signature provided such person is authorized in accordance with this section to use the electronic death registration system.

5. Licensed funeral directors and undertakers shall support the establishment and maintenance of the electronic death registration system through a payment, tendered for each burial and removal permit issued to a licensed funeral director or undertaker, in the amount of twenty dollars, provided that such payment shall be considered a cost of operation and the funeral director or undertaker shall not charge any additional fee related to such payment for funeral or other services.

§ 2. Subdivision 1 of section 4100-a of the public health law, as amended by chapter 644 of the laws of 1988, is amended and a new subdivision 5 is added to read as follows:

1. The term "certified copy" means a photographic reproduction in the form of a photocopy or a microfilm print of the original certificate **or electronically produced print of the original certificate, commencing on or after the implementation date under section forty-one hundred forty-eight of this title,** and certified by the commissioner, his designated representative, a local registrar [~~or his deputy~~], **deputy registrar or sub-registrar** as a true copy thereof.

5. The term "electronic death registration system" means the data system created and maintained by the department for collecting, storing, recording, transmitting, amending, correcting and authenticating information, as necessary and appropriate to complete a death registration, and to generate such documents as determined by the department, including permits or certificates, relating to a death occurring in this state.

§ 3. Subdivision 1 of section 4140 of the public health law is amended to read as follows:

1. The death of each person who has died in this state shall be registered immediately and not later than seventy-two hours after death or the finding of a dead human body, by filing with the registrar of the district in which the death occurred or the body was found a certificate

of such death, [~~which certificate shall be upon the form~~] **in a manner and format as** prescribed by the commissioner**, which shall include through electronic means in accordance with section forty-one hundred forty-eight of this title**.

§ 4. Section 4141-a of the public health law, as amended by chapter 153 of the laws of 2011, is amended to read as follows:

§ 4141-a. Death certificate; duties of hospital administrator. When a death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his or her designated representative shall promptly present the certificate to the physician or nurse practitioner in attendance, or a physician or nurse practitioner acting in his or her behalf, who shall promptly certify to the facts of death, provide the medical information required by the certificate, sign the medical certificate of death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred forty of this title can be met**; provided, however that commencing on or after the implementation date under section forty-one hundred forty-eight of this title, information and signatures required by this section shall be obtained and made in accordance with section forty-one hundred forty-eight of this title**.

§ 5. Section 4142 of the public health law is amended by adding a new subdivision (e) to read as follows:

(e) notwithstanding any contrary provisions of law as may be set forth in this section, commencing on or after the implementation date under section forty-one hundred forty-eight of this title, information and signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this title.

§ 6. Paragraph (b) of subdivision 2 and subdivisions 3 and 5 of section 4144 of the public health law, paragraph (b) of subdivision 2 as amended by chapter 153 of the laws of 2011, are amended to read as follows:

(b) Verbal permission to remove a body of a deceased person from the county in which death occurred or the body was found to a non-adjacent county within the state of New York, as provided in subdivision one of this section, shall be issued by the said registrar of vital statistics, upon request by telephone of a licensed funeral director or undertaker who holds a certificate of death signed by the attending physician or nurse practitioner**, or for deaths occurring on or after the implementation date under section forty-one hundred forty-eight of this title, such certificate of death signed by the attending physician or nurse practitioner is available electronically in accordance with section forty-one hundred forty-eight of this title**, showing that the death resulted from natural causes and was not a result of accidental, suicidal, homicidal or other external causes.

3. No registrar of vital statistics shall receive any fee for the issuance of burial or removal permits under this chapter **except as referenced by section forty-one hundred forty-eight of this title and** other than the compensation provided in this article.

5. If the interment, or other disposition of the body of a deceased person is to be made within the state, the wording of the burial or removal permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death, having been filed with him, as required by law, permission is granted to inter, remove or otherwise dispose of the body, stating the name, age, sex, cause of death, and other necessary details [~~upon the form prescribed by~~

~~the commissioner~~] **in a manner and format as may be required by the commissioner**.

§ 7. Subdivisions 1 and 4 of section 4161 of the public health law, subdivision 1 as amended by chapter 589 of the laws of 1991 and subdivision 4 as amended by chapter 153 of the laws of 2011, are amended to read as follows:

1. The certificate of fetal death and the report of fetal death shall contain such information and be in such form as the commissioner may prescribe; **provided however that commencing on or after the implementation date under section forty-one hundred forty-eight of this article, information and signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this article**, except that unless requested by the woman neither the certificate nor the report of fetal death shall contain the name of the woman, her social security number or any other information which would permit her to be identified except as provided in this subdivision. The report shall state that a certificate of fetal death was filed with the commissioner and the date of such filing. The commissioner shall develop a unique, confidential identifier to be used on the certificate of fetal death to be used in connection with the exercise of the commissioner's authority to monitor the quality of care provided by any individual or entity licensed to perform an abortion in this state and to permit coordination of data concerning the medical history of the woman for purposes of conducting surveillance scientific studies and research pursuant to the provisions of paragraph (j) of subdivision one of section two hundred six of this chapter.

4. When a fetal death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his or her designated representative shall promptly present the certificate to the physician or nurse practitioner in attendance, or a physician or nurse practitioner acting in his or her behalf, who shall promptly certify to the facts of birth and of fetal death, provide the medical information required by the certificate, sign the medical certificate of birth and death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred sixty of this title can be met; **provided, however that commencing on or after the implementation date under section forty-one hundred forty-eight of this article, information and signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this article**.

§ 8. Subdivision 3 of section 4171 of the public health law is amended to read as follows:

3. All certificates, either of birth or death, shall be written legibly, in durable black ink, [~~and no~~] **provided, however, that commencing on or after the implementation date under section forty-one hundred forty-eight of this article, death certificates shall be completed in accordance with section forty-one hundred forty-eight of this article. No** certificate, **whether filed in paper form or death certificate filed electronically in accordance with section forty-one hundred forty-eight of this article,** shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission.

§ 9. This act shall take effect immediately, provided that the commissioner of health is authorized to make regulations as necessary to implement this act.

STATE OF NEW YORK

5669

2013-2014 Regular Sessions

IN SENATE

June 3, 2013

Introduced by COMMITTEE ON RULES -- 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 providing accidental disability retirement benefits for chief fire marshals, assistant fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees in Nassau county

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

Section 1. The retirement and social security law is amended by adding a new section 605-d to read as follows:

§ 605-d. Accidental disability retirement for chief fire marshals, assistant fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees in Nassau county. a. A member employed as a chief fire marshal, assistant fire marshal, division supervising fire marshal, supervising fire marshal, fire marshal or fire marshal trainee in Nassau county shall be entitled to an accidental disability retirement allowance if, at the time application therefor is filed, such member is:

1. Physically or mentally incapacitated for performance of duty as the natural and proximate result of an accident, unless the contrary be proved by competent evidence, not caused by his or her own willful negligence, sustained in such service and while actually a member of the retirement system; and

2. Actually in service upon which his or her membership is based. However, in a case where a member is discontinued from service subsequent to the accident, either voluntarily or involuntarily, and provided that the member meets the requirements of paragraph one of this subdivision, application may be made not later than two years after the member is first discontinued from service.

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

LBD10443-03-3

b. Application for an accidental disability retirement allowance for such a member may be made by:

1. Such member; or

2. The head of the department in which such member is employed; or

3. Any person acting on behalf of and authorized by such member.

c. 1. After the filing of such an application, such member shall be given one or more medical examinations. No such application shall be approved, however, unless the member or some other person on his or her behalf shall have filed written notice in the office of the comptroller within ninety days after the accident, setting forth:

(a) The time when and the place where such accident occurred; and

(b) The particulars thereof; and

(c) The nature and extent of the member's injuries; and

(d) His or her alleged incapacity.

2. The notice herein required need not be given:

(a) If the notice of such accident shall be filed in accordance with the provisions of the workers' compensation law of any state within which a participating employer in Nassau county shall have its employees located or performing functions and duties within the normal scope of their employment; or

(b) If the application for accidental disability retirement is filed within one year after the date of such accident; or

(c) If a failure to file notice has been excused for good cause shown as provided by rules and regulations promulgated by the comptroller.

d. If the comptroller determines that the member is physically or mentally incapacitated for the performance of duty and ought to be retired for accidental disability, such member shall be so retired. Such retirement shall be effective as of a date approved by the comptroller.

e. The annual retirement allowance payable upon accidental disability retirement shall be a pension of three-quarters of his or her final average salary. The payment of such pension shall be subject to the provisions of section sixty-four of this chapter.

f. If the member, at the time of the filing of an application under the provisions of subdivision b of this section, is eligible for a service retirement benefit, then and in that event, he or she may simultaneously file an application for service retirement in accordance with the provisions of section seventy of this chapter, provided that the member indicates on the application for service retirement that such application is filed without prejudice to the application for accidental disability retirement.

g. Notwithstanding any other provision of law, this section shall apply to chief fire marshals, assistant fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees in Nassau county who were hired on or after July twenty-seventh, nineteen hundred seventy-six.

§ 2. All costs associated with implementing the provisions of this act shall be borne by Nassau county.

§ 3. This act shall take effect immediately.

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

This bill would grant Nassau County Tier 3, 4, 5 and 6 chief fire marshals, assistant fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees and accidental disability for injuries sustained in the performance of duty and the result of an accident, unless the contrary be proven by competent evidence. The benefit for an accidental disability would be 75% of final average salary less workers' compensation.

If this bill is enacted during the 2013 session, there will be an estimated increase of approximately $61,500 in the annual contributions of Nassau County for the fiscal year ending March 31, 2014.

These estimated costs are based on fifty-two (52) members having an annual salary for the fiscal year ending March 31, 2013 of approximately $5.9 million.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Compensation Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 14, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-130, prepared by the Actuary for the New York State and Local Employees' Retirement System.

Chapter 453 **Signed October 23, 2013**

STATE OF NEW YORK

7586

2013-2014 Regular Sessions

IN ASSEMBLY

May 23, 2013

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to authorizing former employees of the State University of New York NY Network to retain membership in the optional retirement program

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

1 Section 1. Legislative intent. It is the intent of the legislature to
2 allow former employees of the State University of New York NY Network
3 who were transferred to positions within the New York state office of
4 general services to elect to be reinstated as members of the State
5 University of New York optional retirement program.
6 § 2. Short title. An act authorizing former employees of the State
7 University of New York NY Network to retain membership in the optional
8 retirement program.
9 § 3. Definitions. (a) "Employee" shall mean a former employee of the
10 State University of New York NY Network; (b) "optional retirement
11 program" shall mean the State University of New York optional retirement
12 program.
13 § 4. General provisions. Notwithstanding any other provision of law,
14 employees who were members of the optional retirement program during
15 their employment at the NY Network and who are now in the employ of the
16 state of New York office of general services and became members of the
17 New York state employees' retirement system may elect to be reinstated
18 to the optional retirement program and terminate their membership in the
19 New York state employees' retirement system.
20 § 5. Notice of election. Such reinstatement to the optional retirement
21 program from the New York state employees' retirement system must be
22 notarized and submitted in writing to the office of general services
23 within ninety days after the enactment of this special act, such rein-
24 statement shall be irrevocable and will terminate the electors' member-

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

LBD11206-01-3

1 ship in the New York state employees' retirement system. The office of
2 general services shall provide written notice of this election to the
3 New York state employees' retirement system no less than thirty days
4 after the notice was received.
5 § 6. Payment of employer contribution rate. The state of New York
6 shall make the required employer contributions for such employees who
7 elect to reinstate their membership in the optional retirement program
8 pursuant to this special act and the state university of New York shall
9 administer such employee's membership in the optional retirement
10 program. The New York state employees' retirement system shall be
11 authorized to reimburse the state of New York for any employer contrib-
12 ution made on behalf of any employee electing to be reinstated into the
13 optional retirement plan.
14 § 7. This act shall take effect thirty days after it shall become law.

FISCAL NOTE: Pursuant to Legislative law, Section 50:

This bill will allow former employees of the NY Network of the state university of New York to who are currently employees of the Office of General Services to elect to leave their current membership in the New York State and Local Employees Retirement System (ERS) and be reinstated as members in the Optional Retirement Program (ORP). The ERS shall be authorized to reimburse the State of New York for any employer contribution made on behalf of any employee electing to be reinstated into the optional retirement plan.

If this bill is enacted, there would not be a cost to ERS.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 16, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-153, prepared by the Actuary for the New York State and Local Employees' Retirement System.

Chapter 488 **Signed November 13, 2013**

STATE OF NEW YORK

7735--A

2013-2014 Regular Sessions

IN ASSEMBLY

May 31, 2013

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Insurance -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend chapter 362 of the laws of 2012, amending the insurance law relating to a health insurance demonstration program for early retirees, in relation to extending the effectiveness of the provisions of such chapter; and to amend the insurance law, in relation to superintendent approval of eligible insurers

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

Section 1. Section 2 of chapter 362 of the laws of 2012, amending the insurance law relating to a health insurance demonstration program for early retirees, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire December 31, [~~2013~~] **2014** when upon such date the provisions of this act shall be deemed repealed.

§ 2. Paragraph 3 of subsection (c) of section 1123 of the insurance law, as amended by chapter 453 of the laws of 2010, is amended to read as follows:

(3) Any eligible insurer seeking the superintendent's approval under paragraph two of this subsection shall submit a written request to the superintendent [~~within thirty days of the effective date of this section~~] **pursuant to regulations promulgated by the superintendent**. The eligible insurer's application shall: specify the identity and composition of the eligible association, the eligible association's membership rules, and the terms under which the eligible insurer shall provide group health insurance to the eligible association; demonstrate that the eligible insurer and the eligible association meet the requirements set forth in this section; and identify the group health insurance policy forms that the eligible insurer will issue to the eligible association.

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

LBD11347-02-3

The superintendent shall make a determination on any request within ninety days of receipt of all necessary information. The superintendent shall issue an approval to only one eligible insurer.

§ 3. This act shall take effect immediately; provided, however, that the amendments to paragraph 3 of subsection (c) of section 1123 of the insurance law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

STATE OF NEW YORK

7803--A

2013-2014 Regular Sessions

IN ASSEMBLY

June 4, 2013

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, the education law, the retirement and social security law and the workers' compensation law, in relation to injuries or illnesses suffered as a result of participation in rescue, recovery and cleanup directly related to the attacks at the World Trade Center on September 11, 2001

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

Section 1. Subdivision c of section 13-551 of the administrative code of the city of New York is amended and three new subdivisions f, g and h are added to read as follows:

c. Any such application shall be filed within two years after the happening of such accident **except if filed by a vested member incapacitated as a result of a qualifying World Trade Center condition as defined in section two of the retirement and social security law**.

f. (1)(a) Notwithstanding any provisions of this code or of any general, special or local law, charter or rule or regulation to the contrary, if any condition or impairment of health is caused by a qualifying World Trade Center condition as defined in section two of the retirement and social security law, it shall be presumptive evidence that it was incurred in the performance and discharge of duty and the natural and proximate result of an accident not caused by such member's own willful negligence, unless the contrary be proved by competent evidence.

(b) The retirement board is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

(2) (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade

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LBD11304-02-3

Center rescue, recovery or cleanup operations as defined in section two of the retirement and social security law, and subsequently retired on a service retirement, an ordinary disability retirement, an accidental disability retirement, a performance of duty disability retirement, or was separated from service with a vested right to deferred payability of a retirement allowance and subsequent to such retirement or separation is determined by the head of the retirement system to have a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, upon such determination by the retirement board, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired or vested had the condition been known and fully developed at the time of the member's retirement or separation from service with vested rights, unless the contrary is proven by competent evidence.

(b) The retirement board shall consider a reclassification of the member's retirement or vesting as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the retirement board according to procedures developed by the retirement board.

(e) The retirement board is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

g. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree or vestee who: (1) has met the criteria of subdivision f of this section and retired on a service or disability retirement, would have met the criteria if not already retired on an accidental disability, or was separated from service with a vested right to deferred payability of a retirement allowance; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree or vestee shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's or vestee's eligible beneficiary, as set forth in section 13-544 of this chapter, shall be entitled to an accidental death benefit as provided by section 13-544 of this chapter, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree or vestee shall be deemed to have died on the date of his or her retirement or separation from service with vested rights. Upon the retiree's or vestee's death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section 13-544 of this chapter requesting conversion of such retiree's service, vested right or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the

service or disability retirement benefit, or vested right to such benefit, including any post-retirement death benefits, since the retiree's or vestee's death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), or that will be eligible under the vested right, the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

h. Notwithstanding any other provision of this code or of any general, special or local law, charter, or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision f of this section; (2) dies in active service or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section 13-544 of this chapter, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section 13-544 of this chapter.

§ 2. Subdivision 25 of section 2575 of the education law is amended by adding four new paragraphs (c), (d), (e) and (f) to read as follows:

(c) Notwithstanding any other provision of law to the contrary, the rules and regulations adopted pursuant to this section shall be deemed to be amended to provide that any requirement that applications for accidental disability be filed within a limited time period after the happening of such accident shall not apply to a vested member incapacitated as a result of a qualifying World Trade Center condition as defined in section two of the retirement and social security law.

(d)(1)(i) Notwithstanding any other provision of law to the contrary, the rules and regulations adopted pursuant to this section shall be deemed to be amended to provide that if any condition or impairment of health is caused by a qualifying World Trade Center condition as defined in section two of the retirement and social security law, it shall be presumptive evidence that it was incurred in the performance and discharge of duty and the natural and proximate result of an accident not caused by such member's own willful negligence, unless the contrary be proved by competent evidence.

(ii) The New York city board of education retirement board is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

(2)(i) Notwithstanding any other provision of law to the contrary, the rules and regulations adopted pursuant to this section shall be deemed to be amended to provide that if a member who participated in World Trade Center rescue, recovery or cleanup operations as defined in section two of the retirement and social security law, and subsequently retired on a service retirement, an ordinary disability retirement, an accidental disability retirement, a performance of duty disability retirement, or was separated from service with a vested right to deferred payability of a retirement allowance and subsequent to such

retirement or separation is determined by the head of the retirement system or applicable medical board to have a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, upon such determination by the New York city board of education retirement board or applicable medical board, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired or vested had the condition been known and fully developed at the time of the member's retirement or separation from service with vested rights, unless the contrary is proven by competent evidence.

(ii) The New York city board of education retirement board shall consider a reclassification of the member's retirement or vesting as an accidental disability retirement effective as of the date of such reclassification.

(iii) Such member's retirement option shall not be changed as a result of such reclassification.

(iv) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the New York city board of education retirement board according to procedures developed by the New York city board of education retirement board.

(v) The New York city board of education retirement board is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

(e) Notwithstanding any other provision of law to the contrary, the rules and regulations adopted pursuant to this section shall be deemed to be amended to provide that if a retiree or vestee who: (1) has met the criteria of paragraph (d) of this subdivision and retired on a service or disability retirement, would have met the criteria if not already retired on an accidental disability, or was separated from service with a vested right to deferred payability of a retirement allowance; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree or vestee shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's or vestee's eligible beneficiary, as set forth in title twenty-one of the rules and regulation, shall be entitled to an accidental death benefit as provided by title twenty-one of the rules and regulations, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree or vestee shall be deemed to have died on the date of his or her retirement or separation from service with vested rights. Upon the retiree's or vestee's death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in title twenty-one of the rules and regulations requesting conversion of such retiree's service, vested right or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service

or disability retirement benefit, or vested right to such benefit, including any post-retirement death benefits, since the retiree's or vestee's death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), or that will be eligible under the vested right the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

(f) Notwithstanding any other provision of law to the contrary, the rules and regulations adopted pursuant to this section shall be deemed to be amended to provide that if a member who: (1) has met the criteria of paragraph (d) of this subdivision; (2) dies in active service or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in title twenty-one of the rules and regulations shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system as set forth in title twenty-one of the rules and regulations.

§ 3. Subparagraph (b) of paragraph 5 of subdivision b and subdivisions c and d of section 13-168 of the administrative code of the city of New York, as amended by chapter 489 of the laws of 2008, are amended to read as follows:

(b) (1) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations as defined in section two of the retirement and social security law, and subsequently retired on a service retirement, an ordinary disability retirement, an accidental disability retirement, [~~or~~] a performance of duty disability retirement**, or was separated from service with a vested right to deferred payability of a retirement allowance** and subsequent to such retirement **or separation** is determined by the board of trustees to have a qualifying World Trade Center condition as defined by section two of the retirement and social security law, upon such determination by the NYCERS board of trustees, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired **or vested** had the condition been known and fully developed at the time of the member's retirement **or separation from service with vested rights**, unless the contrary is proven by competent evidence.

(2) The NYCERS board of trustees shall consider a reclassification of the member's retirement **or vesting** as an accidental disability retirement effective as of the date of such reclassification.

(3) Such member's retirement option shall not be changed as a result of such reclassification.

(4) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the NYCERS board of trustees according to procedures developed by the retirement system.

c. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree **or vestee** who: (1) has met the criteria of subdivision b of this section and retired on a service or disability retirement, [~~or~~] would have met the criteria if not already retired on an accidental disability**, or was separated from service with a vested right to deferred payability of a retirement allowance**; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree **or vestee** shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's **or vestee's** eligible beneficiary, as set forth in section 13-149 of this chapter, shall be entitled to an accidental death benefit as provided by section 13-149 of this chapter, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree **or vestee** shall be deemed to have died on the date of his or her retirement **or separation from service with vested rights**. Upon the retiree's **or vestee's** death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section 13-149 of this chapter requesting conversion of such retiree's service**, vested right** or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit, **or vested right to such benefit,** including any post-retirement death benefits, since the retiree's **or vestee's** death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), **or that will be eligible under the vested right,** the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

d. Notwithstanding any other provision of this code or of any general, special or local law, charter, or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision b of this section; [~~and~~] (2) dies in active service **or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies** from a qualifying World Trade Center condition as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section 13-149 of this chapter, shall be entitled to an accidental death

benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section 13-149 of this chapter.

§ 4. Subdivisions 2, 3 and 4 of section 13-252.1 of the administrative code of the city of New York, as amended by chapter 489 of the laws of 2008, are amended to read as follows:

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations as defined in section two of the retirement and social security law, and subsequently retired on a service retirement, an ordinary disability retirement, an accidental disability retirement, [~~or~~] a performance of duty disability retirement**, or was separated from service with a vested right to deferred payability of a retirement allowance** and subsequent to such retirement **or separation** is determined by the [~~NYCFDPF~~] **NYCPPF** board of trustees to have a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, upon such determination by the [~~NYCFDPF~~] **NYCPPF** board of trustees, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired **or vested** had the condition been known and fully developed at the time of the member's retirement **or separation from service with vested rights**, unless the contrary is proven by competent evidence.

