2014
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 2014 Legislative Session. Sections I and II list legislation directly affecting NYSLRS, our participating employers, members, retirees and beneficiaries. Sections III and IV cover legislation affecting other New York State public retirement systems.

I hope you find this 2014 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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STATE OF NEW YORK

7478--B

2013-2014 Regular Sessions

IN ASSEMBLY

May 22, 2013

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to allow Joel Lochner to join the optional twenty year retirement plan, city of Amsterdam, county of Montgomery

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 Amsterdam, in the county of Montgomery, 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 city, is
7 hereby authorized to make participation in such plan available to Joel
8 Lochner, a police officer employed by the city of Amsterdam, who, for
9 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 city of Amsterdam may so elect by filing with the state comptroller,
12 on or before December 31, 2014, a resolution of its governing body
13 together with certification that such police officer did not bar himself
14 from participation in such retirement plan. Thereafter, Joel Lochner,
15 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
18 such section, by filing a request to that effect with the state comp-
19 troller on or before December 31, 2014.

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

LBD10547-07-4

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

FISCAL NOTE.--This bill will allow the city of Amsterdam to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Joel Lochner.

If this bill were enacted, we anticipate that there will be an increase of approximately $3,900 in the annual contributions of the city of Amsterdam for the fiscal year ending March 31, 2015. In future years this cost will vary as the billing rates and salary of police officer Joel Lochner change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $14,300 which would be borne by the city of Amsterdam as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

If the past service cost is amortized over a period of five (5) years, the past service costs for the first year including interest, would be approximately $3,300.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 27, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-92, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

8484--A

IN ASSEMBLY

January 17, 2014

Introduced by M. of A. MARKEY, SKOUFIS, JAFFEE, WEISENBERG, SIMANOWITZ, MOSLEY, ZEBROWSKI, COOK, DenDEKKER, SCARBOROUGH, GOTTFRIED, BROOK-KRASNY, RAMOS -- Multi-Sponsored by -- M. of A. CAMARA, MAGEE, PERRY, RIVERA, SCHIMEL, SWEENEY, THIELE -- 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 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 196 of the laws of 2013, is amended to read as follows:

c. Commencing July first, two thousand [~~**thirteen**~~] **fourteen** 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	[~~**189.8%**~~] **198.5%**
1978	[~~**181.4%**~~] **189.8%**
1979	[~~**173.2%**~~] **181.4%**
1980	[~~**165.2%**~~] **173.2%**
1981	[~~**157.5%**~~] **165.2%**
1982	[~~**150.0%**~~] **157.5%**
1983	[~~**142.7%**~~] **150.0%**
1984	[~~**135.7%**~~] **142.7%**
1985	[~~**128.8%**~~] **135.7%**
1986	[~~**122.1%**~~] **128.8%**

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

LBD13494-03-4

1987	[~~115.7%~~] **122.1%**
1988	[~~109.4%~~] **115.7%**
1989	[~~103.3%~~] **109.4%**
1990	[~~97.4%~~] **103.3%**
1991	[~~91.6%~~] **97.4%**
1992	[~~86.0%~~] **91.6%**
1993	[~~80.6%~~] **86.0%**
1994	[~~75.4%~~] **80.6%**
1995	[~~70.2%~~] **75.4%**
1996	[~~65.3%~~] **70.2%**
1997	[~~60.5%~~] **65.3%**
1998	[~~55.8%~~] **60.5%**
1999	[~~51.3%~~] **55.8%**
2000	[~~46.9%~~] **51.3%**
2001	[~~42.6%~~] **46.9%**
2002	[~~38.4%~~] **42.6%**
2003	[~~34.4%~~] **38.4%**
2004	[~~30.5%~~] **34.4%**
2005	[~~26.7%~~] **30.5%**
2006	[~~23.0%~~] **26.7%**
2007	[~~19.4%~~] **23.0%**
2008	[~~15.9%~~] **19.4%**
2009	[~~12.6%~~] **15.9%**
2010	[~~9.3%~~] **12.6%**
2011	[~~6.1%~~] **9.3%**
2012	[~~3.0%~~] **6.1%**
2013	[~~0.0%~~] **3.0%**
2014	**0.0%**

§ 2. Subdivision c of section 361-a of the retirement and social security law, as amended by chapter 196 of the laws of 2013, is amended to read as follows:

c. Commencing July first, two thousand [~~**thirteen**~~] **fourteen** 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	[~~189.8%~~] **198.5%**
1978	[~~181.4%~~] **189.8%**
1979	[~~173.2%~~] **181.4%**
1980	[~~165.2%~~] **173.2%**
1981	[~~157.5%~~] **165.2%**
1982	[~~150.0%~~] **157.5%**
1983	[~~142.7%~~] **150.0%**
1984	[~~135.7%~~] **142.7%**
1985	[~~128.8%~~] **135.7%**
1986	[~~122.1%~~] **128.8%**
1987	[~~115.7%~~] **122.1%**
1988	[~~109.4%~~] **115.7%**
1989	[~~103.3%~~] **109.4%**
1990	[~~97.4%~~] **103.3%**
1991	[~~91.6%~~] **97.4%**
1992	[~~86.0%~~] **91.6%**

1993	[~~80.6%~~] **86.0%**
1994	[~~75.4%~~] **80.6%**
1995	[~~70.2%~~] **75.4%**
1996	[~~65.3%~~] **70.2%**
1997	[~~60.5%~~] **65.3%**
1998	[~~55.8%~~] **60.5%**
1999	[~~51.3%~~] **55.8%**
2000	[~~46.9%~~] **51.3%**
2001	[~~42.6%~~] **46.9%**
2002	[~~38.4%~~] **42.6%**
2003	[~~34.4%~~] **38.4%**
2004	[~~30.5%~~] **34.4%**
2005	[~~26.7%~~] **30.5%**
2006	[~~23.0%~~] **26.7%**
2007	[~~19.4%~~] **23.0%**
2008	[~~15.9%~~] **19.4%**
2009	[~~12.6%~~] **15.9%**
2010	[~~9.3%~~] **12.6%**
2011	[~~6.1%~~] **9.3%**
2012	[~~3.0%~~] **6.1%**
2013	[~~0.0%~~] **3.0%**
2014	**0.0%**

§ 3. This act shall take effect July 1, 2014.

FISCAL NOTE.--This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2014.

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 $438,000 above the approximately $9.7 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:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

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 13, 2014 and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-55, 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 and/or certain other individuals ("Eligible Beneficiaries") of former uniformed employees of the City and the New York City Health and Hospitals Corporation and for 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, 2014.

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 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. If neither a widow/widower nor a child is alive, then the SADB may be paid to certain other individuals if eligible in accordance with certain laws related to the World Trade Center ("WTC") attack.

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 173.2% of Final Salary as of July 1, 2013.

Under the proposed legislation, the additional, incremental percentage of Final Salary to be effective July 1, 2014 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 $2.7 million.

NOTE: These additional payments represent an increase of approximately 4.5% in the estimated SADB payments during the first year.

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

NOTE: Historically, the State of New York (the "State") reimbursed the City for most GML Section 208.f payments. However, 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 Eligible Beneficiaries of deceased NYCRS members who would be impacted by this proposed legislation, under the actuarial assumptions used in the June 30, 2013 (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 $30.9 million as of June 30, 2014.

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 $41.9 million as of June 30, 2014.

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 Eligible Beneficiaries 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 reported by the NYCRS and the estimated annual SADB rate prior to the increase proposed to be effective as of July 1, 2014.

Table 1
SADB Census Data as Reported by the NYCRS
($ Millions)

Retirement System	Number of Deceased Members with Eligible Survivors	Annual SADB Rate Prior to Proposed July 1, 2014 Increase
NYCERS	30	$1.3
POLICE	320	17.8
FIRE	618	39.8
Total	968	$58.9

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APVB have been computed based on the actuarial assumptions and methods in effect for the June 30, 2013 (Lag) actuarial valuations of NYCERS, POLICE and FIRE used to determine the Preliminary Fiscal Year 2015 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, 2013 (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 2014 Legislative Session. It is ***Fiscal Note*** 2014-09, dated March 18, 2014, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and the New York Fire Department Pension Fund.

STATE OF NEW YORK

9337

IN ASSEMBLY

April 11, 2014

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

AN ACT to authorize the town of Marlborough, in the county of Ulster, to offer an optional twenty year retirement plan to police officers Charles Hoffman and Arthur Terwilliger

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 Marlborough, in the county of Ulster, 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
8 Charles Hoffman and Arthur S. Terwilliger, police officers employed by
9 the town of Marlborough, who, for reasons not ascribable to their own
10 negligence failed to make a timely application to participate in such
11 optional twenty year retirement plan. The town of Marlborough may so
12 elect by filing with the state comptroller, on or before December 31,
13 2014, a resolution of the town board together with certification that
14 such police officers did not bar themselves from participation in such
15 retirement plan as a result of their own negligence. Thereafter, such
16 police officers 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 while so employed, by filing a request to that effect with the
20 state comptroller on or before June 30, 2015.
21 § 2. All past service costs associated with implementing the
22 provisions of this act shall be borne by the town of Marlborough.
23 § 3. This act shall take effect immediately.