(b) The NYCPPF board of trustees shall consider a reclassification of the member's retirement **or vesting** as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the NYCPPF board of trustees according to procedures developed by the NYCPPF board of trustees.

(e) The NYCPPF board of trustees is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

3. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree **or vestee** who: (1) has met the criteria of subdivision one of this section and retired on a service or disability retirement, [~~or~~] would have met the criteria if not already retired on an accidental disability**, or was separated from service with a vested right to deferred payability of a retirement allowance**; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree **or vestee** shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's **or vestee's** eligible beneficiary, as set forth in section 13-244 of this subchapter, shall be entitled to an accidental death benefit as provided by section 13-244 of this subchapter, however, for the purposes of determining the

salary base upon which the accidental death benefit is calculated, the retiree **or vestee** shall be deemed to have died on the date of his or her retirement **or separation from service with vested rights**. Upon the retiree's **or vestee's** death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section 13-244 of this subchapter requesting conversion of such retiree's service**, vested right** or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit, **or vested right to such benefit,** including any post-retirement death benefits, since the retiree's **or vestee's** death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), **or that will be eligible under the vested right,** the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

4. Notwithstanding any other provision of this code or of any general, special or local law, charter, or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision one of this section; [~~and~~] (2) dies in active service **or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies** from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board to have been caused by such member's participation in the World Trade Center rescue, recovery or cleanup operations, as defined in section two of the retirement and social security law, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section 13-244 of this subchapter, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section 13-244 of this subchapter.

§ 5. Subdivisions 2, 3 and 4 of section 13-353.1 of the administrative code of the city of New York, as amended by chapter 489 of the laws of 2008, are amended to read as follows:

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations as defined in section two of the retirement and social security law, and subsequently retired on a service retirement, an ordinary disability retirement, an accidental disability retirement, [~~or~~] a performance of duty disability retirement**, or was separated from service with a vested right to deferred payability of a retirement allowance** and subsequent to such retirement **or separation** is determined by the head of the retirement system to have a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, upon such determination by the NYCFDPF board of trustees, it shall be presumed that such disability was

incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired **or vested** had the condition been known and fully developed at the time of the member's retirement **or separation from service with vested rights**, unless the contrary is proven by competent evidence.

(b) The NYCFDPF shall consider a reclassification of the member's retirement **or vesting** as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the NYCFDPF board of trustees according to procedures developed by the NYCFDPF.

(e) The NYCFDPF board of trustees is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

3. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree **or vestee** who: (1) has met the criteria of subdivision one of this section and retired on a service or disability retirement, [~~or~~] would have met the criteria if not already retired on an accidental disability**, or was separated from service with a vested right to deferred payability of a retirement allowance**; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree **or vestee** shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's **or vestee's** eligible beneficiary, as set forth in section 13-347 of this subchapter, shall be entitled to an accidental death benefit as provided by sections 13-347 and 13-348 of this subchapter, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree **or vestee** shall be deemed to have died on the date of his or her retirement **or separation from service with vested rights**. Upon the retiree's **or vestee's** death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in sections 13-347 and 13-348 of this subchapter requesting conversion of such retiree's service**, vested right** or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit **or vested right to such benefit**, including any post-retirement death benefits, since the retiree's **or vestee's** death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), **or that will be eligible under the vested right** the accidental death bene-

fit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

4. Notwithstanding any other provision of this code or of any general, special or local law, charter, or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision one of this section; [~~and~~] (2) dies in active service **or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies** from a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section 13-347 of this subchapter, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section 13-347 of this subchapter.

§ 6. Paragraph 2 of subdivision c and subdivisions d and e of section 507-c of the retirement and social security law, as amended by chapter 489 of the laws of 2008, are amended to read as follows:

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations, as defined in section two of this chapter, and subsequently retired on a service retirement, an ordinary disability retirement [~~or~~], a performance of duty disability retirement, **or was separated from service with a vested right to deferred payability of a retirement allowance** and subsequent to such retirement **or separation** which is determined by the head of the retirement system to have been a qualifying World Trade Center condition, as defined in section two of this chapter, upon such determination by the head of the retirement system, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired **or vested** had the condition been known and fully developed at the time of the member's retirement **or separation from service with vested rights**, unless the contrary is proved by competent evidence.

(b) The head of the retirement system shall consider a reclassification of the member's retirement **or vesting** as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the head of the retirement system according to procedures developed by the head of the retirement system.

(e) The head of the retirement system is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

d. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree **or vestee** who: (1) has met the criteria of subdivision c of this section and retired on a service or disability retirement, [~~or~~] would have met the criteria if not already retired on an accidental disability**, or was separated from service with a vested right to deferred payability of a retirement allowance**; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade center condition, as defined in section two of this chapter, that is determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree **or vestee** shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's **or vestee's** eligible beneficiary, as set forth in section five hundred one of this article, shall be entitled to an accidental death benefit as provided by section five hundred nine of this article, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree **or vestee** shall be deemed to have died on the date of his or her retirement **or separation from service with vested rights**. Upon the retiree's **or vestee's** death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section five hundred nine of this article requesting conversion of such retiree's service**, vested right** or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit, **or vested right to such benefit,** including any post-retirement death benefits, since the retiree's **or vestee's** death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), **or that will be eligible under the vested right** the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

e. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision c of this section; [~~and~~] (2) dies in active service **or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies** from a qualifying World Trade Center condition, as defined in section two of this chapter, that is determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section five hundred one of this article, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section five hundred nine of this article.

§ 7. Paragraph 2 of subdivision d and subdivisions e and f of section 605-b of the retirement and social security law, as amended by chapter 489 of the laws of 2008, are amended to read as follows:

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations, as defined in section two of this chapter, and subsequently retired on a service retirement, an ordinary disability retirement [~~or~~], a performance of duty disability retirement**, or was separated from service with a vested right to deferred payability of a retirement allowance** and subsequent to such retirement **or separation** which is determined by the head of the retirement system to have a qualifying World Trade Center condition, as defined in section two of this chapter, upon such determination by the head of the retirement system it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired had the condition been known and fully developed at the time of the member's retirement, unless the contrary is proven by competent evidence.

(b) The head of the retirement system shall consider a reclassification of the member's retirement **or vesting** as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the head of the retirement system according to procedures developed by the head of the retirement system.

(e) The head of the retirement system is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

e. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree **or vestee** who: (1) has met the criteria of subdivision d of this section and retired on a service or disability retirement, [~~or~~] would have met the criteria if not already retired on an accidental disability**, or was separated from service with a vested right to deferred payability of a retirement allowance**; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition, as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree **or vestee** shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's **or vestee's** eligible beneficiary, as set forth in section six hundred one of this article, shall be entitled to an accidental death benefit as provided by section six hundred seven of this article, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree **or vestee** shall be deemed to have died on the date of his or her retirement **or separation from service with vested rights**. Upon the retiree's **or vestee's** death, the eligible beneficiary shall make a written applica-

tion to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section six hundred seven of this article requesting conversion of such retiree's **or vestee's** service or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit, **or vested right to such benefit,** including any post-retirement death benefits, since the retiree's **or vestee's** death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), **or that will be eligible under the vested right,** the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

f. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision d of this section; [~~and~~] (2) dies in active service **or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies** from a qualifying World Trade Center condition, as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board to have been caused by such member's participation in the World Trade Center rescue, recovery or cleanup operations, as defined in section two of this chapter, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section six hundred one of this article, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section six hundred seven of this article.

§ 8. Paragraph 2 of subdivision b and subdivisions c and d of section 605-c of the retirement and social security law, as amended by chapter 489 of the laws of 2008, are amended to read as follows:

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations as defined in section two of this chapter, and subsequently retired on a service retirement, an ordinary disability retirement [~~or~~], a performance of duty disability retirement**, or was separated from service with a vested right to deferred payability of a retirement allowance** and subsequent to such retirement **or separation** is determined by the head of the retirement system to have a qualifying World Trade Center condition as defined in section two of this chapter, upon such determination by the head of the retirement system, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired had the condition been known and fully

developed at the time of the member's retirement, unless the contrary is proven by competent evidence.

(b) The head of the retirement system shall consider a reclassification of the member's retirement **or vesting** as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the head of the retirement system according to procedures developed by the comptroller.

(e) The head of the retirement system is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

c. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree **or vestee** who: (1) has met the criteria of subdivision b of this section and retired on a service or disability retirement, [~~or~~] would have met the criteria if not already retired on an accidental disability**, or was separated from service with a vested right to deferred payability of a retirement allowance**; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree **or vestee** shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's **or vestee's** eligible beneficiary, as set forth in section six hundred one of this article, shall be entitled to an accidental death benefit as provided by section six hundred seven of this article, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree **or vestee** shall be deemed to have died on the date of his or her retirement **or separation from service with vested rights**. Upon the retiree's **or vestee's** death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section six hundred seven of this article requesting conversion of such retiree's service**, vested right** or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit, **or vested right to such benefit,** including any post-retirement death benefits, since the retiree's **or vestee's** death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), **or that will be eligible under the vested right,** the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

d. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision b of this section; [~~and~~] (2) dies in active service **or after**

separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies from a qualifying World Trade Center condition, as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board to have been caused by such member's participation in the World Trade Center rescue, recovery or cleanup operations, as defined in section two of this chapter, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section six hundred one of this article, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section six hundred seven of this article.

§ 9. Paragraph 2 of subdivision c and subdivisions d and e of section 607-b of the retirement and social security law, as amended by chapter 489 of the laws of 2008, are amended to read as follows:

2. (a) Notwithstanding the provisions of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who participated in World Trade Center rescue, recovery or cleanup operations as defined in section two of this chapter, and subsequently retired on a service retirement, an ordinary disability retirement [~~or~~], a performance of duty disability retirement**, or was separated from service with a vested right to deferred payability of a retirement allowance,** and subsequent to such retirement **or separation** is determined by the comptroller to have a qualifying World Trade Center condition, as defined in section two of this chapter, upon such determination by the head of the retirement system, it shall be presumed that such disability was incurred in the performance and discharge of duty as the natural and proximate result of an accident not caused by such member's own willful negligence, and that the member would have been physically or mentally incapacitated for the performance and discharge of duty of the position from which he or she retired had the condition been known and fully developed at the time of the member's retirement, unless the contrary is proven by competent evidence.

(b) The head of the retirement system shall consider a reclassification of the member's retirement **or vesting** as an accidental disability retirement effective as of the date of such reclassification.

(c) Such member's retirement option shall not be changed as a result of such reclassification.

(d) The member's former employer at the time of the member's retirement shall have an opportunity to be heard on the member's application for reclassification by the NYCERS board of trustees according to procedures developed by the NYCERS board of trustees.

(e) The head of each retirement system is hereby authorized to promulgate rules and regulations to implement the provisions of this paragraph.

d. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a retiree **or vestee** who: (1) has met the criteria of subdivision c of this section and retired on a service or disability retirement, [~~or~~] would have met the criteria if not already retired on an accidental disability**, or was separated from service with**

a vested right to deferred payability of a retirement allowance; and (2) has not been retired for more than twenty-five years; and (3) dies from a qualifying World Trade Center condition, as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board, then unless the contrary be proven by competent evidence, such retiree **or vestee** shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such retiree's **or vestee's** eligible beneficiary, as set forth in section six hundred one of this article, shall be entitled to an accidental death benefit as provided by section six hundred seven of this article, however, for the purposes of determining the salary base upon which the accidental death benefit is calculated, the retiree **or vestee** shall be deemed to have died on the date of his or her retirement **or separation from service with vested rights**. Upon the retiree's **or vestee's** death, the eligible beneficiary shall make a written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section six hundred seven of this article requesting conversion of such retiree's service**, vested right** or disability retirement benefit to an accidental death benefit. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement benefit, **or vested right to such benefit,** including any post-retirement death benefits, since the retiree's **or vestee's** death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), **or that will be eligible under the vested right,** the accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

e. Notwithstanding any other provision of this chapter or of any general, special or local law, charter, administrative code or rule or regulation to the contrary, if a member who: (1) has met the criteria of subdivision c of this section; [~~and~~] (2) dies in active service **or after separating from service with a vested right to deferred payability of a retirement allowance, but prior to the payability of that retirement allowance; and (3) dies** from a qualifying World Trade Center condition, as defined in section two of this chapter, as determined by the applicable head of the retirement system or applicable medical board to have been caused by such member's participation in the World Trade Center rescue, recovery or cleanup operations, as defined in [~~subparagraph (d) of paragraph one of subdivision c of this section~~] **section two of this chapter**, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Such member's eligible beneficiary, as set forth in section six hundred one of this article, shall be entitled to an accidental death benefit provided he or she makes written application to the head of the retirement system within the time for filing an application for an accidental death benefit as set forth in section six hundred seven of this article.

§ 10. Subdivision 3 of section 161 of the workers' compensation law, as added by chapter 446 of the laws of 2006, is amended to read as follows:

3. "Qualifying condition" means any [~~latent disease or condition~~] **of the following diseases or conditions** resulting from a hazardous exposure during participation in World Trade Center rescue, recovery or clean-up operations**:**

(a) Diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions;

(b) Diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic;

(c) Diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure;

(d) Diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions; or

(e) New onset diseases resulting from exposure as such diseases occur in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease and chronic psychological disease.

§ 11. Section 162 of the workers' compensation law, as amended by chapter 489 of the laws of 2008, is amended to read as follows:

§ 162. Registration of participation in World Trade Center rescue, recovery and clean-up operations. In order for the claim of a participant in World Trade Center rescue, recovery and clean-up operations to come within the application of this article, such participant must file a written and sworn statement with the board on a form promulgated by the chair indicating the dates and locations of such participation and the name of such participant's employer during the period of participation. Such statement must be filed not later than September eleventh, two thousand [~~ten~~] **fourteen**. The board shall transmit a copy of such statement to the employer or carrier named therein. The filing of such a statement shall not be considered the filing of a claim for benefits under this chapter.

§ 12. Section 165 of the workers' compensation law, as added by chapter 446 of the laws of 2006, is amended to read as follows:

§ 165. Reopening of disallowed claims. The board, upon receiving a statement duly filed as required under section one hundred sixty-two of this article, from a participant in World Trade Center rescue, recovery and clean-up operations for a qualifying condition that was disallowed as barred by section eighteen or section twenty-eight of this chapter **or by section one hundred sixty-two of this article for failure to register timely** shall reopen and redetermine such claim in accordance with the provisions of this article, provided that no such previously disallowed claim for a qualifying condition shall be determined to have a date of disablement that would bar the claim under section eighteen or section twenty-eight of this chapter.

§ 13. Section 168 of the workers' compensation law, as added by chapter 489 of the laws of 2008, is amended to read as follows:

§ 168. Additional period for filing certain claims. **1.** A claim by a participant in the World Trade Center rescue, recovery or cleanup operations whose disablement occurred between September eleventh, two thousand three, and September eleventh, two thousand eight, shall not be disallowed as barred by section eighteen or section twenty-eight of this

chapter if such claim is filed on or before September eleven, two thousand ten. Any such claim by a participant in the World Trade Center rescue, recovery or cleanup operations whose disablement occurred between September eleventh, two thousand three, and September eleventh, two thousand eight, and was disallowed by section eighteen or twenty-eight of this chapter shall be reconsidered by the board.

2. A claim by a participant in the World Trade Center rescue, recovery or cleanup operations whose disablement occurred between September twelfth, two thousand eight, and September eleventh, two thousand twelve, shall not be disallowed as barred by section eighteen or section twenty-eight of this chapter if such claim is filed on or before September eleventh, two thousand fourteen. Any such claim by a participant in the World Trade Center rescue, recovery or cleanup operations whose disablement occurred between September eleventh, two thousand eight, and September eleventh, two thousand twelve, and was disallowed by section eighteen or twenty-eight of this chapter shall be reconsidered by the board.

§ 14. Paragraph (a) of subdivision 36 of section 2 of the retirement and social security law, as added by chapter 489 of the laws of 2008, is amended to read as follows:

(a) "Qualifying World Trade Center condition" shall mean a qualifying condition or impairment of health resulting in disability to a member who participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period, as those terms are defined below, provided the following conditions have been met: (i) such member, or eligible beneficiary in the case of the member's death, must have filed a written and sworn statement with the member's retirement system on a form provided by such system indicating the underlying dates and locations of employment not later than September eleventh, two thousand ten**, or any later date as hereinafter provided in this paragraph**; and (ii) such member has either successfully passed a physical examination for entry into public service, or authorized release of all relevant medical records, if the member did not undergo a physical examination for entry into public service; and (iii) there is no evidence of the qualifying condition or impairment of health that formed the basis for the disability in such physical examination for entry into public service or in the relevant medical records, prior to September eleventh, two thousand one. **The deadline for filing a written and sworn statement required by subparagraph (i) of this paragraph is hereby extended to September eleventh, two thousand fourteen for such member, or eligible beneficiary in the case of the member's death, of a local retirement system of a city with a population of one million or more that is covered by section 13-551 of the administrative code of the city of New York, or by section twenty-five hundred seventy-five of the education law and for such member who separated from service with vested rights, or eligible beneficiary of such member who separated from service with vested rights in the case of the member's death, of local retirement systems of a city with a population of one million or more who are covered by sections 13-168, 13-252.1 and 13-353.1 of the administrative code of the city of New York and sections five hundred seven-c, six hundred five-b, six hundred five-c, and six hundred seven-b of this chapter. Every retirement system shall keep a copy of every written and sworn statement that is presented for filing not later than September eleventh, two thousand fourteen, including those that are rejected for filing as untimely.**

1 § 15. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after September 11, 2001;
3 provided, however, that the amendments to sections 161, 162, 165 and 168
4 of the workers' compensation law made by sections ten, eleven, twelve
5 and thirteen of this act, respectively, shall apply to all open and
6 closed claims coming within its purview.

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

PROVISIONS OF PROPOSED LEGISLATION: With respect the the New York city Retirement Systems ("NYCRS"), the proposed legislation would amend Administrative Code of the City of New York ("ACNY") Sections 13-551, 13-168, 13-525.1 and 13-353.1, Education Law Section 2575, Retirement and Social Security Law ("RSSL") Sections 2, 507-c, 605-b, 605-c and 607-b, and Workers' Compensation Law Sections 161,162, 165 and 168 to extend the provisions of the World Trade Center ("WTC") Disability Law to certain members who participated in the Rescue, Recovery or Clean-up operations related to the WTC attack on September 11, 2001 and expand certain provisions of the Workers' Compensation Law relating to the deadline for filing a registration of participation in the WTC Rescue, Recovery or Clean-up operations, the additional period for filing certain WTC-related claims and the reconsideration of certain disallowed WTC-related claims.

The NYCRS include: New York City Employees' Retirement System ("NYCERS"), New York City Teachers' Retirement System ("NYCTRS"), New York City Board of Education Retirement System ("BERS"), New York City Police Pension Fund ("POLICE") and New York Fire Department Pension Fund ("FIRE").

The WTC Disability Law was enacted under Chapter 104 of the Laws of 2005, and was amended by Chapter 93 of the laws of 2005, Chapter 102 of the Laws of 2006, Chapter 444 of the Laws of 2006, Chapter 445 of the Laws of 2006, Chapter 5 of the Laws of 2007, Chapter 214 of the Laws of 2007, Chapter 495 of the Laws of 2007, Chapter 489 of the Laws of 2008 and Chapter 361 of the Laws of 2010.

The Effective Date of this proposed Legislation would be retroactive to September 11, 2001.

BENEFITS UNDER EXISTING WTC-RELATED PROVISIONS

Accidental Disability Retirement Benefits

With respect to the NYCRS, under current law, active, retired and vested groups covered by the WTC Disability Law could potentially be eligible for WTC-related benefits ("WTC Potential Recipients").

If an active, retired or vested WTC Potential Recipient becomes partially or totally disabled due to a WTC-Related Malady, such condition or impairment of health incurred by the member would be considered presumptive evidence that it was sustained in the line-of-duty as the result of an accident unless the contrary can be proven by competent evidence.

Once such member's application is approved by the respective NYCRS Medical Board and the respective NYCRS Board of Trustees ("BOT"), then such member would be entitled to the applicable Accidental Disability Retirement ("ADR") Benefit ("ACCDIS") that is payable for a member in such NYCRS at such tier and based upon a respective job title, if applicable. Such ACCDIS are generally subject to the offset from any Workers' Compensation benefits payable.

Under current law, if an active WTC Potential Recipient who retires initially for Service Retirement ("SERV"), Ordinary Disability Retirement ("ODR"), Accidental Disability Retirement ("ADR") or Performance of Duty Disability Retirement ("PODR") becomes partially or totally disa-

bled due to a WTC-Related Malady, then such WTC-Related Malady would be considered presumptive evidence that it was incurred in the line-of-duty as the result of an accident.

Such retiree would be permitted to apply with the respective NYCRS for a reclassification of his retirement to a World Trade Center Accidental Disability Retirement ("WTC-ADR"). Upon the approval of the respective NYCRS Medical Board and the respective NYCRS BOT, such retiree would be entitled to receive an ACCDIS, based on the salaries and service at the initial retirement date and determined under the respective NYCRS, payable from the date of reclassification. There would be no change in the optional form of payment elected at the initial retirement date.

Accidental Death Benefits

With respect to the NYCRS under current law, beneficiaries of those WTC Potential Recipients who die either while actively employed or while on an approved leave of absence and whose cause of death originated from a WTC qualifying condition or impairment of health may apply with the respective NYCRS within the applicable filing window for Accidental Death Benefits ("ACCDTH").

In addition, if such deceased NYCRS members are in any of the following groups:

* POLICE,
* FIRE,
* NYCERS in certain Triborough Bridge and Tunnel Authority job titles,
* NYCERS in certain Uniformed Department of Corrections job titles, or
* NYCERS in certain Emergency Medical Technician ("EMT") job titles

then such deceased member's beneficiaries could also be entitled to a Special Accidental Death Benefit ("SADB") provided under General Municipal Law ("GML") Section 208-f. Such SADB is generally based on the member's salary at the date of death, reduced by the ACCDTH benefits payable and any Social Security and Workers' Compensation death benefits. SADB is subject to annual cost-of-living increases.

Under current law, the beneficiaries of those active WTC Potential Recipients who retire for Service, Ordinary Disability Retirement or Accidental Disability Retirement and die, whose cause of death originated from a WTC qualified condition or impairment of health and who have not been retired for more than 25 years, may apply with the respective NYCRS within the applicable filing period for receipt of an ACCDTH and SADB, if eligible. Once such application is approved by the respective NYCRS Medical Board and respective NYCRS BOT, such beneficiaries would be entitled to the applicable benefits from the date of death.

To receive the ACCDTH, beneficiaries must relinquish their rights to any death benefits that would have otherwise been payable under the retiree's initial form of payment election.

These ACCDTH would replace the existent death benefits that are available for active, inactive and retired NYCRS members based on NYCRS, Tier and job title, if applicable.

IMPACT OF PROPOSED LEGISLATION ON WTC ELIGIBILITY PROVISIONS: Under current law, a WTC Potential Recipient must have registered by September 11, 2010 in order to ever become eligible to qualify for WTC ACCDIS or WTC ACCDTH.

Under the proposed legislation, if enacted, the deadline for registering for WTC ACCDIS or WTC ACCDTH would be extended to September 11, 2014 only for the Covered Groups, later defined.

IMPACT OF PROPOSED LEGISLATION ON WORKERS' COMPENSATION BENEFITS: The proposed legislation, if enacted, would:

1. Extend the period for filing statements of participation in the WTC Rescue, Recovery or Clean-up operations from September 11, 2010 to September 11, 2014 under the Workers' Compensation Law

2. Extend the deadline for filing claims for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 to September 11, 2014

3. Provide that any such claim for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered

COVERED GROUPS UNDER PROPOSED LEGISLATION: With respect to the NYCRS, the proposed legislation would expand coverage under the WTC Disability Law to certain groups ("Covered Groups"), provided they satisfy certain qualifying WTC conditions.

These Covered Groups are as follows:

* Active, vested and retired members in NYCTRS in Tiers I and II
* Active, vested and retired members in BERS in Tiers I and II
* Vested members in NYCERS in Tiers I and II
* Vested members in POLICE in Tiers I and II
* Vested members in FIRE in Tiers I and II
* Vested Uniformed Corrections members in NYCERS in Tier III
* Vested Uniformed Sanitation members in NYCERS in Tier IV
* Vested Deputy Sheriff members in NYCERS in Tier IV and Tier VI
* Vested EMT members in NYCERS in Tier IV and Tier VI

WTC DISABILITY LAW PROVISIONS APPLYING TO THE COVERED GROUP: All of the WTC Disability Law provisions would apply to the Covered Group. However, the Special Accidental Death Benefits provided under GML Section 208-f to certain groups would not apply.

ESTIMATED FINANCIAL IMPACT OF PRIOR FISCAL NOTE 2008-09: Fiscal Note 2008-09, dated June 18, 2008, which estimated the financial impact of proposed legislation LBDC #12080-02-8, enacted as Chapter 489 of the Laws of 2008 to expand the coverage of the WTC Disability Law, included the estimated financial impact attributed to the Covered Groups described above based upon the Actuary's understanding of the intent of the recommendations of the September 11 Worker Protection Task Force, rather than adhering to the strict draft wording of proposed legislation LBDC #120870-02-8.

Accordingly, the estimated financial impact of the proposed legislation (denoted by Verison date (6/7/12) was based on the financial impact of these Covered Groups that was previously determined in Fiscal Note 2008-09, adjusted for the passage of time using actuarial principles and to reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3 of the Laws of 2013 ("Chapter 3/13").

It is assumed that the estimated financial impact would be de minimis for:

(1) Extending the deadline for registering for WTC ACCDIS and WTC ACCDTH to September 11, 2014 only for the Covered Groups as described under COVERED GROUPS UNDER PROPOSED LEGISLATION section of this Fiscal Note,

(2) Extending the deadline from September 11, 2010 to September 11, 2014 for filing a registration of participation in the WTC Rescue, Recovery and Clean-up operations under the Workers' Compensation Law,

(3) Extending the deadline for filing claims for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 to September 11, 2014, and

(4) Providing that any such claim for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered.

ADDITIONAL ACTUARIAL PRESENT VALUE OF BENEFITS AND EMPLOYER COSTS: Under the proposed legislation, the estimated additional Actuarial Present Value of Benefits ("APVB") and employer costs for each of the NYCRS are shown in the following table.

INCREASES IN APVB AND ANNUAL EMPLOYER COST
OF INCLUDING CERTAIN RECOMMENDATIONS OF THE
SEPTEMBER 11 WORKER PROTECTION TASK FORCE
FOR CERTAIN MEMBERS OF
NYCERS, NYCTRS, BERS, POLICE AND FIRE*

($ Millions)

ITEM	NYCERS	NYCTRS	BERS	POLICE	FIRE	TOTAL
Increase in APVB	$1.8	$2.1	**	$0.6	$0.1	$4.6
Increase in Annual Employer Costs***	$0.6	$0.7	**	$0.2	**	$1.5

*The increase in APVB and in Annual Employer Costs for these Covered Groups was included in the financial impact of Fiscal Note 2008-09. The results included in Fiscal Note 2008-09 have been adjusted using actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13 to arrive at the results shown above.

It is assumed that the estimated financial impact would be de minimis for:

1. Extending the deadline for registering for WTC ACCDIS and WTC ACCDTH to September 11, 2014 only for Covered Groups under the proposed legislation,

2. Extending the deadline from September 11, 2010 to September 11, 2014 for filing a registration of participation in the WTC Rescue, Recovery and Clean-up operations under the Workers' Compensation Law,

3. Extending the deadline to September 11, 2014 for filing claims for Workers' Compensation benefits for a WTC-related disablement that occured between September 12, 2008 and September 11, 2012, and

4. Providing that any such claim for Workers' Comepnsation benefits for a WTC-related disablement that occured between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered.

For purposes of this Fiscal Note, the Actuary has assumed that reclassification of certain retired members to WTC-Related Accidental Disability Retirement from Service Retirement or Ordinary Disability Retirement

would result in changes in benefits, prospectively only from the date of reclassification.

** Less than $50,000.

*** Assumes that Net Increases in APV of Future Employer Normal Costs are financed over the average remaining working lifetimes of members impacted by the benefit changes which has been estimated to be five years.

ADDITIONAL EMPLOYER CONTRIBUTIONS - GENERAL: In general, the real cost of the enactment of this proposed legislation would be the additional benefits paid.

However, the timing and amount of additional employer contributions attributable to the enactment of this proposed legislation will depend primarily upon five factors:

* The point in time when the Actuary revises actuarial assumptions to reflect whether certain active members who now would be expected to receive Service Retirement benefits, Ordinary Disability Retirement benefits, or Accidental Disability Retirement benefits would in the future be eligible for World Trade Center Accidental Disability Retirement and/or Accidental Death benefits.

* The point in time at which the Actuary revises actuarial assumptions to reflect possible, further, increased expectations for Accidental Disability Retirements.

* The points in time after retirement when diseases deemed to be disabling and attributable to WTC-related activities could result in reclassification of Service Retirements, Ordinary Disability Retirements, or Accidental Disability Retirements to World Trade Center Accidental Disability Retirements.

* The points in time after retirement subsequent to reclassification, or in the application process, to a WTC-Related Accidental Disability Retirement which could result in Accidental Death from a WTC-Related Malady.

* The impact on employer contributions of any actuarial gains or losses attributable to additional Accidental Disability Retirements and Accidental Deaths.

ADDITIONAL EMPLOYER CONTRIBUTIONS - FISCAL YEARS 2013 AND LATER: Assuming that this proposed legislation is enacted during the current Legislative Session on or before June 30, 2013 or after June 30, 2013 and on or before June 30, 2014, then the enactment of this proposed legislation would increase annual employer contributions beginning Fiscal Year 2014 as follows:

* To NYCERS by approximately $0.6 million and by a comparable percentage of payroll thereafter,

* To NYCTRS by approximately $0.7 million and by a comparable percentage of payroll thereafter,

* To BERS by approximately less than $50,000 and by a comparable percentage of payroll thereafter,

* To POLICE by approximately $0.2 million and by a comparable percentage of payroll thereafter, and

* To FIRE by approximately less than $50,000 and by a comparable percentage of payroll thereafter.

These employer contributions were included in the financial impact of Fiscal Note 2008-09 and have been adjusted using actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by

the New York State Legislature and Governor as Chapter 3/13 to arrive at the results shown above.

In accordance with ACNY Section 13.638.2(k-2), new Unfunded Actuarial Accrued Liability ("UAAL") attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetimes of those impacted by the benefit changes. For this proposed legislation, the Actuary has estimated that the remaining working lifetime of those impacted to be five years. Using this approach, the additional UAAL would be amortized over a five-year period (four payments under One-Year Lag Methodology) using level dollar payments.

UNMEASURED ADDITIONAL COSTS: The additional APVB and employer costs and contributions attributable to additional World Trade Center Accidental Disability Retirements and World Trade Center Accidental Deaths shown herein are based only upon using the actuarial assumptions and methods described herein.

1. The protections afforded under the provisions of the WTC Disability Law to the Covered Groups described in the COVERED GROUPS UNDER PROPOSED LEGISLATION section of this Fiscal Note,

2. The extension of the deadline for registering for WTC ACCDIS, and WTC ACCDTH benefits from September 11, 2010 to September 11, 2014 only for the Covered Groups under the proposed legislation,

3. The extension of the deadline from September 11, 2010 to September 11, 2014 for filing a registration of participation in the WTC Rescue, Recovery and Clean-up operations under the Worker's Compensation Law,

4. The extension of the deadline to September 11, 2014 for filing claims for Workers' Compensation benefits for a disablement that occurred between September 12, 2008 and September 11, 2012, and

5. Providing that any such claim for Workers' Compensation benefits for a disablement that occurred between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered.

As noted earlier, the estimated financial impact for the preceding items 2, 3, 4 and 5 is assumed to be de minimis.

Additional APVB and employer costs attributable to any benefits other than those described herein have not been estimated.

No estimate has been made for non-vested, terminated members or for other possible WTC Potential Recipients who are not currently participants in the NYCRS.

No estimate has been made for the possible, initial reduction in payroll costs due to Additional Disability Retirements or Additional Deaths.

No estimate has been made for additional administrative expenses, for possible increases in Workers' Compensation costs or for expected, increased medical and insurance related costs.

CENSUS DATA: With respect to the NYCRS, the calculation of estimated changes in APVB and changes in employer costs are in part based on the active census data used in the June 30, 2007 (Lag) actuarial valuation, adjusted to June 30, 2012 in accordance with the actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13. Such census was adjusted for employees who were hired on or after September 13, 2002 and, in general, are unlikely to be WTC Potential Recipients.

In addition, the calculation of estimated changes in the APVB and changes in employer costs are in part based on the census data of

retired members used in the June 30, 2007 (Lag) actuarial valuation, adjusted to June 30, 2012 in accordance with actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13, to determine the Fiscal Year 2012 and later employer contributions. Such census data includes post-September 11, 2001 retirees.

Furthermore, based on the June 30, 2007 census information, terminated vested members between September 11, 2001 and June 30, 2007, adjusted to June 30, 2012 in accordance with actuarial principles and to reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption on %7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13, were included to the extent that they were WTC Potential Recipients, could become incapacitated due to a WTC-Related Malady and reclassify as WTC-ADR.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional APVB and employer costs and contributions have been determined based on the actuarial assumptions and methods used in June 30, 2012 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE and FIRE.

In order to develop an estimate of the increase in APVB for NYCTRS members, the following probabilities of reclassification to WTC-ADR were used at the ages shown:

NYCRS

Reclassification to WTC-ADR FROM

AGE	SERV	ODR	ADR
60	2%	4%	4%
70	2%	4%	4%
80	2%	4%	4%
90	2%	4%	4%

In addition, the following probabilities of reclassification were assumed at the date of SER, ODR and ADR, respectively, for active members:

SERV 2%
ODR 4%
ADR 4%

In order to develop an estimate of the increase in APVB for BERS members, the following probabilities or reclassifications to WTC-ADR were used at the ages shown:

BERS

RECLASSIFICATION TO WTC-ADR FROM

AGE	SERV	ODR	ADR
60	2%	4%	4%
70	2%	4%	4%
80	2%	4%	4%
90	2%	4%	4%

In addition, the following probabilities of reclassification were assumed at the date of SERV, ODR and ADR, respectively, for active members:

SERV 2%
ODR 4%

ADR 4%

It has also been assumed that Accidental Disability Retirees who die within 25 years of the initial retirement date would die from a WTC-Related Malady.

Due to limitations of time, resources and expected, limited impact on overall results, the following estimates were made relative to the June 30, 2007 (Lag) actuarial valuation, adjusted to June 30, 2012 in accordance with actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13 to determine the Fiscal Year 2012 and later employer contributions. In addition, for Terminated Vesteds,

* APVB was developed as the ratio of the respective liability to the total liability of all active members.

* APVB was adjusted to reflect both the difference in the magnitude of a WTC-ACCDIS relative to the SERV benefit otherwise payable and in the payability date of such benefits.

In developing estimates of additional APVB upon reclassification after retirement, the increases in WTC-ADR benefits are assumed to be prospective from the date of reclassification.

Additionally, because the mortality expectation for an individual does not change just because that individual receives a different type of benefit, the measurement of the increase in APVB for Service Retirees who reclassify as WTC-ADR has been calculated based on post-disablement retirement mortality.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and determining annual employer contributions to the NYCRS.

However, the economic assumptions (current and proposed) that are used for determining employer contributions do not develop risk-adjusted, economic values of benefits. Such risk-adjusted, economic values of benefits would likely differ significantly from those developed by the budgetary models.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2013 Legislative Session. It is Fiscal Note 2013-13, dated June 5, 2013, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New York City Police Pension Fund and the New York Fire Department Pension Fund.

STATE OF NEW YORK

4983--A

2013-2014 Regular Sessions

IN ASSEMBLY

February 13, 2013

Introduced by M. of A. ABBATE -- (at request of the New York State Teachers' Retirement System) -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to clarifying the maximum salary which may be used to calculate the ordinary death benefit of members of the public retirement systems of the state

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

Section 1. Subdivision c of section 448 of the retirement and social security law, as amended by chapter 510 of the laws of 1974, is amended to read as follows:

c. For the purpose of this section, salary shall be the regular compensation earned during the member's last twelve months of service in full pay status as a member or, if he **or she** had not completed twelve months of service prior to the date of death, but was subject to the provisions of subdivision b of this section, the compensation he **or she** would have earned had he **or she** worked for the twelve months prior to such date; provided, however, for the purpose of this section salary shall exclude any form of termination pay (which shall include any compensation in anticipation of retirement), or any lump sum payment for deferred compensation sick leave, or accumulated vacation credit or any other payment for time not worked (other than compensation received while on sick leave or authorized leave of absence) and in no event shall it exceed the maximum salary specified in section one hundred thirty of the civil service law**, as added by part B of chapter ten of the laws of two thousand eight, or the maximum salary specified in section one hundred thirty of the civil service law, as hereafter amended, whichever is greater**.

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

LBD08981-10-3

§ 2. Subdivision c of section 508 of the retirement and social security law, as added by chapter 617 of the laws of 1986, is amended to read as follows:

c. For the purpose of this section, salary shall be the regular compensation earned during the member's last twelve months of service in full pay status as a member or, if he **or she** had not completed twelve months of service prior to the date of death, but was subject to the provisions of subdivision b of this section, the compensation he **or she** would have earned had he **or she** worked for the twelve months prior to such date; provided, however, for the purpose of this section salary shall exclude any form of termination pay (which shall include any compensation in anticipation of retirement), or any lump sum payment for deferred compensation sick leave, or accumulated vacation credit or any other payment for time not worked (other than compensation received while on sick leave or authorized leave of absence) and in no event shall it exceed the maximum salary specified in section one hundred thirty of the civil service law**, as added by part B of chapter ten of the laws of two thousand eight, or the maximum salary specified in section one hundred thirty of the civil service law, as hereafter amended, whichever is greater**.

§ 3. Subdivision c of section 606 of the retirement and social security law, as added by chapter 617 of the laws of 1986, is amended to read as follows:

c. For the purpose of this section, salary shall be the regular compensation earned during the member's last twelve months of service in full pay status as a member or, if he **or she** had not completed twelve months of service prior to the date of death, but was subject to the provisions of subdivision b of this section, the compensation he **or she** would have earned had he **or she** worked for the twelve months prior to such date; provided, however, for the purpose of this section salary shall exclude any form of termination pay (which shall include any compensation in anticipation of retirement), or any lump sum payment for deferred compensation sick leave, or accumulated vacation credit or any other payment for time not worked (other than compensation received while on sick leave or authorized leave of absence) and in no event shall it exceed the maximum salary specified in section one hundred thirty of the civil service law**, as added by part B of chapter ten of the laws of two thousand eight, or the maximum salary specified in section one hundred thirty of the civil service law, as hereafter amended, whichever is greater**.

§ 4. 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.

§ 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: This bill would clarify the maximum salary used for ordinary death benefit calculations for Tiers 2, 3, 4, 5 and 6 members who joined certain public retirement systems after the effective date of Chapter 491 of the Laws of 2011. The maximum salary used to calculate the ordinary death benefit would be the greater of the maximum salary **currently** specified in Section 130 of the Civil Service Law or such maximum salary specified in Section 130 **prior** to the changes to Section 130 enacted pursuant to Chapter 491. This bill would ensure that no members who first join a retirement system on or after the effective date of Chapter 491 of the Laws of 2011 would receive a reduced ordinary death benefit due to the

provisions of that enactment. This bill also states that none of the provisions of this act shall be subject to Section 25 of the Retirement and Social Security Law.

If this bill is enacted, insofar as this bill affects the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, we anticipate that very few members would be affected, and the costs would be negligible. These costs would be borne by the state of New York and the participating employers in the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 6, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-139 prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

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

This bill would amend Sections 448, 508 and 606 of the Retirement and Social Security Law to clarify the maximum salary used to calculate the paragraph 2 death benefit for Tier 2, 3, 4, 5 and 6 members of the New York State Teachers' Retirement System. The maximum salary used to calculate the paragraph 2 death benefit shall not be less than the maximum salary specified in Section 130 of the Civil Service Law, as it was added by part B of Chapter 10 of the Laws of 2008, or the maximum salary specified in Section 130 of the Civil Service Law, as thereafter amended, whichever is greater. Chapter 491 of the Laws of 2011 slightly lowered the salary limit for death benefit calculation purposes, yet the current limit in constitutionally protected for current members.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

The source of this estimate is Fiscal Note 2013-2 dated September 19, 2012 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Chapter 523 **Signed December 18, 2013**

STATE OF NEW YORK

6942

2013-2014 Regular Sessions

IN ASSEMBLY

April 25, 2013

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to partial lump sum payments for certain members of the New York state and local police and fire retirement system

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

1 Section 1. Subdivision 2 of section 1100 of the retirement and social
2 security law is amended by adding two new paragraphs d and e to read as
3 follows:
4 **d. Any member who files for retirement after being eligible to retire**
5 **for four years may elect to receive a twenty percent lump sum payment of**
6 **the actuarial equivalent of his or her retirement allowance at the time**
7 **of retirement.**
8 **e. Any member who files for retirement after being eligible to retire**
9 **for five years may elect to receive a twenty-five percent lump sum**
10 **payment of the actuarial equivalent of his or her retirement allowance**
11 **at the time of retirement.**
12 § 2. This act shall take effect immediately.

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

This bill would allow larger lump sum payments to be made under the Partial Lump Sum (PLS) program for certain members of the New York State and Local Police and Fire Retirement System (PFRS). Currently, PFRS members who are eligible for the PLS program may elect to receive a partial lump sum payment of up to 15% of the present value of their actuarially determined retirement allowance at retirement, and a smaller annual retirement allowance thereafter. This proposal would allow a member who files for service retirement after being eligible to retire for 4 or 5 or more years to be eligible to receive a partial lump sum of up to 20% or 25%, respectively, of the present value of their actuarial-

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

LBD10253-01-3

ly determined retirement allowance, and a smaller annual retirement allowance thereafter.

If this bill is enacted, there would be administrative costs associated with redesigned estimate and option forms. There would not be costs associated with the lump sum payment options since payments would be determined on an actuarially equivalent basis. Should future proposals exceed 25%, further analysis will be necessary to determine whether there may be costs due to adverse selection.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics, displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 18, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-104, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

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Section II

Vetoed Legislation Affecting the New York State and Local Retirement System

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STATE OF NEW YORK

5012

2013-2014 Regular Sessions

IN ASSEMBLY

February 14, 2013

Introduced by M. of A. STEC -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize Jaime Laczko to elect to participate in the optional twenty-five year retirement plan for forest rangers in the service of the department of environmental conservation

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 law, Jaime Laczko, a
2 member of the New York state and local police and fire retirement
3 system, who is employed by the department of environmental conservation
4 as a full-time forest ranger I, who upon commencing such employment
5 became a member of such retirement system subject to the provisions of
6 section 375-h of the retirement and social security law, who was eligi-
7 ble, at such time, to elect to join the New York state and local police
8 and fire retirement system subject to the optional twenty-five year
9 retirement plan for forest rangers in the service of the department of
10 environmental conservation pursuant to section 383-c of the retirement
11 and social security law, and who, for reasons not ascribable to his own
12 negligence, failed to elect to participate in such twenty-five year
13 retirement plan, shall be deemed to have elected to participate in the
14 retirement plan, established by section 383-c of the retirement and
15 social security law, upon commencement of his employment as a forest
16 ranger I, if, within 1 year of the effective date of this act, he shall
17 file an application therefor with the state comptroller.
18 § 2. All past costs associated with implementing the provisions of
19 this act shall be borne by the state of New York. Jaime Laczko shall
20 bear no costs associated with the implementation of the provisions of
21 this act.
22 § 3. This act shall take effect immediately.
FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

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

LBD01149-03-3

This bill will deem Jaime Laczko, a Forest Ranger currently covered under an age 55 retirement plan, to have elected to participate in the 25 year retirement plan established by Section 383-c of the Retirement and Social Security Law.