FISCAL NOTE.-- This bill would allow the Town of Marlborough to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officers Charles Hoffman and Arthur S. Terwilliger.

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

LBD04250-05-4

If this bill is enacted and police officers Charles Hoffman and Arthur S. Terwilliger become covered under Section 384-d, we anticipate that there will be an increase of approximately $5,300 in the annual contributions of the Town of Marlborough for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salaries of these officers change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $79,800 which would be borne by the Town of Marlborough. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 27, 2014 and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-89, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

9952

IN ASSEMBLY

June 3, 2014

Introduced by COMMITTEE ON RULES -- (at request of 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 a lump sum payment at retirement

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

Section 1. The opening paragraph of section 1100 of the retirement and social security law, as added by chapter 735 of the laws of 2006, is amended to read as follows:

Certain eligible members of the New York state and local police and fire retirement system**, and sheriffs, undersheriffs, deputy sheriffs and correction officers, who are employed in a county which makes an election pursuant to this section,** may elect an optional form of retirement pursuant to the terms of this article that provides for a partial lump sum at retirement with a reduced service retirement allowance as hereinafter provided:

§ 2. This act shall take effect immediately.

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

This bill would allow any county to elect to allow its sheriffs, undersheriffs, deputy sheriffs and correction officers who file for a service retirement to elect an optional form of retirement which would provide for a partial lump sum payment at retirement, and a smaller annual retirement allowance thereafter. Such lump sum shall not be eligible for any cost of living adjustments. A member who files for service retirement after being eligible to retire for 1, 2, 3, 4 or 5 or more years shall be eligible to receive a partial lump sum of up to 5%, 10%, 15%, 20% or 25%, respectively, of the present value of their actuarially 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

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

LBD15400-01-4

exceed 25%, further analysis will be necessary to determine whether there may be costs due to adverse selection.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 15, 2014, and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-133, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

5994

2013-2014 Regular Sessions

IN SENATE

November 22, 2013

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to authorize the village of Tuckahoe, in the county of Westchester, to offer a certain retirement option to police officer Christopher J. Santiago

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 Tuckahoe, in the county of Westchester, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional retirement plan established pursuant to section 384-d of the retirement and social security law to firefighters and police officers employed by such village, is hereby authorized to make participation in such plan available to police officer Christopher J. Santiago, who was employed by the village of Tuckahoe on August 4, 2008 and who, on the effective date of this act is covered under the provisions of section 375-i of the retirement and social security law, and who, for reasons not ascribable to his own negligence failed to make a timely application to participate in such optional retirement plan. Thereafter, police officer Christopher J. Santiago 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 within one year of the effective date of this act.

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

§ 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.

LBD11767-03-3

This bill will allow the village of Tuckahoe to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Christopher J. Santiago.

If this bill is enacted and Christopher J. Santiago becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately $8,900 in the annual contributions of the village of Tuckahoe for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salary of Christopher J. Santiago change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $9,950 which would be borne by the village of Tuckahoe as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 November 20, 2013 and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-35, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

7086

IN SENATE

April 25, 2014

Introduced by Sen. YOUNG -- 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 Alfred to offer an optional twenty year retirement plan to police officer Ryan McKee

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 Alfred, 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 Ryan McKee, a police officer employed by the village of Alfred, 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 Alfred may so elect by filing with the state comptroller, on or before December 31, 2014, a resolution of its local legislative body 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 employer past service costs associated with implementing the provisions of this act shall be borne by the village of Alfred and may be amortized over a ten year period.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow the Village of Alfred to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Ryan P. McKee.

If this bill is enacted and Officer McKee becomes covered under the provisions of Section 384-d, we anticipate that there will be an

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

LBD13281-02-4

increase of approximately $4,300 in the annual contributions of the Village of Alfred for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salary of Officer McKee change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $3,670 which would be borne by the Village of Alfred as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015. If the Village of Alfred so elects, this cost may be amortized over a period of ten (10) years. The cost for the first year, including interest, would be approximately $500.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 December 19, 2013 and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-43, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

7365

IN SENATE

May 14, 2014

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 town of Carmel, in the county of Putnam, to offer an optional twenty year retirement plan to police officers Robert Behan and James Evans

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 town of Carmel, in the county of Putnam, 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 Robert Behan, a police sergeant, and James Evans, a police officer, employed by the town of Carmel, 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 town of Carmel may so elect by filing with the state comptroller, on or before December 31, 2014, a resolution of the town board 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 while so employed, 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 town of Carmel.

§ 3. This act shall take effect immediately.

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

This bill will allow the Town of Carmel to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officers Robert Behan and James Evans.

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

LBD14889-02-4

If this legislation is enacted during the 2014 legislative session, and officers Behan and Evans become covered by the provisions of Section 384-d of the Retirement and Social Security Law, we anticipate that there will be an increase of approximately $20,100 in the annual contributions of the Town of Carmel for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salary of Robert Behan and James Evans change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $67,900, which will be borne by the Town of Carmel as a one-time payment, assuming a payment date of February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 12, 2014 and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-129, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

7616

IN SENATE

May 16, 2014

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

AN ACT to authorize the town of Stony Point, in the county of Rockland, to offer an optional twenty year retirement plan to police officers Dennis Tobin, Thomas Clarke and Christopher Schulok

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 town of Stony Point, in the county of Rockland, 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 Dennis Tobin, Thomas Clarke and Christopher Schulok, police officers employed by the town of Stony Point, 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 town of Stony Point may so elect by filing with the state comptroller, on or before December 31, 2014, a resolution of the town board 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 while so employed, 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 town of Stony Point.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow the Town of Stony Point to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officers Dennis Tobin, Thomas Clarke and Christopher Schulok.

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

LBD14892-02-4

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase of approximately $14,700 in the annual contributions of the Town of Stony Point for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salaries of these officers change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $14,300, which will be borne by the Town of Stony Point as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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, 2014 and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-125, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

7646

IN SENATE

May 23, 2014

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

AN ACT to authorize the DeWitt fire district, in the town of DeWitt, county of Onondaga, to offer the optional twenty year retirement plan to firefighters Gavin J. MacLachlin and Michael E. O'Connor

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 DeWitt fire district, in the town of DeWitt, county of Onondaga, 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 fire district, is hereby authorized to make participation in such plan available to firefighters Gavin J. MacLachlin and Michael E. O'Connor, firefighters employed by the DeWitt fire district, who, for reasons not ascribable to their own negligence, failed to make timely applications to participate in such optional twenty year retirement plan. The DeWitt fire district may so elect by filing with the state comptroller, on or before December 31, 2014, a resolution of its board of fire commissioners, together with certification that such firefighters did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such firefighters 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 DeWitt fire district.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow the DeWitt Fire District to reopen the provisions of Section 384-d of the Retirement and Social Security Law for firefighters Gaven J. MacLachlan and Michael E. O'Connor.

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

LBD11449-03-4

If this legislation is enacted during the 2014 legislative session, and both firefighters become covered by the provisions of Section 384-d of the Retirement and Social Security Law, we anticipate that there will be an increase of approximately $9,600 in the annual contributions of the DeWitt Fire District for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salaries of Gavin J. MacLachlan and Michael E. O'Connor change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $24,800, which will be borne by the DeWitt Fire District as a one-time payment, assuming a payment date of February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 22, 2014 and intended for use only during the 2014 Legislative Session, is ***Fiscal Note*** No. 2014-138, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

7683

IN SENATE

May 29, 2014

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

AN ACT to authorize the St. Paul Boulevard fire district to offer an optional twenty year retirement plan to firefighters Robert J. Anderson, Edmond Kaspar, Kevin Magin, Jeremy Schaeffer, John Semmler and Timothy Warth

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 St. Paul boulevard fire district, a participating employer in the New York state police and fire retirement system, which previously elected to offer additional pension benefits for members of the optional twenty year retirement plan, established pursuant to subdivision f of section 384 of the retirement and social security law, to firefighters employed by such district, is hereby authorized to make participation in such plan available to Robert J. Anderson, Edmond Kaspar, Kevin Magin, Jeremy Schaeffer, John Semmler and Timothy Warth, firefighters employed by the St. Paul boulevard fire district in the city of Rochester, 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 St. Paul boulevard fire district may so elect by filing with the state comptroller, on or before December 31, 2014, a resolution of its local legislative body together with certification that such firefighters did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such firefighters may elect to be covered by the provisions of subdivision f of section 384 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 employer past service costs associated with implementing the provisions of this act shall be borne by the St. Paul boulevard fire district and the past service costs associated with this act may be paid in ten equal annual installments.

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

LBD07018-05-4

1 § 3. This act shall take effect immediately.

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

This bill will allow the St. Paul Boulevard Fire District to elect to reopen the provisions of Section 384(f) of the Retirement and Social Security Law for firefighters Robert J. Anderson, Edmond Kaspar, Kevin Magin, Jeremy Schaeffer, John Semmler and Timothy Warth.