If this bill is enacted, we anticipate that there will be an increase of approximately $4,700 in the annual contributions of the State of New York for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $68,500 which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 25, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-49, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

VETO MESSAGE - No. 204

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 5012, entitled:

"AN ACT to authorize Jaime Laczko to elect to participate in the optional twenty-five year retirement plan for forest rangers in the service of the department of environmental conservation"

NOT APPROVED

This bill would enhance the retirement benefits for a single public employee and obligate the State to make a one-time payment of $68,700 in 2014, and incur an ongoing obligation of $4,700 a year for every year thereafter. As this new State obligation has not been accounted for, I am compelled to veto this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

2953

2013-2014 Regular Sessions

IN SENATE

January 25, 2013

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT in relation to establishing a special commission on compensation for state employees designated managerial or confidential, and providing for its powers and duties

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

1 Section 1. (a) On the first of April of every fourth year, commencing
2 April 1, 2013, there shall be established for such year a commission on
3 managerial or confidential state employee compensation to examine, eval-
4 uate and make recommendations with respect to adequate levels of compen-
5 sation and non-salary benefits for managerial or confidential state
6 employees. In accordance with the provisions of this section, the
7 commission shall:
8 (i) examine the prevailing adequacy of pay levels and non-salary bene-
9 fits received by managerial or confidential employees of the state and
10 determine whether any of such pay levels warrant adjustment; and
11 (ii) determine whether, for any of the four years commencing on the
12 first of April of such years, following the year in which the commission
13 is established, the annual salaries for the managerial or confidential
14 employees of the state warrant adjustment.
15 In discharging its responsibilities under paragraphs (i) and (ii) of
16 this subdivision, the commission shall take into account all appropriate
17 factors including, but not limited to: the administrative withholding of
18 managerial or confidential employee salary increases pursuant to chapter
19 10 of the laws of 2008; the overall economic climate; rates of
20 inflation; changes in public-sector spending; the levels of compensation
21 and non-salary benefits received by unionized state employees; the main-
22 tenance of or attainment of proper salary differential between supervi-
23 sors and their subordinates; the levels of compensation and non-salary

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

LBD03094-01-3

benefits received by professionals in government, and academia and private and nonprofit enterprise.

(b) The commission shall consist of seven members to be appointed as follows: three shall be appointed by the governor; one shall be appointed by the temporary president of the senate; one shall be appointed by the speaker of the assembly; one shall be appointed by the comptroller; and one shall be appointed by the Organization of NYS Management Confidential Employees. The governor shall designate the chair of the commission from among the members so appointed. Vacancies in the commission shall be filled in the same manner as original appointments. To the extent practicable, members of the commission shall have experience in one or more of the following: determination of executive compensation, human resource administration and financial management.

(c) The commission may meet, hold public hearings and shall have all the powers of a legislative committee pursuant to the legislative law.

(d) The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

(e) No member of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment pursuant to this section, notwithstanding the provisions of any general, special or local law, regulation, ordinance or city charter.

(f) To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission, agency, office or public authority of the state or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties pursuant to this section.

(g) The commission may request, and shall receive, reasonable assistance from state agency personnel as necessary for the performance of its functions.

(h) The commission shall make a report to the governor and the legislature of its findings, conclusions, determinations and recommendations, if any, not later than one hundred fifty days after its establishment. Each recommendation made to implement a determination pursuant to paragraph (ii) of subdivision (a) of this section shall have the force of law, and shall supersede inconsistent provisions of article 8 of the civil service law, unless modified or abrogated by statute prior to April first of the year as to which such determination applies.

(i) Upon the making of its report as provided in subdivision (h) of this section, each commission established pursuant to this section shall be deemed dissolved.

§ 2. Notwithstanding the provisions of this act or of any other law, each increase in salary or compensation of any officer or employee provided by this act shall be added to the salary or compensation of such officer or employee at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, the payment of such salary increase pursuant to this section on a date prior thereto instead of on such effective date, shall not operate to confer any additional salary rights or benefits on such officer or employee.

1 § 3. The annual salaries as prescribed pursuant to this act for state
2 employees designated managerial or confidential whenever adjusted pursu-
3 ant to the provisions of this act, shall be rounded up to the nearest
4 multiple of one hundred dollars.
5 § 4. This act shall take effect immediately.

VETO MESSAGE - No. 211

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 246, entitled:

"AN ACT in relation to establishing a special commission on compensation for state employees designated managerial or confidential, and providing for its powers and duties"

NOT APPROVED

This bill would create a commission to examine, evaluate and make binding recommendations with respect to levels of compensation and non-salary benefits for managerial or confidential state employees.

Unquestionably, managerial and confidential state employees provide valuable services to the State. The overall salary structure for employees and public officers warrants a review and analysis to make it more fair for all State workers. This should be done within the context of the State budget.

Since taking office, this administration has implemented for various grades of managerial or confidential employees performance, longevity and merit increases and has planned for other increases in the near future. But given the State's traditional managerial role, I am compelled to veto this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

3976

2013-2014 Regular Sessions

IN SENATE

March 4, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to requiring all state agencies and departments to accept certain methods of payment

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

1 Section 1. The executive law is amended by adding a new section 164-e
2 to read as follows:
3 **§ 164-e. Forms of payment accepted by state agencies and departments.**
4 **All state agencies and departments accepting or collecting fees, fines,**
5 **penalties, rents, rates, taxes, charges, revenue, financial obligations**
6 **or other amounts, from the public shall provide for the acceptance of**
7 **credit cards, debit cards, pre-paid cards, money orders, and personal**
8 **and business checks as a method of payment for any amount accepted or**
9 **collected by such agency or department.**
10 § 2. This act shall take effect on the sixtieth day after it shall
11 have become a law.

VETO MESSAGE - No. 223

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 3976, entitled:

"AN ACT to amend the executive law, in relation to requiring all state agencies and departments to accept certain methods of payment"

NOT APPROVED

This legislation would require State agencies to accept all payments in a variety of forms for services rendered. However, as proposed, it would impose an impracticable burden on all State agencies by imposing a "one size fits all" model on the State. Although the purpose of this bill, expanding the methods of payment people can use to make payments to the State, is laudable, any expansion must be applied in a practical manner. For example, it would require the Department of Environmental Conservation to accept checks at campgrounds; by the time a check is processed and returned for insufficient funds, the State would be denied its fees and be subject to returned check fees. Moreover, certain State parks have no phone service or electricity. Clearly, this legislation, in its current form, is not workable.

The bill is disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

S. 5564--A A. 7458--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 21, 2013

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McDONALD -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins

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 law, Brian Stebbins,
2 a member of the New York state and local employees' retirement system,
3 who was employed on August 1, 2003, by the village of Green Island, and
4 who filed a membership application in such system on August 1, 2003,
5 which should have given him Tier IV status but for reasons not ascriba-
6 ble to his own negligence and due to an administrative error, the appli-
7 cation was not processed in the usual manner and therefore not processed
8 until March 15, 2012, may be deemed to have become a member of the New
9 York state and local employees' retirement system on August 1, 2003, if
10 on or before December 31, 2013 he shall file an application therefor
11 with the state comptroller. Upon the receipt of such application, Brian
12 Stebbins shall be granted Tier IV status in the New York state and local
13 employees' retirement system and be eligible for all the rights and
14 benefits thereof. No contributions made to the New York state and local
15 employees' retirement system by Brian Stebbins shall be returned to him
16 pursuant to this act.
17 § 2. Any past service costs incurred in implementing the provisions of
18 this act shall be borne by the village of Green Island.

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

LBD01956-04-3

1 § 3. This act shall take effect immediately.

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

This bill will grant Tier 4 status in the New York State and Local Employees' Retirement System to Brian M. Stebbins, a current Tier 5 member employed by the State of New York, by changing his date of membership to August 1, 2003, the first date he was employed by the Village of Green Island.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately $2,100 in the annual contributions of the State of New York for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $1,200 which will be borne by the Village of Green Island as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 9, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-136, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 230

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 5564, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

Senate Bill Number 5565-A, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward"

Senate Bill Number 5566-A, entitled:

"AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton"

NOT APPROVED

S.5564 would enhance the retirement benefits for a single public employee and obligate the State to incur an ongoing obligation of $2,100 a year. As this new State obligation has not been accounted for, I am compelled to veto this bill.

With respect to all three bills, closer examination and explanation is warranted before granting the benefits sought.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

S. 5565--A A. 7459--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 21, 2013

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McDONALD -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward

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, Jill Alix, a member of the New York state and local employees' retirement system, who was employed on June 20, 2008, by the village of Green Island as a recreation director, and who filed membership applications in such system on June 20, 2008 which should have given her Tier IV status but for reasons not ascribable to her own negligence and due to an administrative error, the application was not processed in the usual manner and therefore not processed until December 17, 2012, may be deemed to have become a member of the New York state and local employees' retirement system on June 20, 2008, if on or before December 31, 2013 she shall file an application therefor with the state comptroller. Upon the receipt of such application, Jill Alix shall be granted Tier IV status in the New York state and local employees' retirement system and be eligible for all the rights and benefits thereof. No contributions made to the New York state and local employees' retirement system by Jill Alix shall be returned to her pursuant to this act.

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

LBD10734-04-3

§ 2. Notwithstanding any other provision of law, Chris Karwiel, a member of the New York state and local employees' retirement system, who was employed on July 19, 2002, by the village of Green Island as a recreation assistant and office assistant, and who filed membership applications in such system on September 13, 2011 which should have given her Tier IV status but for reasons not ascribable to her own negligence and due to an administrative error, the application was not processed in the usual manner and therefore not processed until September 13, 2011, may be deemed to have become a member of the New York state and local employees' retirement system on July 19, 2002, if on or before December 31, 2013 she shall file an application therefor with the state comptroller. Upon the receipt of such application, Chris Karwiel shall be granted Tier IV status in the New York state and local employees' retirement system and be eligible for all the rights and benefits thereof. No contributions made to the New York state and local employees' retirement system by Chris Karwiel shall be returned to her pursuant to this act.

§ 3. Notwithstanding any other provision of law, Jessica Strizzi, a member of the New York state and local employees' retirement system, who was employed on June 28, 2007, by the village of Green Island as a recreation assistant, and who filed membership applications in such system on June 28, 2007 which should have given her Tier IV status but for reasons not ascribable to her own negligence and due to an administrative error, the application was not processed in the usual manner and therefore not processed until July 9, 2012, may be deemed to have become a member of the New York state and local employees' retirement system on June 28, 2007, if on or before December 31, 2013 she shall file an application therefor with the state comptroller. Upon the receipt of such application, Jessica Strizzi shall be granted Tier IV status in the New York state and local employees' retirement system and be eligible for all the rights and benefits thereof. No contributions made to the New York state and local employees' retirement system by Jessica Strizzi shall be returned to her pursuant to this act.

§ 4. Notwithstanding any other provision of law, Taryn Ward, a member of the New York state and local employees' retirement system, who was employed on May 27, 2008, by the village of Green Island as an office assistant and member of the park staff, and who filed membership applications in such system on July 19, 2012 which should have given her Tier IV status but for reasons not ascribable to her own negligence and due to an administrative error, the application was not processed in the usual manner and therefore not processed until July 19, 2012, may be deemed to have become a member of the New York state and local employees' retirement system on May 27, 2008, if on or before December 31, 2013 she shall file an application therefor with the state comptroller. Upon the receipt of such application, Taryn Ward shall be granted Tier IV status in the New York state and local employees' retirement system and be eligible for all the rights and benefits thereof. No contributions made to the New York state and local employees' retirement system by Taryn Ward shall be returned to her pursuant to this act.

§ 5. Any past service costs incurred in implementing the provisions of this act shall be borne by the village of Green Island.

§ 6. This act shall take effect immediately.

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

This bill will deem Jill Alix, Chris Karwiel, Jessica Strizzi, and Taryn Ward, employees of the Village of Green Island, to become Tier 4 members of the New York State and Local Employees' Retirement System by

changing their dates of membership in the System to be the dates they first were employed by the Village of Green Island.

If this bill is enacted, we anticipate that there will be an increase in the annual contributions of the Village of Green Island of 4.1% of the annual salary of Chris Karwiel (currently a tier 5 member) and 9.5% of the salaries of Jill Alix, Jessica Strizzi, and Taryn Ward (currently tier 6 members) for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $2,000 which would be borne by the Village of Green Island as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 14, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-137, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 231

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 5564, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

Senate Bill Number 5565-A, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward"

Senate Bill Number 5566-A, entitled:

"AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton"

NOT APPROVED

S.5564 would enhance the retirement benefits for a single public employee and obligate the State to incur an ongoing obligation of $2,100 a year. As this new State obligation has not been accounted for, I am compelled to veto this bill.

With respect to all three bills, closer examination and explanation is warranted before granting the benefits sought.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

S. 5566--A A. 7457--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 21, 2013

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McDONALD -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton

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 law, Kirsten Mason,
2 a member of the New York state and local employees' retirement system,
3 who was employed on July 1, 2010, by the village of Green Island as a
4 recreation assistant, and who filed membership applications in such
5 system on July 7, 2010 which should have given her Tier V status but for
6 reasons not ascribable to her own negligence and due to an administra-
7 tive error, the application was not processed in the usual manner and
8 therefore not processed until August 16, 2012, may be deemed to have
9 become a member of the New York state and local employees' retirement
10 system on July 1, 2010, if on or before December 31, 2013 she shall file
11 an application therefor with the state comptroller. Upon the receipt of
12 such application, Kirsten Mason shall be granted Tier V status in the
13 New York state and local employees' retirement system and be eligible
14 for all the rights and benefits thereof. No contributions made to the
15 New York state and local employees' retirement system by Kirsten Mason
16 shall be returned to her pursuant to this act.

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

LBD10732-04-3

§ 2. Notwithstanding any other provision of law, Laura Strizzi, a member of the New York state and local employees' retirement system, who was employed on July 1, 2010, by the village of Green Island as a recreation assistant, and who filed membership applications in such system on July 13, 2010 which should have given her Tier V status but for reasons not ascribable to her own negligence and due to an administrative error, the application was not processed in the usual manner and therefore not processed until July 5, 2012, may be deemed to have become a member of the New York state and local employees' retirement system on July 1, 2010, if on or before December 31, 2013 she shall file an application therefor with the state comptroller. Upon the receipt of such application, Laura Strizzi shall be granted Tier V status in the New York state and local employees' retirement system and be eligible for all the rights and benefits thereof. No contributions made to the New York state and local employees' retirement system by Laura Strizzi shall be returned to her pursuant to this act.

§ 3. Notwithstanding any other provision of law, Christian Ward, a member of the New York state and local employees' retirement system, who was employed on July 1, 2010, by the village of Green Island as a recreation assistant, and who filed membership applications in such system on July 14, 2010 which should have given him Tier V status but for reasons not ascribable to his own negligence and due to an administrative error, the application was not processed in the usual manner and therefore not processed until July 5, 2012, may be deemed to have become a member of the New York state and local employees' retirement system on July 1, 2010, if on or before December 31, 2013 he shall file an application therefor with the state comptroller. Upon the receipt of such application, Christian Ward shall be granted Tier V status in the New York state and local employees' retirement system and be eligible for all the rights and benefits thereof. No contributions made to the New York state and local employees' retirement system by Christian Ward shall be returned to him pursuant to this act.

§ 4. Notwithstanding any other provision of law, Austin Horton, a member of the New York state and local employees' retirement system, who was employed on July 5, 2011, by the village of Green Island as a recreation assistant, and who filed membership applications in such system on July 5, 2011 which should have given him Tier V status but for reasons not ascribable to his own negligence and due to an administrative error, the application was not processed in the usual manner and therefore not processed until July 19, 2012, may be deemed to have become a member of the New York state and local employees' retirement system on July 5, 2011, if on or before December 31, 2013 he shall file an application therefor with the state comptroller. Upon the receipt of such application, Austin Horton shall be granted Tier V status in the New York state and local employees' retirement system and be eligible for all the rights and benefits thereof. No contributions made to the New York state and local employees' retirement system by Austin Horton shall be returned to him pursuant to this act.

§ 5. Any past service costs incurred in implementing the provisions of this act shall be borne by the village of Green Island.

§ 6. This act shall take effect immediately.

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

This bill will deem Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton, employees of the Village of Green Island, to become Tier 5 members of the New York State and Local Employees' Retirement System

by changing their dates of membership in the System to be the dates they first were employed by the Village of Green Island.

If this bill is enacted, we anticipate that there will be an increase in the annual contributions of the Village of Green Island of 5.4% of the annual salaries of these members for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $230 which would be borne by the Village of Green Island as a one-time payment. This estimate is based on the assumption that payment would be made on February 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 14, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-135, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 232

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 5564, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

Senate Bill Number 5565-A, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward"

Senate Bill Number 5566-A, entitled:

"AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton"

NOT APPROVED

S.5564 would enhance the retirement benefits for a single public employee and obligate the State to incur an ongoing obligation of $2,100 a year. As this new State obligation has not been accounted for, I am compelled to veto this bill.

With respect to all three bills, closer examination and explanation is warranted before granting the benefits sought.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

7630--A

2013-2014 Regular Sessions

IN ASSEMBLY

May 29, 2013

Introduced by M. of A. ABBATE, WEISENBERG, McDONOUGH, CURRAN -- Multi-Sponsored by -- M. of A. RA -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers

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

Section 1. Section 607-c of the retirement and social security law is amended by adding a new subdivision f to read as follows:

f. Any sheriff, deputy sheriff, undersheriff, or correction officer as defined in subdivision a of section sixty-three-b of this chapter, and who are employed in a county which makes an election pursuant to subdivision d of such section sixty-three-b, who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties by, or as the natural and proximate result of an intentional or reckless act of any civilian visiting, or otherwise present at, an institution under the jurisdiction of such county, shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of section sixty-four of this chapter.

§ 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 will allow any sheriff, undersheriff, deputy sheriff or correction officer whose employer has elected to provide the performance of duty benefits of Section 607-c of the Retirement and Social Security

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

LBD11204-02-3

Law to become eligible to receive such performance of duty benefit due to the intentional or reckless act of a civilian visiting an institution under the jurisdiction of such county. The benefit will be 75% of final average salary less worker's compensation. Currently, to be eligible for such improved benefit, it is required that such injuries were sustained as the result of an "act of an inmate".

If this bill is enacted, it is estimated that very few members will be affected. For every such affected member, we estimate that there will be an average one-time cost of approximately 4 times the member's annual salary.

Pursuant to Section 25 of the Retirement and Social Security Law, these per person one-time costs would be borne by the State of New York and would require an itemized appropriation by the State of New York sufficient to pay the cost of the provision. The State may amortize these per person one-time costs over a period of 5 years.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 7, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-92, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 268

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 7630, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers"

NOT APPROVED

This bill provides a disability benefit to sheriffs, deputy sheriffs, undersheriffs, and correction officers who become physically or mentally incapacitated as the result of an action of a civilian visiting a county institution.

Retirement and Social Security Law Section 25, enacted as part of pension reform in 2012, mandates that there be an appropriation for any such amendment to the retirement system. This bill attempts to circumvent that requirement. As a result, I am compelled to veto this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

5091

2013-2014 Regular Sessions

IN SENATE

May 8, 2013

Introduced by Sen. GALLIVAN -- 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, relating to an optional twenty-year retirement plan for members of the New York state and local police and fire retirement system and to amend chapter 504 of the laws of 2009, amending the retirement and social security law relating to police and fire retirement provisions

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 384-f to read as follows:
3 **§ 384-f. Optional twenty-year retirement plan for members of the New**
4 **York state police and fire retirement system. a. Notwithstanding the**
5 **provisions of any general, special or local law or code to the contrary,**
6 **any member of the New York state police and fire retirement system whose**
7 **membership in such retirement system commenced between July first, two**
8 **thousand nine and March thirty-first two thousand twelve and is not**
9 **subject to the terms of an agreement as defined by subdivision twelve of**
10 **section two hundred one of the civil service law, may elect to contrib-**
11 **ute to such retirement system pursuant to section three hundred eighty-**
12 **four-d of this title, if his or her employer has previously elected to**
13 **make the benefits of section three hundred eighty-four-d of this title**
14 **available to its members.**
15 **b. Any member who elects to contribute pursuant to this section shall**
16 **not be required to make contributions pursuant to article fourteen of**
17 **this chapter or section twelve hundred four of this chapter.**
18 **c. Notwithstanding the provisions of subdivision a of section three**
19 **hundred eighty-four-d of this title any member who seeks to elect to**
20 **contribute pursuant to this section may do so within six months after**
21 **the member becomes a member of such retirement system, or within six**
22 **months after his or her employer elects to make the benefits of section**

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

LBD10850-01-3

three hundred eighty-four-d of this title available to its members; or within six months of the effective date of this section.

§ 2. Part A of chapter 504 of the laws of 2009, amending the retirement and social security law relating to establishing police and fire retirement provisions, is amended by adding a new section 8-a to read as follows:

§ 8-a. Notwithstanding any other provision of law to the contrary any member of the New York state police and fire retirement system who became a member on or after July 1, 2009 and before January 10, 2010 may join a special retirement plan open to him or her pursuant to a collectively negotiated agreement with any state or local government employer, where such agreement was unexpired or expired but continued pursuant to section two hundred nine of the civil service law on or after July 1, 2009 and before January 10, 2010.

§ 3. This act shall take effect immediately.

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

This bill would grant that an individual who became a Tier 3 or a Tier 5 member of the New York State and Local Police and Fire Retirement System (PFRS) and whose employer has elected to provide the provisions of Section 384-d, and who is not subject to a collective bargaining agreement, would no longer be required to make mandatory employee contributions.

This bill would also allow a small number of individuals who became members of the PFRS on or after July 1, 2009 and before January 9, 2010 and who did not timely file an application to become covered under the provisions of Section 384-d within the one year required filing period to file for such coverage.

Further, this bill would amend Chapter 604 of the Laws of 2009 to allow an individual who became a member of PFRS on or after July 1, 2009 and before January 10, 2010 to join a special retirement plan open to him or her pursuant to a collective bargaining agreement in effect on or after July 1, 2009 and before January 10, 2010. Such members who elect coverage under Article 22 of the Retirement and Social Security Law will not be required to make employee contributions.

If this bill is enacted, we anticipate that the employers of such members who are covered under PFRS special retirement contributory plans would see an increase in their annual contributions for the fiscal year ending March 31, 2014 of approximately 4.4% of the annual salaries.