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase of approximately $22,000 in the annual contributions of the St. Paul Boulevard Fire District for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salaries of those affected change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $204,500, which would be borne by the St. Paul Boulevard Fire District as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015. If this cost is amortized over a period of ten (10) years, the cost for the first year, including interest would be approximately $27,700.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 23, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-136, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

8932

IN ASSEMBLY

March 3, 2014

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

AN ACT in relation to granting Nancy Porretto Tier IV status in the New York state and local employees' retirement system with a membership date of September 1, 2005

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

Section 1. Notwithstanding any other law to the contrary, Nancy Porretto, who is currently a Tier VI member of the New York state and local employees' retirement system and currently employed by the Bedford Central School District, and who was appointed to a position with the Bedford Central School District on September 1, 2005, and who, for reasons not ascribable to her own negligence, failed to become a member of the New York state and local employees' retirement system in 2005 when first appointed to the position, may be deemed to have become a member of the New York state and local employees' retirement system on September 1, 2005, if on or before December 31, 2014 she shall file an application therefor with the state comptroller. Upon the receipt of such application, Nancy Porretto 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 provided that Nancy Porretto makes all employee contributions required to be made by Tier IV members of the New York state and local employees' retirement system. No contributions made to the New York state and local employees' retirement system by Nancy Porretto shall be returned to her pursuant to this act.

§ 2. All past employer costs of implementing the provisions of this act shall be borne by the Bedford Central School District.

§ 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 Nancy A. Porretto, a current Tier 6 member employed by the Bedford Central School District, by changing her date of membership to September 1, 2005, the first date she became a full-time employee of the Bedford Central School District.

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

LBD13394-03-4

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase of approximately $3,000 in the annual contributions of the Bedford Central School District for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, it is estimated that there will be an immediate past service cost of $5,950 which will be borne by the Bedford School District as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 4, 2014 and intended for the use only during the 2014 Legislative Session, is Fiscal Note No. 2014-69, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

7514--A

IN SENATE

May 15, 2014

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

AN ACT granting retroactive membership with tier II status in the New York state and local police and fire retirement system to Vincent Verret

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

1 Section 1. Vincent Verret, who is currently a Tier V member of the New
2 York state and local police and fire retirement system and currently
3 employed by the city of Schenectady fire department, and who was on the
4 civil service list for the position of Firefighter/Paramedic with the
5 city of Schenectady fire department which was certified on August 15,
6 2006, and who, enlisted in the United States Marine Corps on January 8,
7 2007 for four years of active duty, through no fault of his own, was
8 unable to notify the department of civil service that he was being
9 deployed, and while he was deployed Vincent Verret was canvassed by the
10 city of Schenectady fire department in March 2007. Vincent Verret was
11 honorably discharged from the United States Marine Corps on January 7,
12 2011 and returned to Schenectady, New York where he took two civil
13 service tests and began working for the city of Schenectady fire depart-
14 ment on March 13, 2011.
15 Pursuant to section 243 of the military law, any person whose name is
16 on any eligible list shall, while in military duty, retain his or her
17 rights and status on such list. If such person is reached for certif-
18 ication during his or her military duty, his or her name shall be placed
19 on a special list which shall afford such person with a date of member-
20 ship in the retirement system on the earliest date upon which an eligi-
21 ble person who was the lower on the original eligible list, was
22 appointed; however, service credit shall be computed from the actual
23 date of appointment.
24 Notwithstanding any law to the contrary, Vincent Verret shall be
25 deemed to have been a member of such retirement system on the date

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

LBD14920-08-4

1 August 19, 2007 when an eligible person who was lower on the original
2 eligible list was appointed having Tier II status with every right,
3 benefit and privilege which would have been available to him on such
4 date; however, his service credit shall be computed from the actual date
5 of appointment.
6 § 2. All past service costs of implementing the provisions of this act
7 shall be borne by the city of Schenectady.
8 § 3. This act shall take effect immediately.

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

This bill will deem the date of membership in the New York State and Local Police and Fire Retirement System of Vincent T. Verret, a City of Schenectady firefighter, to be August 19, 2007.

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase of approximately $3,000 in the annual contributions of the City of Schenectady for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salary of Mr. Verret change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $10,900, which will be borne by the City of Schenectady as a one-time payment, assuming a payment date of February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 28, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-137, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

7635

IN SENATE

May 21, 2014

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

AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to John J. Ginestro, III

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, John J. Ginestro, III, a member of the New York state and local employees' retirement system, who was employed on March 29, 2012, by the county of Onondaga as an electrician, and who filed membership applications in such system on March 29, 2012, 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 April 2, 2012, may be deemed to have become a member of the New York state and local employees' retirement system on March 29, 2012, if on or before December 31, 2014 he shall file an application therefor with the state comptroller. Upon the receipt of such application, John J. Ginestro, III 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 John J. Ginestro, III shall be returned to him pursuant to this act.

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

§ 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will deem John Ginestro to have become a member of the New York State and Local Employees' Retirement System on March 29, 2012, his first date of employment with Onondaga County, thereby granting him Tier 5 Status. No member contributions will be refunded.

If this bill is enacted, we anticipate that there will be an increase of approximately $4,350 in the annual contributions of Onondaga County

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LBD15254-02-4

for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salary John Ginestro change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $9,880 which will be borne by Onondaga County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 19, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-135, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

8889

IN ASSEMBLY

February 27, 2014

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

AN ACT to amend the civil service law, in relation to authorizing the transfer of police officers of the parks department of the county of Suffolk to the police department of such county without examination

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

Section 1. Subdivision 1 of section 70 of the civil service law, as amended by chapter 718 of the laws of 1993, is amended and a new subdivision 7 is added to read as follows:

1. General provisions. Except as provided in subdivisions four [~~and~~], six **and seven** of this section no employee shall be transferred to a position for which there is required by this chapter or the rules established hereunder an examination involving essential tests or qualifications different from or higher than those required for the position held by such employee. The state and municipal commissions may adopt rules governing transfers between positions in their respective jurisdictions and may also adopt reciprocal rules providing for the transfer of employees from one governmental jurisdiction to another. No employee shall be transferred without his or her consent except as provided in subdivision six **or seven** of this section or upon the transfer of functions as provided in subdivision two of this section.

7. Transfer of Suffolk county park officers levels I-IV to the positions of Suffolk county police officers. Notwithstanding the provisions of subdivision one of this section or any other provision of law, the county of Suffolk may, by agreement negotiated between such county and an employee organization pursuant to article fourteen of this chapter, provide for the transfer of now existing Suffolk county parks police officers levels I-IV to positions of Suffolk county police officers. The transfer of now existing positions may be effectuated without regard to any eligible lists or preferred lists for reinstatement.

§ 2. This act shall take effect immediately.

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

LBD14033-02-4

STATE OF NEW YORK

9898

IN ASSEMBLY

May 27, 2014

Introduced by M. of A. FRIEND -- read once and referred to the Committee on Cities

AN ACT to amend the local finance law, in relation to providing for a period of probable usefulness for the payment of the past service cost by the city of Elmira to provide additional pension benefits to eligible firefighters employed by such city

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

1 Section 1. Paragraph a of section 11.00 of the local finance law is
2 amended by adding a new subdivision 107 to read as follows:
3 **107. Payment by the city of Elmira, county of Chemung, of the past**
4 **service cost due to the New York state and local police and fire retire-**
5 **ment system to provide additional pension benefits pursuant to sections**
6 **three hundred seventy-five-i and three hundred seventy-five-j of the**
7 **retirement and social security law to eligible firefighters employed by**
8 **the city of Elmira, ten years.**
9 § 2. This act shall take effect immediately.

STATE OF NEW YORK

8486

IN ASSEMBLY

January 17, 2014

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

AN ACT in relation to service credit of certain members of the New York state and local employees' retirement system who obtained credit for service with the Niagara Frontier Transit Metro System, Inc.

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

Section 1. Notwithstanding the provisions of chapter 670 of the laws of 1996 or any other provision of law to the contrary, any member or retiree of the New York state and local employees' retirement system who obtained credit for service after March 31, 1974 with the Niagara Frontier Transit Metro System, Inc., and who retains a non-forfeitable benefit for such service under the Amalgamated Transit Union Local 1342 -- Niagara Frontier Transit Metro System Pension Fund shall remain eligible for such service with the New York state and local employees' retirement system; provided, however, that any retirement or death benefit payable or paid by such retirement system shall be reduced by the amount of the non-forfeitable benefit payable or paid for such service under the Amalgamated Transit Union Local 1342 -- Niagara Frontier Transit Metro System Pension Fund. For any person currently receiving a retirement allowance, such reduction shall be retroactive to the effective date of retirement.

§ 2. This act shall take effect immediately and the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are hereby authorized.

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

This bill would reduce the retirement or death benefit payable or paid by the New York State and Local Employees' Retirement System (NYSLERS) to any member or retiree who obtained credit for service after March 31, 1974 with the Niagara Frontier Transit Metro System who retains a non-forfeitable benefit with the Niagara Metro Pension Fund for such service. The reduction in the benefit from NYSLERS will be based on the amount of the non-forfeitable benefit payable or paid for such service, for which the affected individuals will receive benefits from both

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

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retirement plans. For current retirees, such reduction will be retroactive to the date of retirement.

If this bill is enacted, there will be no cost to the State or participating employers in the NYSLERS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

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 14, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-56, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

7120

IN SENATE

April 29, 2014

Introduced by Sen. GOLDEN -- 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 authorizing enrollment in the section 384-d retirement plan for all new 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:

Section 1. The retirement and social security law is amended by adding a new section 1201-a to read as follows:

§ 1201-a. Retirement plan. Notwithstanding any other law to the contrary, members who first become members of the New York state and local police and fire retirement system on or after January first, two thousand fifteen and are employed by an employer who has elected the benefits of section three hundred eighty-four-d of this chapter shall automatically be enrolled in such section three hundred eighty-four-d retirement plan. Any member so enrolled in the section three hundred eighty-four-d retirement plan may thereafter withdraw from such plan.

§ 2. This act shall take effect January 1, 2015.

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

This bill will provide automatic enrollment into the provisions of section 384-d of the Retirement and Social Security Law for members who first become members of the New York State and Local Police and Fire Retirement System on or after January 1, 2015 who are employed by an employer who has elected the benefits of such plan. Any member so enrolled may thereafter withdraw from such plan.

If this bill is enacted, there would be no cost since the enrollment into such plan is already provided by law if the member files within the first year of employment.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013

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

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Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 2, 2014 and intended for use during the 2014 Legislative Session, is Fiscal Note No. 2014-108, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

7628--A

IN SENATE

May 21, 2014

Introduced by Sen. GOLDEN -- 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

AN ACT to amend the retirement and social security law, in relation to injuries or illnesses suffered as a result of participating in rescue, recovery and cleanup directly related to 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:

1 Section 1. Paragraph (a) of subdivision 36 of section 2 of the retire-
2 ment and social security law, as amended by chapter 489 of the laws of
3 2013, is amended to read as follows:
4 (a) "Qualifying World Trade Center condition" shall mean a qualifying
5 condition or impairment of health resulting in disability to a member
6 who participated in World Trade Center rescue, recovery or cleanup oper-
7 ations for a qualifying period, as those terms are defined below,
8 provided the following conditions have been met: (i) such member, or
9 eligible beneficiary in the case of the member's death, must have filed
10 a written and sworn statement with the member's retirement system on a
11 form provided by such system indicating the underlying dates and
12 locations of employment not later than September eleventh, two thousand
13 [~~ten, or any later date as hereinafter provided in this paragraph;~~]
14 **fifteen,** and (ii) such member has either successfully passed a physical
15 examination for entry into public service, or authorized release of all
16 relevant medical records, if the member did not undergo a physical exam-
17 ination for entry into public service; and (iii) there is no evidence of
18 the qualifying condition or impairment of health that formed the basis
19 for the disability in such physical examination for entry into public
20 service or in the relevant medical records, prior to September eleventh,
21 two thousand one **except for such member, or eligible beneficiary in the**
22 **case of the member's death, of a local retirement system of a city with**
23 **a population of one million or more that is covered by section 13-551 of**
24 **the administrative code of the city of New York, or by section twenty-**

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LBD14985-03-4

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 a local retirement system of a city with a population of one million or more who are covered by sections 13-168, 13-252.1 or 13-353.1 of the administrative code of the city of New York or sections five hundred seven-c, six hundred five-b, six hundred five-c, or six hundred seven-b of this chapter. The deadline for filing a written and sworn statement required by subparagraph (i) of this paragraph [~~is hereby extended to~~] **shall be** 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 **a** local retirement [~~systems~~] **system** of a city with a population of one million or more who are covered by sections 13-168, 13-252.1 [~~and~~] **or** 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~~] **or** 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~~] **fifteen**, including those that are rejected for filing as untimely.

§ 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:

PROVISIONS OF PROPOSED LEGISLATION: With respect to the New York City Retirement Systems ("NYCRS"), the proposed legislation would amend Retirement and Social Security Law ("RSSL") Section 2, to extend the deadline for filing a registration of participation under the World Trade Center ("WTC") Disability Law to certain members who participated in the Rescue, Recovery or Cleanup operations related to the World Trade Center attack on September 11, 2001.

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, Chapter 361 of the Laws of 2010 and Chapter 489 of 2013.

The Effective Date of this proposed legislation would be the date of enactment.

DEADLINES FOR FILING A REGISTRATION OF PARTICIPATION UNDER EXISTING WTC-RELATED PROVISIONS: Under current law, as a result of the enactment of Chapter 489 of 2013, the deadline for filing a written and sworn statement with the member's retirement system to register for participation under the WTC Disability Law is September 11, 2014 for certain

groups ("Chapter 489/13 Covered Groups"). These Chapter 489/13 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

Similarly, the deadline for filing a written and sworn statement with the member's retirement system to register for participation under the WTC Disability law is September 11, 2010 for all groups not included in the Chapter 489/13 Covered Groups (the "Original Covered Groups").

DEADLINES FOR FILING A REGISTRATION OF PARTICIPATION UNDER PROPOSED LEGISLATION: With respect to the NYCRS, the proposed legislation would extend the deadline for filing a registration of participation under the WTC Disability Law for the Original Covered Groups from September 11, 2010 to September 11, 2015. The deadline for filing a registration of participation under the WTC Disability Law for the Chapter 489/13 Covered Groups would remain unchanged at September 11, 2014.

ADDITIONAL EMPLOYER COSTS: The cost of the proposed legislation would depend on the number of additional members who file the required form, meet the requirements and then ultimately benefit from one of the WTC Disability Laws.

As the Actuary believes that most members who would be eligible for the benefits provided under the WTC Disability Law have already filed the required form to register for participation, only a few members likely would benefit from the proposed legislation and, therefore, the increase in employer costs likely would be de minimis.

ADDITIONAL EMPLOYER CONTRIBUTIONS: In general, the increase in employer contributions will be comparable to the increase in employer costs.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer costs and contributions have been determined based on the actuarial assumptions and methods used in June 30, 2013 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE and FIRE.

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 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 2014 Legislative Session. It is Fiscal Note 2014-18, dated April 30, 2014, 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.

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

This bill would amend chapter 93 of the Laws of 2005 and chapter 445 of the Laws of 2006, which provided members of public retirement systems who contract any form of disease or disability related to exposure to any elements in connection with the World Trade Center tragedy of September 11, 2001 to be presumptive evidence that such disability, or death as a result of such disability was the result of an accident and was sustained in the performance of duty.

Insofar as this bill would affect the New York State and Local Employees' Retirement and the New York State and Local Police and Fire Retirement System, this bill would extend the deadline for filing notice regarding the eligibility for benefits for certain members who participated in the World Trade Center rescue, recovery or cleanup operation to September 11, 2015.

If this bill is enacted, it would lead to more disabilities being classified as "in performance of duty" or "accidental". For the disabilities so classified due to this bill, the cost would depend on the age, service, salary and plan of the affected member or retiree, as well as whether such person would have otherwise been eligible for, or has been receiving an ordinary disability, a performance of duty disability or a service retirement. For those who contract such disease prior to retirement, it is estimated that there could be per person one-time costs of as much as four (4) times salary. For those who contract such disease subsequent to a service retirement, it is estimated that there would be an average per person cost of approximately 150% of final average salary. For those who contract such disease subsequent to an ordinary disability retirement, it is estimated that there would be an average per person cost of approximately four (4) times final average salary.

This bill would also lead to more deaths being classified as "accidental". For each death classified as accidental due to this bill, the cost would depend on the age, service, salary and plan of the affected individual, as well as whether such person was an active member or has been receiving an ordinary disability, a performance of duty disability, an accidental disability or a service retirement. It is estimated that the cost for each ERS and PFRS individual affected would average approximately three (3) times final average salary and seven (7) times final average salary, respectively.

ERS Costs: Pursuant to Section 25 of the Retirement and Social Security Law, the increased cost to the New York State and Local Employees' Retirement System would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. A precise cost can't be determined at this time. Every year a cost will be determined (and billed to the state) based on those benefiting from this provision.

PFRS Costs: These costs would be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial

Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 4, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-148, prepared by the Actuary for the New York State and Local Employees' Retirement and the New York State and Local Police and Fire Retirement System.

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

This bill would amend Subdivision 36 of Section 2 of the Retirement and Social Security Law to extend the deadline to September 11, 2015 for filing notice of having participated in the World Trade Center rescue, recover or cleanup operations during the qualifying period. Members who become disabled or die as a result of a "qualifying World Trade Center condition" are assumed to have become disabled or died as a result of an accidental or on-the-job disability or death.

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.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2014-35 dated June 9, 2014 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2014 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.