In addition to these costs, there would be future annual costs which would be borne by any employer of a member who would become eligible to file for Section 384-d coverage. These costs would depend on the current plan coverage and salaries of affected members. There would also be a past service cost for each such member, which would depend on the age, service, salary and plan coverage of the member. These past service costs would be borne by all the employers in the PFRS.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASS Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 7, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-44, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

VETO MESSAGE - No. 280

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 5091, entitled:

"AN ACT to amend to amend the retirement and social security law, relating to an optional twenty-year retirement plan for members of the New York state and local police and fire retirement system and to amend chapter 504 of the laws of 2009, amending the retirement and social security law relating to police and fire retirement provisions"

NOT APPROVED

This bill allows certain members of the New York State Police and Fire Retirement Fund the option of electing into a non-contributory retirement plan. But because this is a statewide bill, it fails to take into account the different needs of localities. It does not distinguish between municipalities that consent to the imposition of this mandate and those that do not consent and cannot afford its unfunded costs. In this instance, at lease one major municipality has opposed this bill's enactment because of its cost.

Moreover, Retirement and Social Security Law section 25, part of pension reform enacted in 2012, mandates that the Legislature provide an appropriation for any such statewide changes to the retirement system, which the Legislature did not include in this instance. The possible expenditure of such funds is more appropriately discussed in the context of the upcoming State budget. I am sympathetic to employees who are impacted by the failure to enact this legislation, but I am ready to work with municipalities that want and are otherwise willing to pay for the benefits this would produce. But as this legislation is presented, I must disapprove this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

Section III

Legislation Affecting Other New York Public Retirement Systems

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STATE OF NEW YORK

S. 2145 A. 2296

2013-2014 Regular Sessions

SENATE - ASSEMBLY

January 11, 2013

IN SENATE -- Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

IN ASSEMBLY -- Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of city of New York, in relation to the rate of regular interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, subchapter two, the fire department pension fund, subchapter two and the board of education retirement system of such city by public employers and other obligors required to make employer contributions to such retirement systems, the establishment of the entry age actuarial cost method of determining employer contributions to such retirement systems, the making of contributions to such retirement systems by such public employers and such other obligors, and the crediting of special interest and additional interest to members of such retirement systems, and the allowance of interest on the funds of such retirement systems; and to amend the education law, in relation to employer contributions to the board of education retirement system of such city

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

1 Section 1. Subparagraph (a) of paragraph 1 of subdivision b of section
2 13-127 of the administrative code of the city of New York is amended by
3 adding two new items (i-a) and (i-b) to read as follows:
4 **(i-a) all unfunded accrued liability installments as required by**
5 **section 13-638.2 of this title or any other provision of law; and**
6 **(i-b) any other payments to the contingent reserve fund as required by**
7 **applicable law; and**

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

LBD06653-01-3

§ 2. Subparagraph (c) of paragraph 1 of subdivision b of section 13-127 of the administrative code of the city of New York is amended by adding a new item (iv) to read as follows:

(iv) The city and all other responsible obligors (as defined in paragraph ten of subdivision a of section 13-638.2 of this title) shall make all payments to the retirement system required by applicable law in accordance with the time of payment requirements set forth in subdivision c of section 13-133 of this chapter. Any responsible obligor which does not make all or any portion of such required payments to the retirement system in a timely manner in fiscal year two thousand twelve--two thousand thirteen, or in any fiscal year thereafter, shall be required to pay interest to the retirement system on such overdue amounts, as determined by the actuary. The actuary shall determine, at such time as he or she deems appropriate, interest payments on such overdue amounts using a rate of interest equivalent to the valuation rate of interest (as defined in paragraph eleven of subdivision a of section 13-638.2 of this title). Responsible obligors shall make such interest payments on overdue amounts to the retirement system in the manner and at such time as the actuary deems appropriate.

§ 3. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of section 13-127 of the administrative code of the city of New York, as amended by chapter 85 of the laws of 2000, is amended to read as follows:

(i) **Notwithstanding the succeeding provisions of this subparagraph or the provisions of subparagraph (a-one), (b) or (c) of this paragraph, for fiscal year two thousand eleven--two thousand twelve, and for each fiscal year thereafter, the amount of the normal contribution payable to the contingent reserve fund shall be determined pursuant to the provisions of subparagraph (d) of this paragraph.** Upon the basis of the latest mortality and other tables herein authorized and regular interest, the actuary shall determine as of June thirtieth, nineteen hundred eighty and as of each succeeding June thirtieth, the amount of the total liability for all benefits provided in this title, in articles eleven and fourteen of the retirement and social security law and in any other law prescribing benefits payable by the retirement system on account of all members and beneficiaries, excluding the liability on account of future increased-take-home-pay contributions, if any, and the liability for benefits attributable to the annuity savings fund, provided, however, that in determining such total liability as of June thirtieth, nineteen hundred ninety-five and as of each succeeding June thirtieth, the actuary shall include (A) the liability on account of future increased-take-home-pay contributions, if any, (B) the liability on account of future public employer obligations under the provisions of subdivision twenty of section two hundred forty-three of the military law, to pay in behalf of members qualifying for such benefit, member contributions with respect to certain periods of the military service of such members and (C) the liability for benefits attributable to the annuity savings fund.

§ 4. Paragraph 2 of subdivision b of section 13-127 of the administrative code of the city of New York is amended by adding a new subparagraph (d) to read as follows:

(d) (i) Notwithstanding the preceding subparagraphs of this paragraph or any other provision of law to the contrary, the normal contribution payable to the contingent reserve fund in fiscal year two thousand eleven--two thousand twelve, and in each fiscal year thereafter, shall be the entry age normal contribution, as determined by the actuary pursuant to this subparagraph in a manner consistent with the entry age

actuarial cost method. The actuary shall determine the entry age normal contribution for each such fiscal year as of June thirtieth of the second fiscal year preceding the fiscal year in which such normal contribution is payable, based on the latest mortality and other tables applicable at the time he or she performs such calculations, and the valuation rate of interest as provided for the retirement system in paragraph two of subdivision b of section 13-638.2 of this title.

(ii) In calculating the entry age normal contribution payable in any such fiscal year pursuant to this subparagraph, the actuary, in his or her discretion, may make certain adjustments in the calculation methodology, provided that such adjustments are generally accepted as consistent with the entry age actuarial cost method, and are designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary. Such generally accepted adjustments in the calculation methodology, in the discretion of the actuary, may include, but are not limited to, the calculation of the entry age normal contribution (A) on an individual member basis by calculating the amount of the entry age normal contribution attributable to each individual member, and then adding together such individual member amounts, (B) on an aggregate basis for all members or (C) on any combination of an individual member basis and an aggregate basis which is consistent with the entry age actuarial cost method, and the preceding provisions of this item.

(iii) For each such fiscal year, the actuary, in his or her discretion, shall determine, in accordance with the provisions of item (ii) of this subparagraph, the methodology for calculating the entry age normal contribution payable for that particular fiscal year.

(iv) The methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the actuary to calculate the entry age normal contribution on an individual member basis by (A) multiplying the entry age normal contribution rate for each individual member, as determined by the actuary, by the salary expected to be paid to that member during the fiscal year in which such normal contribution is payable, and (B) calculating the sum of the individual entry age normal contributions attributable to all such members. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an individual basis which he or she deems appropriate, and which are consistent with the provisions of item (ii) of this subparagraph.

(v) In the alternative, the methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the actuary to calculate the entry age normal contribution on an aggregate basis by multiplying the entry age normal contribution rate for all members in the aggregate, as determined by the actuary, by the aggregate amount of the salaries expected to be paid to all members during the fiscal year in which the normal contribution is payable. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an aggregate basis which he or she deems appropriate, and which are consistent with the provisions of item (ii) of this subparagraph.

(vi) In the alternative, the methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the calculation of the entry age normal contribution on any other basis which the actuary deems appropriate, and which is consistent with the

entry age actuarial cost method and the provisions of item (ii) of this subparagraph.

(vii) (A) Where the methodology determined by the actuary in accordance with item (iii) of this subparagraph requires the determination of an entry age normal contribution rate for each individual member in order to calculate the entry age normal contribution for each individual member, the actuary shall determine such rate for each such member in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary for each such member, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetime of that particular member from his or her age at entry, the actuarial present value of benefits to which such member is expected to become entitled, as determined by the actuary.

(B) Where the methodology determined by the actuary in accordance with item (iii) of this subparagraph requires the determination of an entry age normal contribution rate for all members in the aggregate in order to calculate the entry age normal contribution for all members in the aggregate, the actuary shall determine such rate in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary.

§ 5. Paragraph 1 of subdivision c of section 13-133 of the administrative code of the city of New York is amended by adding a new subparagraph (G) to read as follows:

(G) Where a responsible obligor (as defined in paragraph ten of subdivision a of section 13-638.2 of this title) is required to make payments to the retirement system pursuant to applicable provisions of law in fiscal year two thousand twelve--two thousand thirteen, and in any fiscal year thereafter, and the provisions of this subdivision or the provisions of any other applicable law do not otherwise specifically require such responsible obligor to make such payments by a particular date or dates during such fiscal year, such responsible obligor shall make such payments either (i) in total on or before January first of such fiscal year, or (ii) in twelve equal monthly installments, as determined by the actuary, with each monthly installment to be paid on or before the last day of each month.

§ 6. Subparagraph 3 of paragraph (e) of subdivision 4 of section 13-194 of the administrative code of the city of New York, as amended by chapter 255 of the laws of 2000, is amended to read as follows:

(3) Except as otherwise provided in **subdivision eleven of this section and in** sections 13-195 and 13-195.1 of this chapter, nothing contained in this section shall create or impose any obligation on the part of the retirement system, or the funds or monies thereof, or authorize such funds or monies to be appropriated or used for any payment under this section or for any purpose thereof.

§ 7. Section 13-194 of the administrative code of the city of New York is amended by adding a new subdivision 11 to read as follows:

11. In the event that, for any calendar year covered by a payment guarantee, the assets of the variable supplements fund are not sufficient to pay benefits under this section for such year, an amount sufficient to pay such benefits shall be appropriated from the contingent reserve fund of the retirement system and transferred to the correction officers' variable supplements fund.

§ 8. Subparagraph (a) of paragraph 1 of subdivision b of section 13-228 of the administrative code of the city of New York is amended by adding two new items (i-a) and (i-b) to read as follows:

(i-a) all unfunded accrued liability installments as required by section 13-638.2 of this title or any other provision of law; and

(i-b) any other payments to the contingent reserve fund as required by applicable law; and

§ 9. Subparagraph (c) of paragraph 1 of subdivision b of section 13-228 of the administrative code of the city of New York is amended by adding a new item (iv) to read as follows:

(iv) The city shall make all payments to the pension fund required by applicable law in accordance with the time of payment requirements set forth in subdivision c of section 13-231 of this chapter. Commencing with payments due in fiscal year two thousand twelve--two thousand thirteen, in any fiscal year in which the city does not make all or any portion of such required payments to the pension fund in a timely manner, the city shall be required to pay interest to the pension fund on such overdue amounts, as determined by the actuary. The actuary shall determine, at such time as he or she deems appropriate, interest payments on such overdue amounts using a rate of interest equivalent to the valuation rate of interest (as defined in paragraph eleven of subdivision a of section 13-638.2 of this title). The city shall make such interest payments on overdue amounts to the pension fund in the manner and at such time as the actuary deems appropriate.

§ 10. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of section 13-228 of the administrative code of the city of New York, as amended by chapter 598 of the laws of 1996, is amended to read as follows:

(i) **Notwithstanding the succeeding provisions of this subparagraph or the provisions of subparagraph (a-one), (b), (c) or (d) of this paragraph, for fiscal year two thousand eleven--two thousand twelve, and for each fiscal year thereafter, the amount of the normal contribution payable to the contingent reserve fund shall be determined pursuant to the provisions of subparagraph (e) of this paragraph.** Upon the basis of the latest mortality and other tables herein authorized and regular interest, the actuary shall determine, as of June thirtieth, nineteen hundred eighty and as of each succeeding June thirtieth, the amount of the total liability for all benefits provided in this subchapter, in article eleven of the retirement and social security law, article fourteen of such law (if and when applicable) and in any other law prescribing benefits payable by the pension fund on account of all members and beneficiaries, excluding the liability on account of future increased-take-home-pay contributions, if any, and the liability for benefits attributable to the annuity savings fund, provided, however, that in determining such total liability for all benefits as of June thirtieth, nineteen hundred ninety-five and as of each succeeding June thirtieth, the actuary shall include (A) the liability on account of future increased-take-home-pay contributions, if any, (B) the liability on account of future public employer obligations under the provisions of subdivision twenty of section two hundred forty-three of the military law, to pay in behalf of members qualifying for such benefit, member contributions with respect to certain periods of the military service of such members and (C) the liability for benefits attributable to the annuity savings fund.

§ 11. Paragraph 2 of subdivision b of section 13-228 of the administrative code of the city of New York is amended by adding a new subparagraph (e) to read as follows:

(e) (i) Notwithstanding the preceding subparagraphs of this paragraph or any other provision of law to the contrary, the normal contribution payable to the contingent reserve fund in fiscal year two thousand eleven--two thousand twelve, and in each fiscal year thereafter, shall be the entry age normal contribution, as determined by the actuary pursuant to this subparagraph in a manner consistent with the entry age actuarial cost method. The actuary shall determine the entry age normal contribution for each such fiscal year as of June thirtieth of the second fiscal year preceding the fiscal year in which such normal contribution is payable, based on the latest mortality and other tables applicable at the time he or she performs such calculations, and the valuation rate of interest as provided for the pension fund in paragraph two of subdivision b of section 13-638.2 of this title.

(ii) In calculating the entry age normal contribution payable in any such fiscal year pursuant to this subparagraph, the actuary, in his or her discretion, may make certain adjustments in the calculation methodology, provided that such adjustments are generally accepted as consistent with the entry age actuarial cost method, and are designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary. Such generally accepted adjustments in the calculation methodology, in the discretion of the actuary, may include, but are not limited to, the calculation of the entry age normal contribution (A) on an individual member basis by calculating the amount of the entry age normal contribution attributable to each individual member, and then adding together such individual member amounts, (B) on an aggregate basis for all members or (C) on any combination of an individual member basis and an aggregate basis which is consistent with the entry age actuarial cost method, and the preceding provisions of this item.

(iii) For each such fiscal year, the actuary, in his or her discretion, shall determine, in accordance with the provisions of item (ii) of this subparagraph, the methodology for calculating the entry age normal contribution payable for that particular fiscal year.

(iv) The methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the actuary to calculate the entry age normal contribution on an individual member basis by (A) multiplying the entry age normal contribution rate for each individual member, as determined by the actuary, by the salary expected to be paid to that member during the fiscal year in which such normal contribution is payable, and (B) calculating the sum of the individual entry age normal contributions attributable to all such members. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an individual basis which he or she deems appropriate, and which are consistent with the provisions of item (ii) of this subparagraph.

(v) In the alternative, the methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the actuary to calculate the entry age normal contribution on an aggregate basis by multiplying the entry age normal contribution rate for all members in the aggregate, as determined by the actuary, by the aggregate amount of the salaries expected to be paid to all members during the fiscal year in which the normal contribution is payable. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an aggregate basis

which he or she deems appropriate, and which are consistent with the provisions of item (ii) of this subparagraph.

(vi) In the alternative, the methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the calculation of the entry age normal contribution on any other basis which the actuary deems appropriate, and which is consistent with the entry age actuarial cost method and the provisions of item (ii) of this subparagraph.

(vii) (A) Where the methodology determined by the actuary in accordance with item (iii) of this subparagraph requires the determination of an entry age normal contribution rate for each individual member in order to calculate the entry age normal contribution for each individual member, the actuary shall determine such rate for each such member in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary for each such member, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetime of that particular member from his or her age at entry, the actuarial present value of benefits to which such member is expected to become entitled, as determined by the actuary.

(B) Where the methodology determined by the actuary in accordance with item (iii) of this subparagraph requires the determination of an entry age normal contribution rate for all members in the aggregate in order to calculate the entry age normal contribution for all members in the aggregate, the actuary shall determine such rate in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary.

§ 12. Paragraph 3 of subdivision b of section 13-271 of the administrative code of the city of New York, as amended by chapter 247 of the laws of 1988, is amended to read as follows:

(3) Except as otherwise provided in **subdivision f of this section and in** sections 13-232 and 13-232.1 of this chapter, nothing contained in this subchapter shall create or impose any obligation on the part of pension fund, subchapter one or pension fund, subchapter two or the funds or monies thereof, or authorize such funds or monies to be appropriated or used for any payment under this subchapter or for any purpose thereof.

§ 13. Section 13-271 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. In the event that the assets of the variable supplements fund are not sufficient to pay benefits under this section for any calendar year, an amount sufficient to pay such benefits shall be appropriated from the contingent reserve fund of pension fund, subchapter two and transferred to the police officers' variable supplements fund.

§ 14. Paragraph 3 of subdivision b of section 13-281 of the administrative code of the city of New York, as amended by chapter 479 of the laws of 1993, is amended to read as follows:

(3) Except as otherwise provided in **subdivision f of this section and in** sections 13-232, 13-232.2 and 13-232.3 of this chapter, nothing contained in this subchapter shall create or impose any obligation on the part of pension fund, subchapter one or pension fund, subchapter two or the funds or monies thereof, or authorize such funds or monies to be appropriated or used for any payment under this subchapter or for any purpose thereof.

§ 15. Section 13-281 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. In the event that the assets of the variable supplements fund are not sufficient to pay benefits under this section for any calendar year, an amount sufficient to pay such benefits shall be appropriated from the contingent reserve fund of pension fund, subchapter two and transferred to the police superior officers' variable supplements fund.

§ 16. Subparagraph (a) of paragraph 1 of subdivision b of section 13-331 of the administrative code of the city of New York is amended by adding two new items (i-a) and (i-b) to read as follows:

(i-a) all unfunded accrued liability installments as required by section 13-638.2 of this title or any other provision of law; and

(i-b) any other payments to the contingent reserve fund as required by applicable law; and

§ 17. Subparagraph (c) of paragraph 1 of subdivision b of section 13-331 of the administrative code of the city of New York is amended by adding a new item (iv) to read as follows:

(iv) The city shall make all payments to the pension fund required by applicable law in accordance with the time of payment requirements set forth in subdivision c of section 13-334 of this chapter. Commencing with payments due in fiscal year two thousand twelve--two thousand thirteen, in any fiscal year in which the city does not make all or any portion of such required payments to the pension fund in a timely manner, the city shall be required to pay interest to the pension fund on such overdue amounts, as determined by the actuary. The actuary shall determine, at such time as he or she deems appropriate, interest payments on such overdue amounts using a rate of interest equivalent to the valuation rate of interest (as defined in paragraph eleven of subdivision a of section 13-638.2 of this title). The city shall make such interest payments on overdue amounts to the pension fund in the manner and at such time as the actuary deems appropriate.

§ 18. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of section 13-331 of the administrative code of the city of New York, as amended by chapter 249 of the laws of 1996, is amended to read as follows:

(i) **Notwithstanding the succeeding provisions of this subparagraph or the provisions of subparagraph (a-one), (b), (c) or (d) of this paragraph, for fiscal year two thousand eleven--two thousand twelve, and for each fiscal year thereafter, the amount of the normal contribution payable to the contingent reserve fund shall be determined pursuant to the provisions of subparagraph (e) of this paragraph.** Upon the basis of the latest mortality and other tables herein authorized and regular interest, the actuary shall determine, as of June thirtieth, nineteen hundred eighty and as of each succeeding June thirtieth, the amount of the total liability for all benefits provided in this subchapter, in article eleven of the retirement and social security law and in any other law prescribing benefits payable by the pension fund, on account of all members and beneficiaries, excluding the liability on account of future increased-take-home-pay contributions, if any, and the liability for benefits attributable to the annuity savings fund, provided, however, that in determining such total liability for all benefits as of June thirtieth, nineteen hundred ninety-five and as of each succeeding June thirtieth, the actuary shall include (A) the liability on account of future increased-take-home-pay contributions, if any, (B) the liability on account of future public employer obligations under the provisions of subdivision twenty of section two hundred forty-three of the military

law, to pay in behalf of members qualifying for such benefit, member contributions with respect to certain periods of the military service of such members and (C) the liability for benefits attributable to the annuity savings fund.

§ 19. Paragraph 2 of subdivision b of section 13-331 of the administrative code of the city of New York is amended by adding a new subparagraph (e) to read as follows:

(e) (i) Notwithstanding the preceding subparagraphs of this paragraph or any other provision of law to the contrary, the normal contribution payable to the contingent reserve fund in fiscal year two thousand eleven--two thousand twelve, and in each fiscal year thereafter, shall be the entry age normal contribution, as determined by the actuary pursuant to this subparagraph in a manner consistent with the entry age actuarial cost method. The actuary shall determine the entry age normal contribution for each such fiscal year as of June thirtieth of the second fiscal year preceding the fiscal year in which such normal contribution is payable, based on the latest mortality and other tables applicable at the time he or she performs such calculations, and the valuation rate of interest as provided for the pension fund in paragraph two of subdivision b of section 13-638.2 of this title.

(ii) In calculating the entry age normal contribution payable in any such fiscal year pursuant to this subparagraph, the actuary, in his or her discretion, may make certain adjustments in the calculation methodology, provided that such adjustments are generally accepted as consistent with the entry age actuarial cost method, and are designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary. Such generally accepted adjustments in the calculation methodology, in the discretion of the actuary, may include, but are not limited to, the calculation of the entry age normal contribution (A) on an individual member basis by calculating the amount of the entry age normal contribution attributable to each individual member, and then adding together such individual member amounts, (B) on an aggregate basis for all members or (C) on any combination of an individual member basis and an aggregate basis which is consistent with the entry age actuarial cost method, and the preceding provisions of this item.

(iii) For each such fiscal year, the actuary, in his or her discretion, shall determine, in accordance with the provisions of item (ii) of this subparagraph, the methodology for calculating the entry age normal contribution payable for that particular fiscal year.

(iv) The methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the actuary to calculate the entry age normal contribution on an individual member basis by (A) multiplying the entry age normal contribution rate for each individual member, as determined by the actuary, by the salary expected to be paid to that member during the fiscal year in which such normal contribution is payable, and (B) calculating the sum of the individual entry age normal contributions attributable to all such members. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an individual basis which he or she deems appropriate, and which are consistent with the provisions of item (ii) of this subparagraph.

(v) In the alternative, the methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the actuary to calculate the entry age normal contribution on an aggregate

basis by multiplying the entry age normal contribution rate for all members in the aggregate, as determined by the actuary, by the aggregate amount of the salaries expected to be paid to all members during the fiscal year in which the normal contribution is payable. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an aggregate basis which he or she deems appropriate, and which are consistent with the provisions of item (ii) of this subparagraph.