STATE OF NEW YORK

9812

IN ASSEMBLY

May 23, 2014

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

AN ACT authorizing the payment of ordinary disability retirement benefits by the New York state and local police and fire retirement system to the widow of Richard O'Brien

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

Section 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, Richard O'Brien, who was last employed by the New York state division of state police as an investigator, and who was a member of the New York state and local police and fire retirement system at the time of his death on December 7, 2009, and who, for reasons not ascribed to his own negligence, failed to file a timely application for the state police disability retirement benefit provided by section 363-b of the retirement and social security law prior to his death, shall be deemed to have timely filed an application for the benefit on December 7, 2009 if, within one year of the effective date of this act, Stephanie O'Brien, the widow of Richard O'Brien, files with the state comptroller a written request to that effect and a retirement option election form electing to receive retirement benefits pursuant to the terms of the joint allowance-full option with Stephanie O'Brien as the option beneficiary. The approval of said application for a disability retirement benefit provided by section 363-b of the retirement and social security law will constitute a waiver of any rights or benefits to the pre-retirement ordinary death benefit payable upon the death of a member in service pursuant to subdivision b of section 448 of the retirement and social security law. Any amounts paid by the retirement system as the result of the death of Richard O'Brien, whether to his estate, to Stephanie O'Brien or to any other beneficiary prior to the filing of the request for the disability retirement benefit shall be deducted from the disability retirement benefit payable thereafter.

§ 2. Any additional costs for this act shall be paid by the state of New York.

§ 3. This act shall take effect immediately.

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

LBD15247-04-4

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

This bill would deem Richard O'Brien to have timely filed an application for a disability retirement benefit effective on December 7, 2009. Stephanie O'Brien shall be authorized to file for the disability retirement benefit on his behalf. Further, Stephanie O'Brien must waive all rights and benefits to the ordinary death benefits she would otherwise be entitled to receive. Any payments received from such ordinary death benefit will be deducted from the benefits payable under this legislation.

If this bill is enacted, there would be a one-time cost to the State of New York of approximately $505,000. This estimate is based on the assumption that payment will be made on March 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated May 14, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-132, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

6799

2013-2014 Regular Sessions

IN SENATE

March 12, 2014

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Introduced by Sen. GOLDEN -- 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 disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers in Westchester county

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 Westchester county, 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 employed by Westchester County to become eligible to receive a 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".

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

LBD14176-02-4

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase in the annual contributions of Westchester County of approximately $220,000 for the fiscal year ending March 31, 2015.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $1.05 million which would be borne by the Westchester County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

These estimated costs are based on 822 sheriffs, undersheriffs, deputy sheriffs and correction officers employed by Westchester County with a total estimated annual salary of approximately $100 million for the fiscal year ending March 31, 2013.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 4, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-98, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

6810

IN SENATE

March 12, 2014

Introduced by Sens. MARTINS, GOLDEN, MARCELLINO -- 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 ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians 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-e to read as follows:

§ 605-e. Accidental disability retirement for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county. a. A member employed as a ambulance medical technician supervisor, ambulance medical technician coordinator and ambulance medical technician 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.

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.

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

LBD13881-02-4

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 ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians 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 ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians an 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 worker's compensation.

If this bill is enacted during the 2014 session, there will be an estimated increase of approximately $170,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2015.

These estimated costs are based on 177 members having an annual salary for the fiscal year ending March 31, 2013 of approximately $16 million.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 27, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-85, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

S. 6935 A. 9237

SENATE - ASSEMBLY

April 2, 2014

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

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

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 5, 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 5, 2010, if on or before December 31, 2014 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.
17 § 2. Notwithstanding any other provision of law, Laura Strizzi, a
18 member of the New York state and local employees' retirement system, who
19 was employed on July 5, 2010, by the village of Green Island as a recre-
20 ation assistant, and who filed membership applications in such system on
21 July 13, 2010 which should have given her Tier V status but for reasons
22 not ascribable to her own negligence and due to an administrative error,
23 the application was not processed in the usual manner and therefore not

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

LBD13411-02-4

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 5, 2010, if on or before December 31, 2014 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 5, 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 5, 2010, if on or before December 31, 2014 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, 2014 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 allow four employees of the Village of Green Island - Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton - to receive retroactive dates of membership in the New York State and Local Employees' Retirement System, thereby changing their plan coverage from Tier 6 to Tier 5.

If this bill is enacted, we anticipate that there will be an increase of approximately $130 in the annual contributions of the Village of Green Island for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salaries of the four affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $320 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, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 14, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-53, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

7644

IN SENATE

May 22, 2014

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

AN ACT to authorize Darwyn Byer to apply for accidental disability retirement benefits from 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. Notwithstanding any other provision of law, Darwyn Byer,
2 who is employed by the Nassau County Police Department since March 31,
3 1995 and is a member of the New York state and local police and fire
4 retirement system for approximately 17 years, was injured on December
5 26, 2002 as the result of an on the job accident. Notwithstanding any
6 rule, regulation or law to the contrary, he shall be entitled to file
7 for an accidental disability retirement benefit provided by the New York
8 state and local police and fire retirement system. Such application will
9 be based upon the full duty standard of a police officer rather than
10 utilize a light duty standard. Such application must be filed with the
11 New York state and local police and fire retirement system pursuant to
12 section 363 of the retirement and social security law no later than
13 December 31, 2014.
14 § 2. All costs associated with the implementation of this act shall be
15 borne by the county of Nassau.
16 § 3. This act shall take effect immediately.

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

This bill would provide a different standard for an accidental disability retirement benefit determination for Darwyn Byer than is currently required by regulations promulgated by the State Comptroller. Specifically, the bill would require that the State Comptroller render a determination as to whether Mr. Byer is entitled to such disability benefit based upon a "full duty standard" rather than the "light duty standard" required by Title 2 of the New York Codes, Rules and Regulations Part 364 for such a determination on an application for benefits filed by or on behalf of Darwyn Byer or anyone else similarly situated.

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

LBD10989-02-4

If this bill is enacted and a disability benefit is granted, there will be an immediate past service cost of approximately $432,000 which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 15, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-122, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

S. 3760--A A. 4986--A
Cal. No. 223

SENATE - ASSEMBLY

February 14, 2013

IN SENATE -- Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. MILLMAN, AUBRY -- read once and referred to the Committee on Governmental Employees -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to allow the New York state and local employees' retirement system to posthumously establish a service retirement for Gustin L. Reichbach; and to amend chapter 43 of the laws of 2012, relating to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo, in relation to the filing requirements for such service credit

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 service retirement application filed with the New York state and
3 local employees' retirement system by Gustin L. Reichbach, who was
4 employed as a justice of the supreme court, second judicial district,
5 was a member of such retirement system and who died on July 14, 2012
6 prior to the effective date of his retirement, shall be deemed to have
7 taken effect one day before the date of his death. If, within one year
8 from the effective date of this act, the administrator of the estate of
9 Gustin L. Reichbach files a written request for such service retirement
10 with the administrative head of said retirement system. The filing of
11 such a request will constitute a waiver of any rights or benefits to

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

LBD06481-04-4

Article 15 disability retirement awarded to Gustin L. Reichbach pursuant to section 605 of the retirement and social security law.

§ 2. Section 1 of chapter 43 of the laws of 2012, relating to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo, is amended to read as follows:

Section 1. Notwithstanding any other provision of law to the contrary, Gustin L. Reichbach, [~~currently serving~~] **who died on July 14, 2012, and who served** as a justice of the supreme court, second judicial district, and [~~an active~~] **was a** tier 4 member of the New York state and local employees' retirement system, shall be eligible to receive additional service credit for any time not already credited in such system for the period from September 1, 2003 through February 27, 2004, during which period he rendered service as a judge with the United Nations administration mission in Kosovo. The additional service credit granted, when added to the service already credited, shall not exceed a total of one year of credit for all service rendered in the fiscal year ending March 31, 2004. **Any increase in benefits resulting from the additional service credit provided by this act shall be retroactive to the date of retirement.** Such additional credit shall be obtained only if on or before December 31, [~~2012~~] **2014**, **the administrator of the estate of** Gustin L. Reichbach files a written request for such service credit with the administrative head of the said retirement system. All costs necessary to finance the granting of this service credit shall be borne by the state of New York.

§ 3. All costs associated with the implementation of this act shall be borne by the state of New York.

§ 4. This act shall take effect immediately.

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

This bill would deem the service retirement application filed by Gustin L. Reichbach, a justice of the Supreme Court, to have taken affect one day before his date of death. In addition, this bill will allow the administrator of his estate to file a written request with the New York State and Local Employees' Retirement System for additional service credit for service rendered as a judge with the United Nations War Crimes Tribunal in Kosovo from September 1, 2003 through February 27, 2004.

If this bill is enacted, there will be an immediate past service cost of approximately $115,000, 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, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 13, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-75, prepared by the Actuary for the New York State and Local Employees' Retirement System.

Section II

Vetoed Legislation Affecting the New York State and Local Retirement System

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STATE OF NEW YORK

7839

IN SENATE

June 13, 2014

Introduced by Sen. LARKIN -- 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 credit to members of public retirement systems of the state for military service

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

Section 1. Section 1000 of the retirement and social security law, as added by chapter 548 of the laws of 2000, subdivision 9 as added by chapter 547 of the laws of 2002 and subdivision 10 as added by chapter 18 of the laws of 2012, is amended to read as follows:

§ 1000. Military service credit. Notwithstanding any law to the contrary, a member of a public retirement system of the state, as defined in subdivision twenty-three of section five hundred one of this chapter, shall be eligible for credit for military service as hereinafter provided:

1. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if the member was honorably discharged from the military [~~**and all or part of such military service was rendered during the following periods: (a) commencing December seventh, nineteen hundred forty-one and terminating December thirty-first, nineteen hundred forty-six; (b) commencing June twenty-seventh, nineteen hundred fifty and terminating January thirty-first, nineteen hundred fifty-five; or (c) commencing February twenty-eighth, nineteen hundred sixty-one and terminating May seventh, nineteen hundred seventy-five;**~~

~~**2. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if honorably discharged therefrom, if all or part of such services was rendered in the military conflicts referenced below, as follows:**~~

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

LBD01368-10-4

~~(a) hostilities participated in by the military forces of the United States in Lebanon, from the first day of June, nineteen hundred eighty-three to the first day of December, nineteen hundred eighty-seven, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;~~

~~(b) hostilities participated in by the military forces of the United States in Grenada, from the twenty-third day of October, nineteen hundred eighty-three to the twenty-first day of November, nineteen hundred eighty-three, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;~~

~~(c) hostilities participated in by the military forces of the United States in Panama, from the twentieth day of December, nineteen hundred eighty-nine to the thirty-first day of January, nineteen hundred ninety, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal; or~~

~~(d) hostilities participated in by the military forces of the United States, from the second day of August, nineteen hundred ninety, to the end of such hostilities in case of a veteran who served in the theater of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea, and the airspace above these locations~~].

[~~3~~] **2**. A member must have at least five years of credited service (not including service granted hereunder) to be eligible to receive credit under this section.

[~~4~~] **3**. To obtain such credit, a member shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and three percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section. If permitted by rule or regulation of the applicable retirement system, the member may pay such member costs by payroll deduction for a period which shall not exceed the time period of military service to be credited pursuant to this section. In the event the member leaves the employer payroll prior to completion of payment, he or she shall forward all remaining required payments to the appropriate retirement system prior to the effective date of retirement. If the full amount of such member costs is not paid to the appropriate retirement system prior to the member's retirement, the amount of service credited shall be proportional to the total amount of the payments made prior to retirement.

[~~5~~] **4**. In no event shall the credit granted pursuant to this section, when added to credit granted for military service with any retirement system of this state pursuant to this or any other provision of law, exceed a total of three years.

[~~6~~] **5**. To be eligible to receive credit for military service under this section, a member must make application for such credit before the effective date of retirement. [~~Notwithstanding the foregoing provisions of this subdivision, an individual who retired on or after December twenty-first, nineteen hundred ninety-eight and before the effective date of this section may make application for credit pursuant to this section within one year following the effective date of this section, in which event, the cost to the retiree would be based on the twelve month period immediately preceding retirement.~~]

[~~7~~] **6**. All costs for service credited to a member pursuant to this section, other than the member costs set forth in subdivision [~~three~~] **two** of this section, shall be paid by the state and all employers which participate in the retirement system in which such member is granted credit.

[~~8~~] **7**. A member who has purchased military service credit pursuant to section two hundred forty-four-a of the military law shall be entitled to a refund of the difference between the amount paid by the member for such purchase and the amount that would be payable if service had been purchased pursuant to this section.

[~~9~~] **8**. Notwithstanding any other provision of law, in the event of death prior to retirement, amounts paid by the member for the purchase of military service credit pursuant to this section shall be refunded, with interest, to the extent the military service purchased with such amounts does not produce a greater death benefit than would have been payable had the member not purchased such credit.

Notwithstanding any other provision of law, in the event of retirement, amounts paid by the member for the purchase of military service credit pursuant to this section shall be refunded, with interest, to the extent the military service purchased with such amounts does not produce a greater retirement allowance than would have been payable had the member not purchased such credit.

[~~10.~~] **9.** Anything to the contrary in subdivision [~~four~~] **three** of this section notwithstanding, to obtain such credit, a member who first joins a public retirement system of the state on or after April first, two thousand twelve shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and six percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section.

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

§ 3. This act shall take effect immediately.

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

This bill would allow up to three (3) years of service credit for military duty by removing all existing requirements that such military service be performed during certain war periods, during certain hostilities while in theater of operations or upon the receipt of an expeditionary medal. However, the total service credit granted for active and peacetime military service shall not exceed three (3) years. Tier 6 members would be required to make a payment of six percent of current compensation per year of additional service credit granted by this bill. Members of all other Tiers would be required to make a payment of three percent of current compensation per year of additional service credit granted by this bill. Members must have at least five (5) years of credit service (not including military service).

If this bill is enacted, insofar as this proposal affects the New York State and Local Employees' Retirement System (ERS), it is estimated that the past service cost will average approximately 12% (9% for Tier 6) of an affected members' compensation for each year of additional service credit that is purchased.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System (PFRS), it is estimated that the past service cost will average approximately 17% (14% for Tier 6) of an affected

members' compensation for each year of additional service that is purchased.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

ERS Costs: Pursuant to Section 25 of the Retirement and Social Security Law, the increased cost to the New York State and Local Employees' Retirement System would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. Since a member can apply for this service credit at any time prior to retirement, a precise cost can't be determined until each member, as well as future members, applies for the service credit. Every year a cost will be determined (and billed to the state) based on those benefiting from this provisions.

PFRS Costs: These costs would be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated October 28, 2013 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-5, 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:

With respect to certain New York City Retirement Systems ("NYCRS"), this proposed legislation would amend New York State Retirement and Social Security Law ("RSSL") Section 1000 to provide certain members of the New York City Employees' Retirement System ("NYCERS"), the New York City Teachers' Retirement System ("NYCTRS"), the New York City Board of Education Retirement System ("BERS"), the New York City Police Pension Fund ("POLICE") and the New York Fire Department Pension Fund ("FIRE") the opportunity to obtain additional retirement service credits for certain Military Service.

This proposed legislation would permit any NYCERS member, prior to the effective date of retirement, to make application for these additional service credits.

To obtain such Military Service credits, members would be required to pay to the appropriate NYCRS, for each year of Military Service purchased, a sum equal to 3.0% (6.0% for members who first join on and after April 1, 2012) if such member's compensation earned during the twelve months of credited service immediately preceding the date that the member makes application for credit.

MEMBERS IMPACTED: Insofar as this proposed legislation relates to the NYCRS, the number of members who could potentially benefit from this proposed legislation cannot be readily determined.

IMPACT ON BENEFITS: With respect to the NYCRS, a member who served in the U.S. military and received an honorable discharge would be permitted, after completing five years of credited service (exclusive of the service credit that could be purchased under this proposed legislation), to purchase a maximum of three years of Military Service (inclusive of any prior purchases of Military Service credit).

In order to purchase the Military Service credits provided in this proposed legislation, a member must have been honorable discharged following a period of "military duty" as defined in New York State Military Law Section 243.

If a member's Military Service meets these conditions, then that member would be permitted to purchase a maximum of three years of Military Service (inclusive of any previously-received Military Service credit) attributable to any period of the member's military career.

For purposes of the respective NYCRS, each year of Military Service credit purchased would apply toward providing the member with a year of benefit accrual under the particular benefit formula covering the member.

In certain circumstances, the member also may be entitled to utilize such Military Service as qualifying service for benefit eligibility purposes.

For purposes of this Fiscal Note, it has been assumed that members who purchase Military Service in accordance with this proposed legislation would generally be entitled to count such service for benefit accrual purposes and for the purpose of qualifying for benefits.

FINANCIAL IMPACT - OVERVIEW: With respect to an individual member, the additional cost of this proposed legislation would depend on the length of all New York City service, age, salary history and Plan in which the member participates, as well as the number of years of service credit purchased.

With respect to employers participating in the NYCRS, the ultimate employer cost of this proposed legislation would be determined by the increase in benefits to be paid, the impact of certain benefits commencing earlier and the reduction in certain future member contributions.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: The additional Actuarial Present Value ("APV") of benefits would depend on the number, salaries, ages and lengths of Military Service purchased by members who would be affected by this proposed legislation.

With respect to the NYCRS and based on the census data assumptions herein, the enactment of this proposed legislation would increase the Actuarial Present Value ("APV") of benefits ("APVB") by approximately $178.5 million as of June 30, 2014.

In addition, with respect to the NYCRS, the APV of future member contributions (primarily attributable to the payments by members of 3.0% (6.0% for members who first join on and after April 1, 2012) of salary per year of Military Service purchased) would increase by approximately $26.5 million when measured as of June 30, 2014.

Consequently, with respect to the NYCRS, the APV of net future employer contributions would increase by approximately $152.0 million as of June 30, 2014.

FINANCIAL IMPACT - ANNUAL EMPLOYER COSTS: The ultimate cost of a pension plan is the benefits it pays. With respect to the NYCRS, the financing of the ultimate cost depends upon the census data used and the

actuarial assumptions and methods employed. Assuming that all eligible members were to purchase the eligible Military Service during Fiscal Year 2014 and based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2013, the enactment of this proposed legislation would increase annual employer costs by approximately $18.0 million per year.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The impact of the proposed legislation on employer contributions would be a function of the census data (i.e., age/service/salary, etc) reported to the Actuary and of the timing of the members electing to buy back their Military Service.

With respect to the NYCRS, based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2013, the enactment of this proposed legislation would ultimately increase employer contributions by approximately the estimated additional annual employer costs.