(vi) In the alternative, the methodology determined by the actuary in accordance with item (iii) of this subparagraph may provide for the calculation of the entry age normal contribution on any other basis which the actuary deems appropriate, and which is consistent with the entry age actuarial cost method and the provisions of item (ii) of this subparagraph.

(vii) (A) Where the methodology determined by the actuary in accordance with item (iii) of this subparagraph requires the determination of an entry age normal contribution rate for each individual member in order to calculate the entry age normal contribution for each individual member, the actuary shall determine such rate for each such member in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary for each such member, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetime of that particular member from his or her age at entry, the actuarial present value of benefits to which such member is expected to become entitled, as determined by the actuary.

(B) Where the methodology determined by the actuary in accordance with item (iii) of this subparagraph requires the determination of an entry age normal contribution rate for all members in the aggregate in order to calculate the entry age normal contribution for all members in the aggregate, the actuary shall determine such rate in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary.

§ 20. Paragraph 1 of subdivision a of section 13-527 of the administrative code of the city of New York is amended by adding two new subparagraphs (a-1) and (a-2) to read as follows:

(a-1) all unfunded accrued liability installments as required by section 13-638.2 of this title or any other provision of law; and

(a-2) any other payments to the contingent reserve fund as required by applicable law; and

§ 21. Paragraph 3 of subdivision a of section 13-527 of the administrative code of the city of New York is amended by adding a new subparagraph (iv) to read as follows:

(iv) The city and all other responsible obligors (as defined in paragraph ten of subdivision a of section 13-638.2 of this title) shall make all payments to the retirement system required by applicable law in accordance with the time of payment requirements set forth in subdivision (c) of section 13-533 of this chapter. Any responsible obligor which does not make all or any portion of such required payments to the retirement system in a timely manner in fiscal year two thousand twelve--two thousand thirteen, or in any fiscal year thereafter, shall be required to pay interest to the retirement system on such overdue amounts, as determined by the actuary. The actuary shall determine, at such time as he or she deems appropriate, interest payments on such

overdue amounts using a rate of interest equivalent to the valuation rate of interest (as defined in paragraph eleven of subdivision a of section 13-638.2 of this title). Responsible obligors shall make such interest payments on overdue amounts to the retirement system in the manner and at such time as the actuary deems appropriate.

§ 22. Paragraph 1 of subdivision b of section 13-527 of the administrative code of the city of New York, as amended by chapter 85 of the laws of 2000, is amended to read as follows:

(1) **Notwithstanding the succeeding provisions of this paragraph or the provisions of paragraph one-a, two, three or four of this subdivision, for fiscal year two thousand eleven--two thousand twelve, and for each fiscal year thereafter, the amount of the normal contribution payable to the contingent reserve fund shall be determined pursuant to the provisions of paragraph five of this subdivision.** Upon the basis of the latest mortality and other tables herein authorized and regular interest, the actuary shall determine as of June thirtieth, nineteen hundred eighty and as of each succeeding June thirtieth, the amount of the total liability for all benefits provided in this chapter, in articles eleven and fourteen of the retirement and social security law and in any other law prescribing benefits payable by the retirement system on account of all contributors and beneficiaries, excluding the liability on account of future increased-take-home-pay contributions, if any, and the liability for benefits attributable to the annuity savings fund and to the variable annuity savings fund, provided, however, that in determining such total liability as of June thirtieth, nineteen hundred ninety-five and as of each succeeding June thirtieth, the actuary shall include (a) the liability on account of future reserve-for-increased-take-home-pay contributions, if any, (b) the liability on account of future city obligations under the provisions of subdivision twenty of section two hundred forty-three of the military law, to pay in behalf of contributors qualifying for such benefit, member contributions with respect to certain periods of the military service of such contributors, and (c) the liability for benefits attributable to the annuity savings fund and to the variable annuity savings fund, and provided further that in determining such total liability as of June thirtieth, nineteen hundred ninety-nine and as of each succeeding June thirtieth, the actuary shall include any other liability, as determined by the actuary, for benefits attributable to the variable annuity programs, and provided further that in determining such total liability as of June thirtieth, two thousand and as of each succeeding June thirtieth, the actuary shall include the amount, if any, as estimated by the actuary, of the total liability of the retirement system on account of payments which the retirement system may be required to make to any other fund without a corresponding offset in the liabilities of the retirement system.

§ 23. Subdivision b of section 13-527 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

(5) (a) Notwithstanding the preceding paragraphs of this subdivision or any other provision of law to the contrary, the normal contribution payable to the contingent reserve fund in fiscal year two thousand eleven--two thousand twelve, and in each fiscal year thereafter, shall be the entry age normal contribution, as determined by the actuary pursuant to this paragraph in a manner consistent with the entry age actuarial cost method. The actuary shall determine the entry age normal contribution for each such fiscal year as of June thirtieth of the second fiscal year preceding the fiscal year in which such normal

contribution is payable, based on the latest mortality and other tables applicable at the time he or she performs such calculations, and the valuation rate of interest as provided for the retirement system in paragraph two of subdivision b of section 13-638.2 of this title.

(b) In calculating the entry age normal contribution payable in any such fiscal year pursuant to this paragraph, the actuary, in his or her discretion, may make certain adjustments in the calculation methodology, provided that such adjustments are generally accepted as consistent with the entry age actuarial cost method, and are designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary. Such generally accepted adjustments in the calculation methodology, in the discretion of the actuary, may include, but are not limited to, the calculation of the entry age normal contribution (i) on an individual member basis by calculating the amount of the entry age normal contribution attributable to each individual member, and then adding together such individual member amounts, (ii) on an aggregate basis for all members or (iii) on any combination of an individual member basis and an aggregate basis which is consistent with the entry age actuarial cost method, and the preceding provisions of this subparagraph.

(c) For each such fiscal year, the actuary, in his or her discretion, shall determine, in accordance with the provisions of subparagraph (b) of this paragraph, the methodology for calculating the entry age normal contribution payable for that particular fiscal year.

(d) The methodology determined by the actuary in accordance with subparagraph (c) of this paragraph may provide for the actuary to calculate the entry age normal contribution on an individual member basis by (i) multiplying the entry age normal contribution rate for each individual member, as determined by the actuary, by the salary expected to be paid to that member during the fiscal year in which such normal contribution is payable, and (ii) calculating the sum of the individual entry age normal contributions attributable to all such members. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an individual basis which he or she deems appropriate, and which are consistent with the provisions of subparagraph (b) of this paragraph.

(e) In the alternative, the methodology determined by the actuary in accordance with subparagraph (c) of this paragraph may provide for the actuary to calculate the entry age normal contribution on an aggregate basis by multiplying the entry age normal contribution rate for all members in the aggregate, as determined by the actuary, by the aggregate amount of the salaries expected to be paid to all members during the fiscal year in which the normal contribution is payable. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an aggregate basis which he or she deems appropriate, and which are consistent with the provisions of subparagraph (b) of this paragraph.

(f) In the alternative, the methodology determined by the actuary in accordance with subparagraph (c) of this paragraph may provide for the calculation of the entry age normal contribution on any other basis which the actuary deems appropriate, and which is consistent with the entry age actuarial cost method and the provisions of subparagraph (b) of this paragraph.

(g) (i) Where the methodology determined by the actuary in accordance with subparagraph (c) of this paragraph requires the determination of an

entry age normal contribution rate for each individual member in order to calculate the entry age normal contribution for each individual member, the actuary shall determine such rate for each such member in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary for each such member, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetime of that particular member from his or her age at entry, the actuarial present value of benefits to which such member is expected to become entitled, as determined by the actuary.

(ii) Where the methodology determined by the actuary in accordance with subparagraph (c) of this paragraph requires the determination of an entry age normal contribution rate for all members in the aggregate in order to calculate the entry age normal contribution for all members in the aggregate, the actuary shall determine such rate in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary.

§ 24. Subdivision (c) of section 13-533 of the administrative code of the city of New York is amended by adding a new paragraph 2-a to read as follows:

(2-a) Where a responsible obligor (as defined in paragraph ten of subdivision a of section 13-638.2 of this title) is required to make payments to the retirement system pursuant to applicable provisions of law in fiscal year two thousand twelve--two thousand thirteen, and in any fiscal year thereafter, and the provisions of this subdivision or the provisions of any other applicable law do not otherwise specifically require such responsible obligor to make such payments by a particular date or dates during such fiscal year, such responsible obligor shall make such payments either (A) in total on or before January first of such fiscal year, or (B) in twelve equal monthly installments, as determined by the actuary, with each monthly installment to be paid on or before the last day of each month.

§ 25. Paragraph 2 of subdivision b of section 13-638.2 of the administrative code of city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) With respect to each retirement system, such rate of interest shall be as hereinafter set forth in this paragraph:

Retirement System	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
NYCERS	[~~8~~] **7**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
NYCTRS	[~~8~~] **7**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
PPF	[~~8~~] **7**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
FPF	[~~8~~] **7**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
BERS	[~~8~~] **7**%	July 1, [~~2004~~] **2011** to

June 30, [~~2012~~] **2016**

§ 26. Paragraph 2 of subdivision f of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) Such special interest shall be allowed at the rates and for the periods set forth below in this paragraph:

Retirement System	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
NYCERS	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
NYCTRS	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
PPF	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
FPF	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
BERS	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**

§ 27. Paragraph 2 of subdivision g of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) Such additional interest shall be included at the rates and for the periods set forth below in this paragraph:

Retirement System	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
NYCERS	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
NYCTRS	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
PPF	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
FPF	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
BERS	1 1/4%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**

§ 28. Paragraph 2 of subdivision i of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 180 of the laws of 2011, is amended to read as follows:

(2) Such supplementary interest shall be allowed at the rates and for the periods set forth below in this paragraph:

Retirement System	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
NYCERS	[~~1~~] **0**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
NYCTRS	[~~1~~] **0**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
PPF	[~~1~~] **0**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
FPF	[~~1~~] **0**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**
BERS	[~~1~~] **0**%	July 1, [~~2004~~] **2011** to June 30, [~~2012~~] **2016**

§ 29. Subparagraph (i) of paragraph 1 of subdivision k of section 13-638.2 of the administrative code of the city of New York, as added by chapter 85 of the laws of 2000, is amended to read as follows:

(i) Subject to the provisions of subparagraphs (iii) and (iv) of this paragraph, in any case where the valuation rate of interest for a retirement system is changed by law for any period beginning on or after July first, two thousand four, or where the board of trustees of a retirement system, for any period beginning on or after July first, nineteen hundred ninety-nine, adopts changed actuarial tables used in valuing the liabilities of such retirement system, or where a significant change in an actuarial valuation method (as defined in paragraph sixteen of subdivision a of this section) is made for any period beginning on or after July first, nineteen hundred ninety-nine in relation to a retirement system, the actuary thereof shall calculate, as of June thirtieth next preceding the first day of the fiscal year for which such changed rate or changed tables or significant change in an actuarial valuation method first becomes or became effective, an unfunded accrued liability adjustment applicable to each responsible obligor in relation to such retirement system**, provided, however, that no unfunded accrued liability adjustment shall be established under this subdivision for any retirement system with respect to any change in the valuation rate of interest, change in actuarial tables or significant change in an actuarial valuation method where such changed valuation rate of interest, actuarial tables or actuarial valuation method applies to such retirement system with respect to any actuarial valuation performed by the actuary as of June thirtieth, two thousand ten or as of any date thereafter**.

§ 30. Section 13-638.2 of the administrative code of the city of New York is amended by adding a new subdivision k-1 to read as follows:

k-1. All installments of contribution resulting from any unfunded accrued liability established for any retirement system prior to the establishment of the unfunded accrued liability as of June thirtieth, two thousand ten for the retirement systems pursuant to the provisions of paragraph one of subdivision k-2 of this section which are payable to any retirement system on or after July first, two thousand eleven are hereby canceled and shall not be due and payable on or after such July first.

§ 31. Section 13-638.2 of the administrative code of the city of New York is amended by adding a new subdivision k-2 to read as follows:

k-2. (1) (i) The actuary for each of the retirement systems (as defined in paragraph one of subdivision a of this section), upon the basis of the latest mortality and other tables applicable at the time he or she performs the calculations, and the valuation rate of interest (as defined in paragraph eleven of subdivision a of this section), shall calculate separately for each of the retirement systems, as of June thirtieth, two thousand ten and as of each succeeding June thirtieth, an unfunded accrued liability for each of the retirement systems in accordance with the succeeding subparagraphs of this paragraph.

(ii) The actuary shall calculate, as of the applicable June thirtieth, an amount equal to the sum of (A) the total actuarial present value of all benefits payable by the retirement system pursuant to applicable law, as determined by the actuary, and (B) the liability of the retirement system, as determined by the actuary, for amounts which the retirement system may be required by applicable law to pay to any other fund on account of related benefits financed through the retirement system, without a corresponding offset in the liabilities of the retirement system.

(iii) The unfunded accrued liability of the retirement system as of the applicable June thirtieth shall be the amount obtained by deducting from the amount of such total liability of the retirement system on account of benefits, as determined by the actuary pursuant to subparagraph (ii) of this paragraph, the sum of:

(A) the actuarial present value of entry age normal contributions payable to the retirement system, as determined by the actuary as of the applicable June thirtieth in a manner consistent with the entry age actuarial cost method, and with the applicable methodologies set forth for NYCERS in subparagraph (d) of paragraph two of subdivision b of section 13-127 of this title, for the PPF in subparagraph (e) of paragraph two of subdivision b of section 13-228 of this title, for the FPF in subparagraph (e) of paragraph two of subdivision b of section 13-331 of this title, for the NYCTRS in paragraph five of subdivision b of section 13-527 of this title or for BERS in item (v) of subparagraph four of paragraph (c) of subdivision sixteen of section twenty-five hundred seventy-five of the education law;

(B) the present value of future member contributions of all members of the retirement system, as determined by the actuary as of the applicable June thirtieth;

(C) the total funds on hand of the retirement system, as determined by the actuary as of the applicable June thirtieth; and

(D) the present value of future installments of unfunded accrued liability contributions to the retirement system.

(iv) The actuary, in determining the unfunded accrued liability pursuant to this paragraph, may make any adjustments which he or she deems appropriate due to the calculation of the unfunded accrued liability as of the second June thirtieth preceding the fiscal year in which the first installment of such unfunded accrued liability becomes payable or creditable.

(2) (i) The unfunded accrued liability calculated by the actuary as of June thirtieth, two thousand ten for each retirement system pursuant to paragraph one of this subdivision shall be known as the "2010 UAL" or, with respect to NYCERS as the "NYCERS 2010 UAL", with respect to NYCTRS as the "NYCTRS 2010 UAL", with respect to the PPF as the "PPF 2010 UAL",

with respect to the FPF as the "FPF 2010 UAL" and with respect to BERS as the "BERS 2010 UAL".

(ii) The 2010 UAL for each retirement system shall be amortized in twenty-one annual installments, as determined by the actuary, payable over a period of twenty-two fiscal years following its establishment as of June thirtieth, two thousand ten, with payments commencing with the two thousand eleven--two thousand twelve fiscal year. The actuary for each of the retirement systems shall determine the schedule of contribution installments so that each installment after the first shall equal one hundred three per centum of the next preceding installment.

(3) (i) The unfunded accrued liability calculated pursuant to paragraph one of this subdivision by the actuary as of June thirtieth, two thousand eleven, and as of each succeeding June thirtieth, shall be known as a "post-2010 UAL adjustment". With respect to each retirement system, such unfunded accrued liability shall be known by the name consisting of the applicable abbreviation for the retirement system, as defined in paragraph three, four, five, six or seven of subdivision a of this section, followed by the calendar year as of which the unfunded accrued liability was established, followed by the term "UAL adjustment".

(ii) Each post-2010 UAL adjustment for each retirement system shall be amortized in equal installments payable or creditable, as determined by the actuary, as follows:

(A) that portion of a post-2010 UAL adjustment which is attributable to actuarial gains or losses, as determined by the actuary, shall be amortized in fourteen annual installments, as determined by the actuary, payable or creditable over a period of fifteen fiscal years following the June thirtieth as of which the unfunded accrued liability was established, with payments or credits commencing with the second fiscal year succeeding the June thirtieth as of which the unfunded accrued liability was established, provided, however, that the portion of a post-2010 UAL adjustment which is attributable to actuarial gains and losses shall be an amount equal to the total amount of such post-2010 UAL adjustment minus an amount equal to the sum of the portions of such post-2010 UAL adjustment, if any, which are attributable to (1) changes in the valuation rate of interest, changes in actuarial tables and changes in actuarial methods, as determined by the actuary pursuant to item (B) of this subparagraph, and (2) recently enacted changes in benefits which were not incorporated in the unfunded accrued liability established as of the preceding June thirtieth, as determined by the actuary pursuant to item (C) of this subparagraph;

(B) that portion of a post-2010 UAL adjustment which is attributable to changes in the valuation rate of interest, changes in actuarial tables or changes in actuarial methods, as determined by the actuary, shall be amortized in nineteen annual installments, as determined by the actuary, payable or creditable over a period of twenty fiscal years following the June thirtieth as of which the unfunded accrued liability was established, with payments or credits commencing with the second fiscal year succeeding the June thirtieth as of which the unfunded accrued liability was established; or

(C) that portion of a post-2010 UAL adjustment which is attributable to recently enacted changes in benefits which were not incorporated in the unfunded accrued liability established as of the preceding June thirtieth, as determined by the actuary, shall, unless an amortization period of a different length is specified by the law enacting such benefit changes, be payable or creditable in annual installments over a

period of fiscal years comparable in length to the number of years which is one less than the number of years of the remaining working lifetimes of members covered by the benefit changes, as determined by the actuary, with the payment or credit of such annual installments commencing with the second fiscal year succeeding the June thirtieth as of which the unfunded accrued liability was established, provided, however, that where the length of the amortization period for the benefit changes is not specified in the law enacting the benefit changes, the actuary, in his or her discretion, and in lieu of amortizing the portion of the unfunded accrued liability attributable to the benefit changes over a period of fiscal years comparable in length to the number of years which is one less than the number of years of the remaining working lifetimes of members covered by the benefit changes, may select an amortization period that is reasonably consistent with past practice for amortizing unfunded accrued liability attributable to the particular type of benefit changes.

(4) Notwithstanding any other provision of law to the contrary, with respect to any installment of an unfunded accrued liability or an unfunded accrued liability adjustment, in the event that such retirement system has more than one responsible obligor, the actuary for that retirement system shall determine and shall allocate to each such responsible obligor its share of that installment, as determined to be appropriate by the actuary. Each responsible obligor's share of each such installment shall be either a charge or a credit with respect to such responsible obligor for the applicable fiscal year.

(5) For each fiscal year, commencing with the two thousand eleven--two thousand twelve fiscal year, the actuary shall determine whether the sum of the charges and credits applicable to each responsible obligor for such fiscal year with respect to the applicable retirement system shall constitute a total charge or a total credit. Where such amount for such responsible obligor for such fiscal year with respect to such retirement system is a total charge, the responsible obligor shall pay an amount equal to such total charge to the retirement system in a timely manner, as required by paragraph six of this subdivision. Where such amount for such responsible obligor for such fiscal year with respect to such retirement system is a total credit, the amount of employer contributions otherwise payable by such responsible obligor to such retirement system for such fiscal year pursuant to applicable provisions of law, as determined by the actuary, shall be reduced by the amount of such total credit, provided, however, that such total amount of employer contributions otherwise payable by such responsible obligor to such retirement system for such fiscal year shall not be reduced below an amount equivalent to the amount payable by such responsible obligor for such fiscal year for administrative expenses, as determined by the actuary in accordance with the provisions of subdivision f of section 13-103 of this title for NYCERS, subdivision h of section 13-216 of this title for the PPF, subdivision d of section 13-518 of this title for the NYCTRS or paragraph (e) of subdivision twenty-three of section twenty-five hundred seventy-five of the education law for BERS, and shall not be reduced below zero for the FPF, provided further, that where a total credit for a responsible obligor with respect to a retirement system has been offset against employer contributions otherwise payable by such obligor to such retirement system for such fiscal year by the maximum amount permissible pursuant to the preceding provisions of this paragraph, and all or a portion of such credit remains after such offset, the remaining credit shall be carried forward, together with interest calculated on

such amount at the valuation rate of interest, as a credit for such obligor for the following fiscal year, as determined by the actuary.

(6) All responsible obligors shall make all unfunded accrued liability payments to a retirement system required pursuant to the provisions of this subdivision in accordance with the time of payment requirements set forth in subdivision c of section 13-133 of this title for NYCERS, subdivision c of section 13-231 of this title for the PPF, subdivision c of section 13-334 of this title for the FPF, subdivision (c) of section 13-533 of this title for the NYCTRS or paragraph (j) of subdivision sixteen of section twenty-five hundred seventy-five of the education law for BERS.

§ 32. Subdivision d of section 13-705 of the administrative code of the city of New York, as amended by chapter 152 of the laws of 2006, is amended to read as follows:

d. In each city fiscal year, beginning with investment expenses paid during the nineteen hundred ninety-eight--nineteen hundred ninety-nine fiscal year, whenever the income, interest or dividends derived from deposits or investments of the funds of a retirement system are used pursuant to subdivision b of this section to pay the expenses incurred by such retirement system in acquiring, managing or protecting investments of its funds, the monies so paid shall be made a charge to be paid by each participating employer otherwise required to make contributions to such retirement system no later than the end of the fiscal year next succeeding the fiscal year during which such monies were drawn upon, provided, however, that where such charge is for such investment expenses paid during fiscal year two thousand four--two thousand five or during any subsequent fiscal year, such charge shall be paid by each such participating employer no later than the end of the second fiscal year succeeding the fiscal year during which such monies were drawn upon**, provided further that the provisions of this subdivision shall not apply to investment expenses paid during the two thousand nine--two thousand ten fiscal year or during any subsequent fiscal year**. In the event that such retirement system has more than one participating employer, the actuary shall calculate and allocate to each such participating employer its share of such charge. All charges to be paid pursuant to this subdivision shall be paid at the regular rate of interest utilized by the actuary in determining employer contributions to the retirement system pursuant to the provisions of paragraph two of subdivision b of section 13-638.2 of this title.