If applications for buying back Military Service were completed during Fiscal Year 2014 and the NYCRS census data were updated to reflect this information by June 30, 2014, then employer contributions would first be impacted for Fiscal Year 2016.

If the Military Service buybacks were completed after Fiscal Year 2014, then the increase in employer contributions would be delayed.

FINANCIAL IMPACT - SUMMARY: The following table summarizes the estimated financial impact of this proposed legislation on the NYSCRS.

Estimated Financial impact to Allow Members of the NYCRS to Purchase up to Three Years of Military Service Credit

($ Millions)

Retirement System	Additional APV of Benefits	Additional APV of Future Employer Contributions	Estimated First Year Additional Employer Costs
NYCERS	$ 48.5	$ 40.8	$ 4.8
NYCTRS	14.4	11.9	1.4
BERS	2.0	1.7	0.2
POLICE	92.6	79.4	9.4
FIRE	**21.0**	**18.2**	**2.2**
TOTAL	$ 178.5	$ 152.0	$ 18.0

ADDITIONAL EMPLOYER COSTS - GENERAL: In general, the real cost of the enactment of this proposed legislation would be the additional benefits paid.

OTHER COSTS: Not measured in this Fiscal Note is the impact of this proposed legislation on the Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA") or on State or Local employees with respect to their participation in the New York State and Local Retirement System ("NYSLRS") or the New York State Teachers' Retirement System ("NYSTRS").

Also, this Fiscal Note does not include analyses of the impact of this proposed legislation on the expected increases in administrative costs or costs for Other Post-Employment Benefits ("OPEB").

CENSUS DATA: The census data used for estimates of APV of benefits and employer contributions presented herein are the active members included in the June 30, 2013 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE, and FIRE used to determine the Preliminary Fiscal Year 2015 employer contributions.

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APV of benefits, of member contributions and of employer contributions have been estimated as of June 30, 2014 using various approximating techniques and assumptions by the Actuary, including, but not limited to:

* A certain percentage of Veterans being honorably discharged.

* A certain percentage of honorably discharged veterans being disabled.

* Different percentages of members by NYRCS having prior Military Service.

* Each eligible member purchasing an average of 2.5 years of the Military Service.

Changes in employer contributions have been estimated assuming the increase in the APV of Future Employment Contributions would be financed over a time period comparable to that used for actuarial losses under the Entry Age Actuarial Cost Method. Using this approach, the Additional APV of Future Employer Contributions would be amortized over a closed 15-year period (14 payments under One-Year Lag Methodology) using level dollar payments.

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 NYCES.

However, the economic assumptions 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 2014 Legislative Session. It is Fiscal Note 2014-04, dated January 30, 2014, 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 Deportment Pension Fund.

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

This bill would amend Section 1000 of the Retirement and Social Security Law to allow active members of public retirement systems of New York State to claim service credit for up to three years of military service, regardless of when it was performed. Currently, active members can receive service credit for military service performed, but only during specified periods of war. A member must have at least five years of credited service to be eligible and make application for such credit before the effective date of retirement. To obtain such credit, a member must make payments as required in Section 1000 of the Retirement and Social Security Law. Tier 1, 2, 3, 4 and 5 members are required to pay three percent of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service. Tier 6 members are required to pay six percent of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service.

It is not possible to determine the total annual cost to the employers of members of the New York State Teachers' Retirement System since the total amount of service credit which would be claimed under this bill cannot be estimated. However, the cost to the employers of members of the New York State Teachers' Retirement System is estimated to be $21,700 per year of service credited for Tier 1 and 2 members, $20,500 per year of service credited for Tier 3 and 4 members, $20,400 per year of service credited for Tier 5 members and $15,000 per year of service credited for Tier 6 members if this bill is enacted. These costs would be offset by member payments required under Section 1000 of the Retirement and Social Security Law.

The source of this estimate is Fiscal Note 2014-15 dated February 24, 2014 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2014 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.

VETO MESSAGE - No. 484

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 7839, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for military service"

NOT APPROVED

This bill would permit every past member of the armed forces who is a member of any public employee retirement system to purchase up to three years of pension service for time spent serving in the military. Current law limits this benefit to those members who served during certain periods of crisis and war. The costs of this proposal would fall not only on those individuals but would land, without any State funding, upon every locality and taxpayer in the State in which they claim credit and on the State itself without regard to recently enacted pension reform measures that would relieve localities of such an oppressive unfunded mandate.

If enacted, this bill would run rough-shod over systemic reforms carefully negotiated with the Legislature to avoid saddling local property taxpayers with additional, unmanageable burdens. Indeed, it explicitly throws those reforms to the wind and seeks to enhance existing pension arrangements by imposing a substantial unfunded mandate on localities. It is estimated that local governments across New York would incur $57 million in near term obligations. New York City alone would incur an annual liability of up to $18 million.

It is disheartening to see the Legislature reverse course only two years after it overwhelmingly agreed to avoid tossing these burdens onto local taxpayers in cities, towns, counties, and school districts. Our

2012 pension reforms sought to end the practice of enhancing retirement benefits through unfunded mandates that abuse local taxpayers. Before these reforms, the Legislature routinely forced those taxpayers to pay billions of dollars in increased property taxes on pension enhancements including funding cost of living adjustments, eliminating employee contributions from Tier III and Tier IV members after 10 years, and reducing otherwise prudent early retirement penalties.

But the Legislature has chosen to ignore its commitment to shield property taxpayers from the costs of new statewide pension enhancements. I note, that the New York City Mayor's Office, the New York State Conference of Mayors and Municipal Officials, and the New York State Association of Counties have voiced their strong opposition to this bill based on its anticipated cost to local taxpayers.

A bill that would require such tremendous expenditure of State resources and local taxpayer money, even if it had properly utilized the agreed-upon elements of pension reform, should be raised only in the broader context of negotiating the State budget.

For these reasons, I am compelled to veto this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

4095

2013-2014 Regular Sessions

IN SENATE

March 8, 2013

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to compensation and medical expenses of certain injured state employees

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

1 Section 1. The state finance law is amended by adding a new section
2 209-c to read as follows:
3 **§ 209-c. Payment of salary, wages, medical and hospital expenses of**
4 **parole officers, parole revocation specialists or warrant officers in**
5 **the department of corrections and community supervision with injuries or**
6 **illness incurred in the performance of duties. 1. Any parole officer,**
7 **parole revocation specialist or warrant officer in the department of**
8 **corrections and community supervision (hereinafter referred to as a**
9 **"peace officer") who is injured in the performance of his or her duties**
10 **or who is taken sick as a result of the performance of his or her duties**
11 **so as to necessitate medical or other lawful remedial treatment shall be**
12 **paid by the state the full amount of his or her regular salary or wages**
13 **until his or her disability arising therefrom has ceased, and, in addi-**
14 **tion the state shall be liable for all medical treatment and hospital**
15 **care necessitated by reason of such injury or illness. Provided, howev-**
16 **er, and notwithstanding the foregoing provisions of this section, the**
17 **state health authorities or any physician appointed for the purpose by**
18 **the state, after a determination has first been made that such injury or**
19 **sickness was incurred during, or resulted from, such performance of**
20 **duty, may attend any such injured or sick peace officer, from time to**
21 **time, for the purpose of providing medical, surgical or other treatment,**
22 **or for making inspections and the state shall not be liable for salary**
23 **or wages payable to such peace officer, or for the cost of medical**
24 **treatment or hospital care furnished after such date as such health**
25 **authorities or physician shall certify that such injured or sick peace**

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

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officer has recovered and is physically able to perform his or her regular duties. Any injured or sick peace officer who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations pursuant to subdivision two of this section, shall be deemed to have waived his or her rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such peace officer.

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any peace officer who is permanently disabled as a result of an injury or sickness incurred or resulting from the performance of his or her duties if such peace officer is granted an accidental disability retirement allowance pursuant to section sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance or similar accidental disability pension provided by the pension fund of which he or she is a member. If application for such retirement allowance or pension is not made by such peace officer, application therefor may be made by the commissioner of the department of corrections and community supervision.

3. If such a peace officer is not eligible for or is not granted such accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension and is nevertheless, in the opinion of such health authorities or physician, unable to perform his or her regular duties as a result of such injury or sickness but is able, in their opinion, to perform specified types of light peace officer duty, payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to such peace officer if he or she shall refuse to perform such light peace officer duty if the same is available and offered to him or her; provided, however, that such light duty shall be consistent with his or her status as a peace officer and shall enable him or her to continue to be entitled to his or her regular salary or wages, including increases thereof and fringe benefits, to which he or she would have been entitled if he or she were able to perform his or her regular duties.

4. The appropriate department of corrections and community supervision officials may transfer such a peace officer to a position in another unit or office within the department where they are able to do so pursuant to applicable civil service requirements and provided the peace officer shall consent thereto.

5. If such a peace officer is not eligible for or is not granted an accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension, he or she shall not be entitled to further payment of the full amount of regular salary or wages, as provided by subdivision one of this section, after he or she shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service. Where such a peace officer is transferred to another position pursuant to subdivision four of this section or retires or is retired under any procedure applicable to him

or her, including but not limited to circumstances described in subdivision two of this section or in this subdivision, he or she shall thereafter, in addition to any retirement allowance or pension to which he or she is then entitled, continue to be entitled to medical treatment and hospital care necessitated by reason of such injury or illness.