§ 33. Subparagraph 2 of paragraph (c) of subdivision 16 of section 2575 of the education law is amended by adding two new items (i-A) and (i-B) to read as follows:

(i-A) all unfunded accrued liability installments as required by section 13-638.2 of the administrative code of the city of New York or any other provision of law; and

(i-B) any other payments to the contingent reserve fund as required by applicable law; and

§ 34. Subparagraph 3 of paragraph (c) of subdivision 16 of section 2575 of the education law is amended by adding a new item (vii) to read as follows:

(vii) The board of education and all other responsible obligors (as defined in paragraph ten of subdivision a of section 13-638.2 of the administrative code of the city of New York) shall make all payments to the retirement system required by applicable law in accordance with the time of payment requirements set forth in paragraph (j) of this subdivision. Any responsible obligor which does not make all or any portion of

such required payments to the retirement system in a timely manner in fiscal year two thousand twelve--two thousand thirteen, or in any fiscal year thereafter, shall be required to pay interest to the retirement system on such overdue amounts, as determined by the actuary. The actuary shall determine, at such time as he or she deems appropriate, interest payments on such overdue amounts using a rate of interest equivalent to the valuation rate of interest (as defined in paragraph eleven of subdivision a of section 13-638.2 of the administrative code of the city of New York). Responsible obligors shall make such interest payments on overdue amounts to the retirement system in the manner and at such time as the actuary deems appropriate.

§ 35. Item (i) of subparagraph 4 of paragraph (c) of subdivision 16 of section 2575 of the education law, as amended by chapter 85 of the laws of 2000, is amended to read as follows:

(i) **Notwithstanding the succeeding provisions of this item or the provisions of item (i-A), (ii), (iii) or (iv) of this subparagraph, for fiscal year two thousand eleven--two thousand twelve, and for each fiscal year thereafter, the amount of the normal contribution payable to the contingent reserve fund shall be determined pursuant to the provisions of item (v) of this subparagraph.** Upon the basis of the latest mortality and other tables authorized by the applicable provisions of the rules and regulations and regular interest, the actuary shall determine, as of June thirtieth, nineteen hundred eighty and as of each succeeding June thirtieth, the amount of the total liability for all benefits provided in the rules and regulations, in articles eleven and fourteen of the retirement and social security law and in any other law prescribing benefits payable by the retirement system on account of all members and beneficiaries, excluding the liability on account of future increased-take-home-pay contributions, if any, and the liability for benefits attributable to the annuity savings fund and to the variable annuity savings fund, provided, however, that in determining such total liability as of June thirtieth, nineteen hundred ninety-five and as of each succeeding June thirtieth, the actuary shall include (A) the liability on account of future increased-take-home-pay contributions, if any, (B) the liability on account of future public employer obligations under the provisions of subdivision twenty of section two hundred forty-three of the military law, to pay in behalf of members qualifying for such benefit, member contributions with respect to certain periods of the military service of such members and (C) the liability for benefits attributable to the annuity savings fund and to the variable annuity savings fund, and provided further that in determining such total liability as of June thirtieth, nineteen hundred ninety-nine and as of each succeeding June thirtieth, the actuary shall include any other liability, as determined by the actuary, for benefits attributable to the variable annuity programs, and provided further that in determining such total liability as of June thirtieth, two thousand and as of each succeeding June thirtieth, the actuary shall include the amount, if any, as estimated by the actuary, of the total liability of the retirement system on account of payments which the retirement system may be required to make to any other fund without a corresponding offset in the liabilities of the retirement system.

§ 36. Subparagraph 4 of paragraph (c) of subdivision 16 of section 2575 of the education law is amended by adding a new item (v) to read as follows:

(v) (A) Notwithstanding the preceding items of this subparagraph or any other provision of law to the contrary, the normal contribution

payable to the contingent reserve fund in fiscal year two thousand eleven--two thousand twelve, and in each fiscal year thereafter, shall be the entry age normal contribution, as determined by the actuary pursuant to this item in a manner consistent with the entry age actuarial cost method. The actuary shall determine the entry age normal contribution for each such fiscal year as of June thirtieth of the second fiscal year preceding the fiscal year in which such normal contribution is payable, based on the latest mortality and other tables applicable at the time he or she performs such calculations, and the valuation rate of interest as provided for the retirement system in paragraph two of subdivision b of section 13-638.2 of the administrative code of the city of New York.

(B) In calculating the entry age normal contribution payable in any such fiscal year pursuant to this item, the actuary, in his or her discretion, may make certain adjustments in the calculation methodology, provided that such adjustments are generally accepted as consistent with the entry age actuarial cost method, and are designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary. Such generally accepted adjustments in the calculation methodology, in the discretion of the actuary, may include, but are not limited to, the calculation of the entry age normal contribution (1) on an individual member basis by calculating the amount of the entry age normal contribution attributable to each individual member, and then adding together such individual member amounts, (2) on an aggregate basis for all members or (3) on any combination of an individual member basis and an aggregate basis which is consistent with the entry age actuarial cost method, and the preceding provisions of this sub-item.

(C) For each such fiscal year, the actuary, in his or her discretion, shall determine, in accordance with the provisions of sub-item (B) of this item, the methodology for calculating the entry age normal contribution payable for that particular fiscal year.

(D) The methodology determined by the actuary in accordance with sub-item (C) of this item may provide for the actuary to calculate the entry age normal contribution on an individual member basis by (1) multiplying the entry age normal contribution rate for each individual member, as determined by the actuary, by the salary expected to be paid to that member during the fiscal year in which such normal contribution is payable, and (2) calculating the sum of the individual entry age normal contributions attributable to all such members. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an individual basis which he or she deems appropriate, and which are consistent with the provisions of sub-item (B) of this item.

(E) In the alternative, the methodology determined by the actuary in accordance with sub-item (C) of this item may provide for the actuary to calculate the entry age normal contribution on an aggregate basis by multiplying the entry age normal contribution rate for all members in the aggregate, as determined by the actuary, by the aggregate amount of the salaries expected to be paid to all members during the fiscal year in which the normal contribution is payable. The actuary, in his or her discretion, may make any adjustments to such methodology for determining the entry age normal contribution on an aggregate basis which he or she deems appropriate, and which are consistent with the provisions of sub-item (B) of this item.

(F) In the alternative, the methodology determined by the actuary in accordance with sub-item (C) of this item may provide for the calculation of the entry age normal contribution on any other basis which the actuary deems appropriate, and which is consistent with the entry age actuarial cost method and the provisions of sub-item (B) of this item.

(G) (1) Where the methodology determined by the actuary in accordance with sub-item (C) of this item requires the determination of an entry age normal contribution rate for each individual member in order to calculate the entry age normal contribution for each individual member, the actuary shall determine such rate for each such member in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary for each such member, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetime of that particular member from his or her age at entry, the actuarial present value of benefits to which such member is expected to become entitled, as determined by the actuary.

(2) Where the methodology determined by the actuary in accordance with sub-item (C) of this item requires the determination of an entry age normal contribution rate for all members in the aggregate in order to calculate the entry age normal contribution for all members in the aggregate, the actuary shall determine such rate in accordance with the entry age actuarial cost method, and such rate, as determined by the actuary, shall be consistent with a method designed, in general, to fund, on a level basis over the working lifetimes of members from their ages at entry, the actuarial present value of benefits to which such members are expected to become entitled, as determined by the actuary.

§ 37. Paragraph (j) of subdivision 16 of section 2575 of the education law is amended by adding a new subparagraph 2-a to read as follows:

(2-a) Where a responsible obligor (as defined in paragraph ten of subdivision a of section 13-638.2 of the administrative code of the city of New York) is required to make payments to the retirement system pursuant to applicable provisions of law in fiscal year two thousand twelve--two thousand thirteen, and in any fiscal year thereafter, and the provisions of this paragraph or the provisions of any other applicable law do not otherwise specifically require such responsible obligor to make such payments by a particular date or dates during such fiscal year, such responsible obligor shall make such payments either (i) in total on or before January first of such fiscal year, or (ii) in twelve equal monthly installments, as determined by the actuary, with each monthly installment to be paid on or before the last day of each month.

§ 38. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2011. Notwithstanding any other provision of law, for the purposes of calculating an actuarial reserve pursuant to the provisions of section 13-557 of the administrative code of the city of New York, the valuation rate of interest and mortality tables in effect on June 30, 1988 shall be utilized by the actuary.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: BACKGROUND: In reports dated February 10, 2012, the Actuary presented proposed changes in actuarial assumptions and methods for determining employer contributions for Fiscal Years beginning on and after July 1, 2011 (i.e., the "Silver Books") to each of the Boards of Trustees of the following five actuarially-funded New York City Retirement Systems ("NYCRS"):

* New York City Employees' Retirement System ("NYCERS")
* New York City Teachers' Retirement System ("TRS")
* New York City Board of Education Retirement System ("BERS")

* New York City Police Pension Fund ("POLICE")
* New York City Fire Department Pension Fund ("FIRE")

These Silver Books were developed by the Actuary after reviewing the two most recent actuarial experience studies required by the New York City Charter and prepared by The Segal Company in their Report dated November 2006 and The Hay Group in their Report dated December 2011.

The principal components of the Actuary's proposed changes in actuarial assumptions and methods used to develop employer contributions to the NYCRS are to:

* Reduce the Actuarial Interest Rate ("AIR") assumption from 8.0% per annum (gross of expenses) to 7.0% per annum (net of expenses).
* Retain the current economic actuarial assumptions for the Consumer Price Inflation of 2.5% per year and the General Wage Increase ("GWI") of 3.0% per year.
* Update demographic actuarial assumptions to reflect the Actuary's best estimate of future experience.
* Replace the current Actuarial Cost Method ("ACM") (i.e., the Frozen Initial Liability ("FIL") ACM) with the Entry Age Actuarial Cost Method ("EAACM") and establish certain amortization methods and periods to be used for financing the Unfunded Actuarial Accrued Liabilities ("UAAL") developed under this new ACM.
* Retain the current six-year phase-in period for Unexpected Investment Returns ("UIR") for investment gains and losses for the Actuarial Asset Valuation Method ("AAVM") for Fiscal Year 2012 and beyond. Use a Market Value Restart as of June 30, 2011 and set the June 30, 2010 Actuarial Asset Value ("AAV") equal to the June 30, 2011 Market Value of Assets ("MVA") discounted by the AIR assumption (adjusted for cash flow).

Certain of the proposals developed by the Actuary (e.g., probabilities of decrement from active service, probabilities of death after retirement) require adoption by the Board of Trustees of each of the NYCRS.

Other proposed changes in actuarial assumptions and methods require passage of enabling legislation by the New York State Legislature and enactment by the Governor.

The provisions of this amended proposed legislation, together with the adoption of actuarial tables by the Boards of Trustees of the NYCRS and application of the revised AAVM, represent the packages of actuarial assumptions and methods proposed by the Actuary for financing the NYCRS.

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Administrative Code of the City of New York ("ACNY") Sections 13-127, 13-133, 13-194, 13-228, 13-271, 13-281, 13-331, 13-527, 13-533, 13-638.2 and 13-705 and Education Law Section 2575 by including provisions that impact the development of employer contributions to the NYCRS.

Specifically, for each of the NYCRS, this amended proposed legislation would:

* Reduce the AIR assumption to be used for developing employer contributions from 8.0% per annum (gross of expenses) to 7.0% per annum (net of expenses).
* Continue through Fiscal Year 2016 the use of the 8.25% per year crediting rate on Annuity Savings Fund ("ASF") and Increased-Take-Home-Pay ("ITHP") Reserves for Tier I and Tier II members.
* Replace the current ACM (i.e., the FIL ACM) with the EAACM.
* Amortize over a 22-year period the Initial UAAL established under the EAACM with 21 annual payments beginning Fiscal Year 2012 using

Increasing Dollar Payments ("IDP"), where the increase in payments would be 3.0% per year, consistent with the proposed GWI assumption.

Amortize over a 20-year period (19 annual payments) additional UAAL attributable to future actuarial assumption and/or method changes, over a 15-year period (14 annual payments) any actuarial gains and losses and over an approximation of the remaining working lifetimes of those impacted (unless the amortization period is established by statute) any benefit changes, using Level Dollar Payments ("LDP").

The Actuary would be provided with the authority to establish UAAL and/or amortization schedules consistent with the EAACM, where such UAAL and/or amortization schedules are appropriate but not provided in legislation.

* Retain the One-Year Lag Methodology ("OYLM").

* Retain the repayment of Administrative Expenses, with interest, in the second fiscal year after occurrence.

Provide for the transfer of assets directly from NYCERS to the Correction Officers' Variable Supplements Fund ("COVSF") in the event that assets of the COVSF are insufficient to meet any legally-required benefit payments.

* Provide for the transfer of assets directly from POLICE to the Police Officers' Variable Supplements Fund ("POVSF") and to the Police Superior Officers' Variable Supplements Fund ("PSOVSF") in the event that assets of the POVSF or the PSOVSF are insufficient to meet any legally-required benefit payments.

* Although recommended by the Actuary, due to concerns expressed by certain FIRE Trustees, not provide for the transfer of assets directly from FIRE to the Firefighters' Variable Supplements Fund ("FFVSF") and to the Fire Officers' Variable Supplements Fund ("FOVSF") in the event that assets of the FFVSF or the FOVSF are insufficient to meet any legally-required benefit payments.

* Provide for the payment of interest on employer contributions made after the due dates determined and communicated by the Actuary to the Boards of Trustees.

ACTUARIAL PRESENT VALUES OF BENEFITS: Enactment of this amended proposed legislation, together with the other changes in actuarial assumptions and methods adopted by the Boards of Trustees of the NYCRS, would result in an increase in the Actuarial Present Value ("APV") of Benefits ("APVB") (inclusive of the APVB of the Variable Supplements Funds ("VSFs")) of the NYCRS of approximately $36.0 billion as of June 30, 2010, as shown in the following Table I:

TABLE I

Comparison of Actuarial Present Values of Benefits
Before and After Proposed Changes
in Actuarial Assumptions and Methods
as of June 30, 2010

($ Billions)

Actuarial Present Values of Benefits{1}

Retirement System	Before Changes{2}	After Changes{3}	Difference{4}

NYCERS	$ 64.7	$ 78.0	$ 13.3
TRS	58.3	68.2	9.9
BERS	3.7	4.6	.9
POLICE	42.3	50.7	8.4
FIRE	**17.0**	**20.5**	**3.5**
Total	$186.0	$222.0	$ 36.0

{1} Amounts include APVB of the VSFs.

{2} Equals APVB as of June 30, 2010 based on preliminary census data used for the June 30, 2010 (Lag) actuarial valuations, on preliminary calculations using actuarial software being replaced and on current actuarial assumptions and methods.

{3} Equals APVB as of June 30, 2010 based on final census data used for the June 30, 2010 (Lag) actuarial valuations, on final calculations using new actuarial software and on proposed actuarial assumptions and methods.

{4} Equals After Changes minus Before Changes.

ANNUAL EMPLOYER CONTRIBUTIONS: Under the EAACM, the Actuarial Present Value ("APV") of Projected Benefits ("APVB") of each individual included in the actuarial valuation is allocated on a level basis over the earnings (or service) of the individual between entry age and assumed exit age(s).

The portion of this APV allocated to a valuation year is referred to as the Normal Contribution. The portion of this APV not provided for at a valuation date by the APV of Future Normal Contributions is the Actuarial Accrued Liability ("AAL"). The excess, if any, of the AAL over the AAV is the UAAL.

Under this method, actuarial gains (losses), as they occur, reduce (increase) the UAAL and are explicitly identified and amortized. Increases (decreases) in obligations due to benefit changes, actuarial assumption and/or method changes are also explicitly identified and amortized.

The initial UAAL as of June 30, 2010 would be amortized over 22 years with 21 annual payments beginning Fiscal Year 2012 increasing by 3.0% per year, recognizing the impact of employer contributions made during Fiscal Year 2011 under the OYLM.

Furthermore, the Actuary proposes revising the AAVM as of June 30, 2010 for each of the NYCRS. The new method would retain the current six-year phase-in period for Unexpected Investment Returns ("UIR") for the AAVM of 15%, 15%, 15%, 15%, 20% and 20% for investment gains/losses for Fiscal Year 2012 and beyond. However, the AAV as of June 30, 2011 would be set equal to the MVA as of that date and the June 30, 2010 AAV would be set equal to the June 30, 2011 MVA, discounted by the AIR assumption and adjusted for cash flow.

The One-Year Lag Methodology and the repayment of Administrative Expenses with interest, in the second fiscal year after occurrence, would be retained.

EMPLOYER CONTRIBUTIONS - FISCAL YEAR 2012: The following Table II presents the combined impact of all of the proposed changes in actuarial assumptions and methods on the Fiscal Year 2012 employer contributions to the NYCRS.

Specifically, Table II shows a comparison between: (1) estimated Fiscal Year 2012 employer contributions based upon the actuarial assumptions and methods currently in effect ("Before Changes") and (2) final Fiscal Year 2012 employer contributions computed in accordance with this

proposed legislation and all of the other proposed actuarial assumptions and methods ("After Changes").

TABLE II

Comparison of Fiscal Year 2012 Employer Contributions Calculated using Current Actuarial Assumptions and Methods with Those Calculated using Proposed Actuarial Assumptions and Methods

($ Billions)

Retirement System	Before Changes{1}	After Changes{2}	Difference{3}
NYCERS	$ 2.59	$ 3.02	$ .43
TRS	2.62	2.67	.05
BERS	.17	.21	.04
POLICE	2.20	2.39	.19
FIRE	**.95**	**.98**	**.03**
Total	$ 8.53	$ 9.27	$ .74

{1} Equals estimated employer contributions for Fiscal Year 2012 based on preliminary census data used for the June 30, 2010 (Lag) actuarial valuations, on preliminary calculations using actuarial software being replaced and on current actuarial assumptions and methods.

{2} Equals final employer contributions for Fiscal Year 2012 based on final census data used for the June 30, 2010 (Lag) actuarial valuations, on final calculations using new actuarial software and on proposed actuarial assumptions and methods.

{3} Equals After Changes minus Before Changes.

EMPLOYER CONTRIBUTIONS - FISCAL YEARS 2012 TO 2016: The financial impact of the proposed changes in actuarial assumptions and methods, relative to the current actuarial assumptions and methods, is to increase and to smooth the pattern of employer contributions to the NYCRS for Fiscal Years 2012 to 2016.

The following Table III compares the estimated employer contributions for the five actuarially-funded NYCRS combined under the current actuarial assumptions and methods and under the proposed actuarial assumptions and methods:

TABLE III

Comparison of Employer Contributions
For Fiscal Years 2012 to 2016
Calculated using Current Actuarial Assumptions and Methods with Those Calculated using Proposed Actuarial Assumptions and Methods{1}

($ Billions)

Fiscal Year	Before Changes{2}	After Changes{3}	Difference{4}
2012	$ 8.53	$ 9.27	$ .74
2013	8.37	9.39	1.02
2014	8.36	9.37	1.01
2015	8.66	9.34	.68
2016	8.87	9.57	.70

{1} Amounts shown are estimated based on preliminary June 30, 2010 census data and on preliminary calculations using actuarial software that is being replaced, with adjustments in amounts shown After Changes to be consistent with final Fiscal Year 2012 amounts.

{2} Equals employer contributions for the respective Fiscal Years based upon the second prior June 30 actuarial valuations and on current actuarial assumptions and methods.

{3} Equals employer contributions for the respective Fiscal Years based upon the second prior June 30 actuarial valuations and on proposed actuarial assumptions and methods.

{4} Equals After Changes minus Before Changes.

CENSUS DATA: The census data used to determine APVB and estimated Fiscal Year 2012 employer contributions Before Changes and After Changes are the active and retired members included in the June 30, 2010 (Lag) actuarial valuations of the NYCRS.

ACTUARIAL ASSUMPTIONS AND METHODS: The actuarial assumptions and methods used to determine estimated Fiscal Year 2012 employer contributions Before Changes are generally the same as those utilized in the June 30, 2009 actuarial valuations of the NYCRS to determine Fiscal Year 2011 employer contributions.

The actuarial assumptions and methods used to determine Fiscal Year 2012 employer contributions After Changes are those proposed by the Actuary to the Boards of Trustees of each of the NYCRS during February 2012.

The actuarial assumptions used to estimate employer contributions for Fiscal Years 2013 to 2016 include projection assumptions consistent with those used to develop estimates for the April 2011 New York City Financial Plan.

APVB and employer contribution amounts shown Before Changes are estimated based on preliminary June 30,2010 census data and on actuarial software that is being replaced.

APVB and employer contributions After Changes used to determine Fiscal Year 2012 employer contributions are based on final June 30, 2010 census data and generally on new actuarial software.

Estimated employer contributions After Changes for Fiscal Years 2013 to 2016 are based on June 30, 2010 census data and projections of APVB adjusted to be consistent with Fiscal Year 2012 results.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and for determining annual employer contributions to NYCRS. However, the economic assumptions (current and proposed) that are used for determining employer contributions do not develop risk-adjusted, economic values of benefits. Such risk-adjusted, economic values of benefits would likely differ significantly from those developed by the budgetary models.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2013 Legislative Session. It is Fiscal Note 2013-01, dated December 14, 2012, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New

York City Police Pension Fund and the New York City Fire Department Pension Fund.

STATE OF NEW YORK

S. 2606--D A. 3006--D

SENATE - ASSEMBLY

January 22, 2013

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 59 of the laws of 2011, amending the public health law and other laws relating to general hospital reimbursement for annual rates, in relation to the cap on local Medicaid expenditures; in relation to the determination of rates of payments by certain state governmental agencies; to amend the social services law, in relation to the medical assistance information and payment system; to amend the social services law, in relation to managed care programs; to amend the public health law, in relation to managed long term care plans; to amend the public health law, in relation to participation in the state health insurance exchange; to amend the state finance law, in relation to liability for certain acts under the false claims act; to amend the state finance law, in relation to civil actions pursuant to the false claims act; to amend part C of chapter 58 of the laws of 2005, amending the public health law and other laws authorizing reimbursements for expenditures made by social services districts for medical assistance, in relation to delay of certain administrative costs; to amend the public health law, in relation to

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

LBD12571-12-3

the preferred drug program; to amend the public health law, in relation to antipsychotic therapeutic drugs; to amend the social services law, in relation to reducing pharmacy reimbursement for name brand drugs; to amend the public health law, in relation to eliminating the summary posting requirement for the pharmacy and therapeutic committee; to amend the social services law, in relation to early refill of prescriptions; to amend the social services law, in relation to authorizing the commissioner of health to implement an incontinence supply utilization management program; to amend the social services law, in relation to the funding of health home infrastructure development; to amend the public health law, in relation to general hospital inpatient reimbursement; to amend the social services law, in relation to managed care programs; to amend section 2 of part H of chapter 111 of the laws of 2010, relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, in relation to the effectiveness thereof; to amend the public health law, in relation to rates of payment for residential health care facilities and in relation to rates of reimbursement for inpatient detoxification and withdrawal services; to amend the public health law, in relation to hospital inpatient base years; to amend the public health law, in relation to the Medicaid managed care inpatient psychiatric care default rate; to amend the public health law, in relation to the Medicaid managed care default rate; to amend the public health law, in relation to moving rate setting for child health plus to the department of health; to amend the social services law and the public health law, in relation to requiring the use of an enrollment broker for counties that are mandated Medicaid managed care and managed long term care; to amend the public health law, in relation to repealing the twentieth day of the month enrollment cut-off for managed long term care enrollees; to amend the public health law, in relation to the nursing home financially disadvantaged program; to amend the public health law, in relation to eliminating the recruitment and retention attestation requirement for certain certified home health agencies; to amend the public health law, in relation to extending the office of the Medicaid inspector general's power to audit rebasing rates; to amend the public health law, in relation to rebasing transition payments; to amend the public health law, in relation to payment of claims; to amend the insurance law, in relation to health care providers; in relation to establishing the home and community-based care work group; in relation to critical access hospitals; to amend the public health law, in relation to eliminating the bed hold requirement; to amend the social services law, in relation to eligibility for Medicaid; to amend the social services law, in relation to treatment of income and resources of institutionalized persons; to amend the public health law, in relation to certain payments for certain home care agencies and services; to amend the social services law, in relation to Medicaid eligibility; to amend the mental hygiene law, in relation to people first waiver program; to amend subdivision (a) of section 90 of part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to general hospital inpatient reimbursement, in relation to the effectiveness thereof; to amend subdivision 1 of section 92 of part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state funds Medicaid expenditures, in relation to the effectiveness thereof; in relation to elimi-

nating the 2013-2014 trend factor and thereafter; to repeal certain provisions of the social services law and the public health law relating to managed care programs; and to repeal certain provisions of the public health law and the social services law relating to the pharmacy and therapeutics committee; providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the public health law, in relation to payments to hospital assessments; to amend part C of chapter 58 of the laws of 2009 amending the public health law relating to payment by governmental agencies for general hospital inpatient services, in relation to the effectiveness of eligibility for medical assistance and the family health plus program; to amend chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential healthcare facilities, in relation to reimbursements; to amend chapter 884 of the laws of 1990, amending the public health law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to the effectiveness thereof; to amend the long term care integration and finance act of 1997, in relation to extending the expiration of operating demonstrations operating a managed long term care plan; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, in relation to reimbursements and the effectiveness thereof; to amend the public health law, in relation to capital related inpatient expenses; to amend part C of chapter 58 of the laws of 2007, amending the social services law and other laws relating to enacting the major components of legislation necessary to implement the health and mental hygiene budget for the 2007-2008 state fiscal year, in relation to rates of payment by state governmental agencies and the effectiveness of certain provisions of such chapter; to amend the social services law, in relation to reports on chronic illness demonstration projects and reports by the commissioner of health on health homes; to amend chapter 451 of the laws of 2007, amending the public health law, the social services law and the insurance law, relating to providing enhanced consumer and provider protections, in relation to extending the effectiveness of certain provisions thereof; to amend the public health law, in relation to rates of payment for long term home health care programs; to amend chapter 426 of the laws of 1983, amending the public health law relating to professional misconduct proceedings and chapter 582 of the laws of 1984, amending the public health law relating to regulating activities of physicians, in relation to the effectiveness of certain provisions thereof; to amend the public health law, in relation to extending a demonstration program for physicians suffering from alcoholism, drug abuse or mental illness; to amend part X2 of chapter 62 of the laws of 2003 amending the public health law relating to allowing the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, in relation to the effectiveness of certain provisions thereof; and to amend chapter 906 of the laws of 1984, amending the social services law relating to expanding medical assistance eligibility and the scope of services available to certain persons with disabilities, in relation to the effectiveness thereof (Part B); to amend the public health law, in relation to indigent care (Part C); to amend the social services law, in relation to eligibility conditions; to amend the social services law, in relation to permitting online and telephone Medicaid applications; to amend the social services law, in relation to allowing

administrative renewals and self-attestation of residency; to amend the social services law, in relation to ending applications for family health plus; to amend the social services law, in relation to modified adjusted gross income and Medicaid eligibility groups; to amend the public health law, in relation to establishing methodology for modified adjusted gross income; to amend the public health law, in relation to centralizing child health plus eligibility determinations; to amend the public health law, in relation to requiring audit standards for eligibility; to amend the public health law, in relation to residency and income attestation and verification for child health plus; to amend the public health law, in relation to eliminating temporary enrollment in child health plus; to amend the public health law, in relation to expanding the child health plus social security number requirement to lawfully residing children; to amend the public health law, in relation to modified adjusted gross income under child health plus; to amend the public health law, in relation to personal interviews under child health plus; to amend the social services law, in relation to amendment of contracts awarded by the commissioner of health; to amend the public health law, in relation to requiring a status report on the health benefit exchange; to amend the insurance law, in relation to health benefit exchange navigators and in relation to clarifying the identity of persons to whom insurance licensing requirements apply; to amend the insurance law, in relation to coverage limitations requirements and student accident and health insurance; to amend the insurance law, in relation to standardization of individual enrollee direct payment contracts; to amend the public health law, in relation to HMOs; to amend the insurance law, in relation to ensuring that group and individual insurance policy provisions conform to applicable requirements of federal law and to make conforming changes; to repeal sections 369-ee and 369-ff of the social services law, relating to the family health plus program; to repeal certain other provisions of the social services law relating thereto; to repeal certain provisions of the insurance law relating thereto; providing for the repeal of certain provisions upon expiration thereof (Part D); to amend the public health law, in relation to the general public health work program; to amend chapter 577 of the laws of 2008 amending the public health law, relating to expedited partner therapy for persons infected with chlamydia trachomatis, in relation to the effectiveness of such chapter; to amend the public health law and the mental hygiene law, in relation to consolidating the excess medical malpractice liability coverage pool; to amend part C of chapter 58 of the laws of 2005, relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and the administration thereof, in relation to the use of Medicaid recovery savings; to repeal sections 602, 610 and 612 and subdivisions 5 and 7 of section 613 of the public health law relating to state aid; to repeal sections 2300, 2301, 2302, 2303, 2309 and 2310 of the public health law relating to the control of sexually transmitted diseases; and providing for the repeal of certain provisions upon expiration thereof (Part E); to amend the mental hygiene law, in relation to the addition to the methadone registry of dosage and such other information as is necessary to facilitate disaster management (Part F); to amend the mental hygiene law, in relation to state aid funding authorization of services funded by the office of alcoholism and substance abuse services; to repeal article 26 of such law relating thereto

(Part G); to amend the mental hygiene law and chapter 56 of the laws of 2012, amending the mental hygiene law relating to the closure and the reduction in size of certain facilities serving persons with mental illness, in relation to references to certain former children's psychiatric centers in the city of New York, and in relation to the expiration and repeal of certain provisions thereof; to amend chapter 62 of the laws of 2003, amending the mental hygiene law and the state finance law relating to the community mental health support and workforce reinvestment program, the membership of subcommittees for mental health of community services boards and the duties of such subcommittees and creating the community mental health and workforce reinvestment account, in relation to extending such provisions relating thereto (Part H); to amend chapter 111 of the laws of 2010 relating to the recovery of exempt income by the office of mental health for community residences and family-based treatment programs, in relation to the effectiveness thereof (Part I); to amend the mental hygiene law, in relation to vesting all authority to appoint and remove officers and employees of the office of mental health (Part J); intentionally omitted (Part K); to amend the mental hygiene law, in relation to creating mental health incident review panels (Part L); to amend the mental hygiene law, in relation to psychiatric emergency programs; and to repeal certain provisions of the mental hygiene law and certain provisions of chapter 723 of the laws of 1989, amending the mental hygiene law and other laws relating to the establishment of comprehensive psychiatric emergency programs, relating to eliminating the annual reports on the comprehensive psychiatric emergency program; family care; and the confinement, care and treatment of persons with developmental disabilities (Part M); to amend chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to foregoing such adjustment during the 2013-2014 state fiscal year (Part N); to authorize the actions necessary to manage the loss of federal revenue and create the Mental Hygiene Stabilization Fund (Part O); to provide medical assistance to certain retirees of the New York city off-track betting corporation (Part P); and to amend the education law and the public health law, in relation to funding to SUNY Downstate Medical Center and directing the restructuring of hospital (Part Q)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2013-2014
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Q. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PARTS A - O OMITTED

21 PART P

22 Section 1. Notwithstanding any other provision of law, for state
23 fiscal year 2013-14, and for each state fiscal year thereafter, up to
24 five million dollars shall be available annually to provide medical
25 assistance for individuals who reside in New York state and are retirees
26 of the New York city off-track betting corporation or were active
27 employees of such corporation with vested pension time or credit as of
28 December 7, 2010, and for the dependents of such individuals, in accord-
29 ance with the provisions of this section. Such individuals who are Medi-
30 care beneficiaries under title XVIII of the federal social security act
31 shall be eligible for assistance under title 11 of article 5 of the
32 social services law with the cost of Medicare premiums and/or cost shar-
33 ing obligations, as determined in accordance with guidelines established
34 by the commissioner of health. For the period from April 1, 2013 to
35 December 31, 2013, such individuals who are not Medicare beneficiaries
36 under title XVIII of the federal social security act shall be eligible
37 for standard fee-for-service coverage under title 11 of article 5 of the
38 social services law, as determined in accordance with guidelines estab-
39 lished by the commissioner of health. Prior to October 1, 2013, the
40 state enrollment center shall provide a written notice of program
41 discontinuance that will become effective as of December 31, 2013, to
42 each individual eligible by a Medicaid fee-for-service plan established
43 pursuant to this section. The notice shall be in such form and contain
44 such information as the commissioner of health may require. In addition
45 to any other information required by such commissioner, the written
46 notice shall include a conspicuous explanation, in plain language,
47 informing such individual of available health insurance options, includ-
48 ing coverage through the health benefit exchange established pursuant to
49 section 1311 of the federal affordable care act, (42 USC § 18031) and
50 information on the process by which application therefore may be made
51 through the state enrollment center in order to effectuate health cover-
52 age under the health benefit exchange for such individuals beginning on
53 January 1, 2014. Such commissioner shall direct the state enrollment
54 center to facilitate the enrollment of such individuals into the health

1 benefit exchange established in accordance with the requirements of the
2 federal patient protection and affordable care act (P.L. 111-148), as
3 amended by the federal health care and education act of 2010 (P.L. 111-
4 152). Upon notice to participating individuals, the size and scope of
5 program benefits in a given fiscal year may be reduced by the commis-
6 sioner of health to remain within program funding levels.
7 § 2. This act shall take effect immediately.

10 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
11 sion, section or part of this act shall be adjudged by any court of
12 competent jurisdiction to be invalid, such judgment shall not affect,
13 impair, or invalidate the remainder thereof, but shall be confined in
14 its operation to the clause, sentence, paragraph, subdivision, section
15 or part thereof directly involved in the controversy in which such judg-
16 ment shall have been rendered. It is hereby declared to be the intent of
17 the legislature that this act would have been enacted even if such
18 invalid provisions had not been included herein.
19 § 3. This act shall take effect immediately provided, however, that
20 the applicable effective date of Parts A through Q of this act shall be
21 as specifically set forth in the last section of such Parts.

Chapter 436 **Signed October 23, 2013**

STATE OF NEW YORK

4982

2013-2014 Regular Sessions

IN ASSEMBLY

February 13, 2013

Introduced by M. of A. BROOK-KRASNY -- (at request of the New York State Teachers' Retirement System) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the education law, in relation to allowing the annual convention of the New York state teachers' retirement system to be held in either the month of October or November

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

Section 1. Subdivision 1 of section 505 of the education law, as amended by chapter 623 of the laws of 1997, is amended to read as follows:

1. An annual convention of the members of the retirement system shall be held within the state of New York during the month of **October or** November, at an hour and place set by the retirement board on or before May first of each year, for the purpose of electing members of the retirement board.

§ 2. This act shall take effect immediately.

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

This bill would amend subdivision 1 of section 505 of the Education Law to permit the annual convention of the New York State Teachers' Retirement System (NYSTRS) to be held either during the month of October or November. Currently, the annual convention of the NYSTRS must be held during the month of November.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted.

The source of this estimate is Fiscal Note 2013-3 dated September 19, 2012 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries

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

LBD08979-01-3

and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

NOTE: This bill was prepared under the direction of the New York State Teachers' Retirement Board and was introduced at its request.

Chapter 522 **Signed December 18, 2013**

STATE OF NEW YORK

6578--A

2013-2014 Regular Sessions

IN ASSEMBLY

April 10, 2013

Introduced by M. of A. ABBATE, AUBRY -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to refunding contributions made to the twenty-five year early retirement program and the age fifty-seven retirement program by New York city transit authority members

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

Section 1. Subdivision d of section 604-c of the retirement and social security law, as added by chapter 96 of the laws of 1995, is amended by adding a new paragraph 15 to read as follows:

15. An eligible former participant, as defined in this paragraph, shall be entitled to a refund of the employee portion of his or her additional member contributions made pursuant to this subdivision which shall include any and all interest thereon at the rate of five percent per annum, compounded annually and such refund shall be payable, upon such participant's application pursuant to procedures promulgated in regulations of the board of trustees of the retirement system. An eligible former participant shall be a participant who is or was employed in the title supervisor (stations) in assignment level II in the New York city transit authority's stations department, and who, on October first, two thousand six, was employed by the New York city transit authority in such title and who was a participant in the twenty-five year early retirement program prior to the starting date of the elimination of additional member contributions, as such date is defined in an election made pursuant to paragraph ten of subdivision e of section six hundred four-b of this article.

§ 2. Subdivision f of section 604-d of the retirement and social security law is amended by adding a new paragraph 15 to read as follows:

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

LBD09787-02-3

15. An eligible former participant, as defined in this paragraph, shall be entitled to a refund of the employee portion of his or her additional member contributions made pursuant to this subdivision which shall include any and all interest thereon at the rate of five percent per annum, compounded annually and such refund shall be payable, upon such participant's application pursuant to procedures promulgated in regulations of the board of trustees of the retirement system. An eligible former participant shall be a participant who is or was employed in the title supervisor (stations) in assignment level II in the New York city transit authority's stations department, and who, on October first, two thousand six, was employed by the New York city transit authority in such title and who was a participant in the age fifty-seven retirement program prior to the starting date of the elimination of additional member contributions, as such date is defined in an election made pursuant to paragraph ten of subdivision e of section six hundred four-b of this article.

§ 3. This act shall take effect immediately.

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

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend New York State Retirement and Social Security Law ("RSSL") Sections 604-c and 604-d to provide to certain New York City Transit Authority ("NYCTA") members of the New York City Employees' Retirement System ("NYCERS") a refund of Additional Member Contributions ("AMC") that were paid while participants of one of the Chapter 96 of the Laws of 1995 ("Chapter 96/95") Retirement Programs.

The Effective Date of the proposed legislation would be the date of enactment.

This Fiscal Note assumes that the proposed legislation is intended to refund interest on AMC in accordance with NYCERS procedures for crediting interest on member contributions.

IMPACT ON PLAN PROVISIONS - ADDITIONAL MEMBER CONTRIBUTIONS: Under Chapter 96/95, AMC were required under each of the Early Retirement Programs:

* The Twenty-Five-Year Early Retirement Program ("55/25 Program") and
* The Age Fifty-Seven Retirement Program ("57/5 Program").

Those NYCERS members who participated in either of such Programs paid AMC of:

* 4.35% of salary for service on and after January 1, 1995 until January 1, 1998,
* 2.85% of salary for service on and after January 1, 1998 until December 2, 2001, and
* 1.85% of salary for service on and after December 2, 2001.

In addition, if such member's job title was considered Physically-Taxing ("PT"), an additional Physically-Taxing AMC ("PTAMC") of 1.98% of salary was required for all service on and after January 1, 1995.

As a result of Chapter 10 of the Laws of 2000, many of the NYCTA Tier IV members of NYCERS who participated in the Chapter 96/95 Retirement Programs were transferred into the Transit Twenty-Five-Year and Age Fifty-Five Retirement Program ("Transit 55/25 Program") effective December 15, 2000. For these members, the AMC and PTAMC that had been payable under the Chapter 96/95 Retirement Programs were no longer required after January 3, 2001 (i.e., the effective implementation date, the first payroll period following the transfer date).

This proposed legislation would refund, on and after the Effective Date, to certain Transit 55/25 Program participants with initial Program participation dates on or before December 15, 2000 who were employed by

the Transit Authority as Station Supervisors Level 2 as of October 1, 2006, including those who are currently retired, the employee portion of the AMC and PTAMC, if any, paid for participation in the Chapter 96/95 Retirement Programs, including accrued interest at 5.0% per annum. For those who are currently retired, interest would accrue until retirement date.

Note: Under the Chapter 96/95 Retirement Programs, 50% of the AMC and PTAMC paid into such Programs is considered an employer contribution while the other 50% is considered to be the employee portion. The employee portion of the AMC and PTAMC is refunded to members who decease prior to retirement or who retire at age 62 or later. If the proposed legislation were enacted, those impacted Transit 55/25 Program participants would receive the balance of the accumulated employee portion of AMC and PTAMC.

To receive such refund, those eligible participants would be required to complete a form and follow procedures to be established by the NYCERS Board of Trustees.

FINANCIAL IMPACT - OVERVIEW: If enacted into the law, the ultimate employer cost of this proposed legislation would be determined by the reduction in expected benefits paid (due to there no longer being a requirement to refund AMC on a future withdrawal), offset by the reduction in Fund assets due to the current refund of AMC.

FINANCIAL IMPACT - UNFUNDED ACTUARIAL ACCRUED LIABILITY: With respect to NYCERS and based on the census data and actuarial assumptions and methods described herein, the enactment of this proposed legislation would result in a decrease in the Actuarial Accrued Liability ("AAL") of approximately $40,000 as of June 30, 2011.

In addition, there would be a reduction in Actuarial Asset Value as of June 30, 2011 to reflect the expected refund of the employee portion of accumulated Chapter 96/95 Retirement Program AMC and PTAMC, if any, for those impacted Transit 55/25 Program participants of approximately $320,000.

Together, the enactment of the proposed legislation would result in a net increase in the Unfunded Actuarial Accrued Liability ("UAAL") to NYCERS of approximately $280,000 as of June 30, 2011.

FINANCIAL IMPACT - ADDITIONAL ANNUAL EMPLOYER COSTS AND CONTRIBUTIONS: With respect to NYCERS, the enactment of this proposed legislation would increase annual employer costs by approximately $70,000 per year for 5 years.

Increases in employer contributions would be comparable to the estimated increases in employer costs.

If enacted on or before June 30, 2013, increased employer contributions to NYCERS would begin Fiscal Year 2013.

If enacted after June 30, 2013 and on or before June 30, 2014, increased employer contributions to NYCERS would begin Fiscal Year 2014.

OTHER COSTS: Not measured in this Fiscal Note are any additional administrative costs or the impact of this proposed legislation on the Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA").

CENSUS DATA: The census data used for estimates of AAL, UAAL and employer contributions presented herein are the 187 Tier IV active members of NYCERS who participate in the Transit 55/25 Program and who were employed by the Transit Authority as Station Supervisors Level 2 as of June 30, 2006.

Of these 187 Tier IV members of NYCERS who participate in the Transit 55/25 Program and who were employed by the Transit Authority as Station Supervisors Level 2 as of June 30, 2006, 57 members have AMC (and, in

certain cases, PTAMC) account balances from contributions made under the Chapter 96/95 Retirement Programs. Two of the 57 retired prior to October 1, 2006 making them ineligible for a refund. The remaining 130 of these members do not have such AMC or PTAMC account balances.

Of the 55 members eligible for a refund, 33 were active members as of June 30, 2011 and 19 retired before age 62. In addition, two members deceased before retirement and one member retired after age 62 and these three members were already refunded the employee portion of their AMC and PTAMC.

ACTUARIAL ASSUMPTIONS AND METHODS: Estimates of changes in AAL, UAAL and employer costs have been calculated using the actuarial assumptions and methods adopted by the NYCERS Board of Trustees during Fiscal Year 2012 and enacted as Chapter 3 of the Laws of 2013 ("2012 A&M") for determining employer contributions for fiscal years beginning on and after July 1, 2011 (i.e., Fiscal Years 2012 and after).

In accordance with Section 13.638.2 (k-2) of the Administrative Code of the City of New York ("ACNY") as enacted by Chapter 3/13, as one component of the 2012 A&M, new UAAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetimes of those impacted by these benefit changes.

For this proposed legislation, the average remaining working lifetime is estimated to equal approximately three years from June 30, 2013 for the entire group impacted and approximately five years for just those estimated to still be active members as of June 30, 2013.

Similar legislations for Transit Operating non-supervisory employees were enacted as Chapter 734 of the Laws of 2006 ("Chapter 734/06") and as Chapter 379 of the Laws of 2007 ("Chapter 379/07") and the additional UAAL was amortized for each legislation under the actuarial assumptions and methods then in effect, implicitly over the average remaining working lifetimes of all NYCERS active members.

The Actuary believes that the ideal financing period for this proposed legislation would be the average remaining working lifetime of the entire group impacted.

However, given the history of the financing of similar legislations (e.g., Chapter 734/06 and Chapter 379/07), the Actuary is inclined to amortize the proposed legislation over five years that approximates the current average remaining working lifetime of the active members impacted. Essentially, this is a compromise between the remaining average working lifetime of the entire group impacted and the average remaining lifetime of all NYCERS members.

For this particular legislation, the Actuary would likely treat the five years of amortization as the payment period beginning one year after the establishment of the UAAL. This approach is consistent with the One-Year Lag Methodology ("OYLM") where the UAAL is considered to be amortized over six years with five years of payments beginning in the second year.

Also note that, historically, other legislation impacting primarily retired or soon-to-be-retired members was often amortized over five years (Retirement Incentive Programs) or 10 years (Supplemental Programs).

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2013 Legislative Session. It is Fiscal Note 2013-04, dated March 6, 2013, prepared by the Chief Actuary for the New York City Employees' Retirement System.

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