6. Notwithstanding any provision of law to the contrary, a cause of action shall accrue to the state for reimbursement in such sum or sums actually paid as salary or wages and/or for medical treatment and hospital care as against any third party against whom the peace officer shall have a cause of action for the injury sustained or sickness caused by such third party.

§ 2. This act shall take effect immediately.

VETO MESSAGE - No. 516

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 4095, entitled:

"AN ACT to amend the state finance law, in relation to compensation and medical expenses of certain injured state employees"

NOT APPROVED

This bill would require that any parole officer, parole revocation specialist, or warrant officer who is injured or taken sick in any way during the performance of his or her duties, be paid by the State the full amount of his or her salary until the disability has ceased. The State would also be liable for all hospital care necessitated by such injury or illness.

The Division of the Budget estimates that this bill will cost the State nearly $4 million in increased workers' compensation and overtime payments. Because of this fiscal impact. I am compelled to veto this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

5644--A

2013-2014 Regular Sessions

IN SENATE

May 31, 2013

Introduced by Sens. ROBACH, GALLIVAN, GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York

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

1 Section 1. Subdivision 11 of section 302 of the retirement and social
2 security law is amended by adding a new paragraph i to read as follows:
3 **i. Service as a university police officer appointed by the state**
4 **university of New York pursuant to paragraph l of subdivision two of**
5 **section three hundred fifty-five of the education law.**
6 § 2. Subdivision d of section 375-f of the retirement and social secu-
7 rity law, as separately amended by chapters 674 and 677 of the laws of
8 1986, is amended to read as follows:
9 d. In addition to the retirement allowance provided pursuant to the
10 plans set forth in sections three hundred eighty-three, three hundred
11 eighty-three-a [~~and~~], three hundred eighty-three-b **and three hundred**
12 **eighty-three-d** of this [~~chapter~~] **article**, a member of [~~either~~] **any** such
13 plan who retires on or after April first, nineteen hundred sixty-nine
14 with more than twenty-five years of total service shall be entitled to
15 receive, in addition to the benefits provided pursuant to [~~either~~] **any**
16 such section and notwithstanding the limitations of [~~either~~] **any** such
17 section, an additional retirement allowance for such years of service
18 rendered in excess of twenty-five. The additional retirement allowance
19 for such additional years of service shall be computed as if such member
20 had been eligible to have his retirement allowance computed pursuant to

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

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the provisions of subdivision b of section three hundred seventy-five-c and of paragraph one of subdivision a of section three hundred seventy-five-d of this [~~chapter~~] **title**.

§ 3. The retirement and social security law is amended by adding a new section 383-d to read as follows:

§ 383-d. Alternative retirement benefits for university police officers appointed by the state university. a. As used in this section, the term "university police officer" shall mean a person who is so appointed pursuant to paragraph 1 of subdivision two of section three hundred fifty-five of the education law.

b. Notwithstanding any other provision of law providing for transfers between retirement systems, any university police officer in the service of the state university who is a member of the New York state employees' retirement system may transfer to the New York state and local police and fire retirement system and shall receive credit pursuant to and be entitled to the retirement benefits afforded in accordance with this section. Upon any such transfer the member shall be entitled to the amount of service which would have been deemed creditable had such member been subject to such system during the course of his or her membership within such system. Contributions to such system shall be made in accordance with appropriate provisions of law relating thereto. Application for such transfer must be made to the state comptroller on or before December thirty-first, two thousand fourteen. The provisions of section three hundred forty-three of this article shall apply to any member making application for transfer under this subdivision.

c. Any university police officer in the service of the state university who elects or is required to contribute under this section shall contribute to the New York state and local police and fire retirement system on the basis of retirement upon his or her:

1. Completion of twenty-five years of total creditable service; or

2. Attainment of age sixty as a university police officer in the service of the state university, if prior thereto, on an allowance of one-fiftieth of his or her final average salary for each year of total creditable service not in excess of twenty-five years. Such election shall be in writing and shall be duly executed and filed with the comptroller.

d. Every employee entering or re-entering service as a university police officer in the service of the state university on or after the effective date of this section shall contribute on the basis provided for by this section.

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

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

1. An annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement, plus

2. A pension which, together with such annuity and a pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which he or she may then be entitled, if any, shall equal one-fiftieth of his or her final average salary for each year of creditable service in such service. This pension shall not exceed the amount needed to make the total amount of the benefits provided under this paragraph and paragraph one of this subdivision equal to one-half of final average salary.

3. An additional pension equal to the pension for any creditable service rendered while not employed as a university police officer in the service of the state university as provided under paragraphs two and three of subdivision a of section three hundred seventy-five of this article. This pension shall:

(i) Be payable only if such member has attained age sixty at the time of retirement and has not completed twenty-five years of service as a university police officer in the service of the state university for which he or she receives credit under this article, and

(ii) Not increase the total allowance to more than he or she would have received had his or her total service been rendered as a university police officer in the service of the state university. For the purpose only of determining the amount of the pension provided herein, the annuity shall be computed as it would be:

(A) if not reduced by the actuarial equivalent of any outstanding loan, and

(B) if not increased by the actuarial equivalent of any additional contributions, and

(C) if not reduced by reason of the member's election to decrease his or her annuity contributions to the retirement system in order to apply the amount of such reduction in payment of his or her contributions for old-age and survivors insurance coverage.

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

h. In computing the twenty-five years of completed service of a university police officer in the service of the state university, full credit shall be given and full allowance shall be made for service of such member in war after World War I as defined in section two of this chapter, provided such member at the time of his of her entrance into

the armed forces was in state service, and full credit and full allowance shall be made for service as a university peace officer prior to the effective date of chapter four hundred twenty-four of the laws of nineteen hundred ninety-eight.

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

j. Notwithstanding any provision of subdivision d, e or i of this section to the contrary, a member who is in the collective negotiating unit designated as the agency police services unit and established pursuant to article fourteen of the civil service law and who has elected or is required to contribute in accordance with this section may, on or before March thirty-first, two thousand fifteen, elect to come under the provisions of section three hundred seventy-five-h of this article. Such election shall be duly executed and filed with the comptroller.

k. Commencing with the effective date of this section and in a manner determined by the head of the retirement system, the state, as employer, shall make contributions to the retirement system to fund the past service liability costs associated with the implementation of this section as those costs are calculated by the retirement system actuary. Such contributions may, at the election of the employer, be amortized over a ten year period.

§ 4. No employee contributions made to the New York state and local employees' retirement system by any state university police officer who elects to transfer pursuant to this act shall be returned to such officer. Such employee contributions shall be used to offset any past service costs incurred by operation of the provisions of this act.

§ 5. Notwithstanding subdivision h of section 343 of the retirement and social security law, the provisions of subdivisions c and d of section 343 of the retirement and social security law shall apply and the employer contributions reserve shall be transferred from the appropriate fund or funds of the New York state and local employees' retirement system to the New York state and local police and fire retirement system.

§ 6. Subdivision 3 of section 58 of the civil service law, as amended by chapter 244 of the laws of 2013, is amended to read as follows:

3. As used in this section, the term "police officer" means a police officer in the department of environmental conservation, **the state university police,** a member of the regional state park police or a police force, police department, or other organization of a county, city, town, village, housing authority, transit authority or police district, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but shall not include any person serving as such solely by virtue of his or her occupying any other office or position, nor shall such term include a sheriff, under-sheriff, commissioner of police, deputy or assistant commissioner of police, chief of police, deputy or assistant chief of police or any person having an equivalent title who is appointed or employed to exercise equivalent supervisory authority.

§ 7. Paragraphs (a) and (b) of subdivision 4 of section 58 of the civil service law, as amended by chapter 244 of the laws of 2013, are amended to read as follows:

(a) Any person who has received provisional or permanent appointment in the competitive class of the civil service as a police officer of the regional state park police, **the state university of New York police,** the department of environmental conservation or any police force or police

department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department, and to be appointed as a police officer in the same or any other police force or police department without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such second or subsequent appointment, provided such second or subsequent appointment occurs within thirty days of the date of resignation.

(b) Any person who has received permanent appointment in the competitive class of the civil service as a police officer of the regional state park police, **the state university of New York police**, the department of environmental conservation or any police force or police department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department and, subject to such civil service rules as may be applicable, shall be eligible for reinstatement in the same police force or police department or in any other police force or police department to which he or she was eligible for transfer, without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such reinstatement, provided such reinstatement occurs within one year of the date of resignation.

§ 8. This act shall take effect immediately.

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

This bill would allow State University Police Officers to elect to transfer to the New York State and Local Police and Fire Retirement System and to be covered by the provisions of a new twenty-five (25) year half pay retirement plan, with additional one-sixtieths of final average salary for each year of service in excess of twenty-five (25) years, but not exceeding fifteen (15) such years. For Tiers 2, 5, and 6 members, the additional one-sixtieths can not exceed seven (7) such years. There will be no refund of Article 14 or Article 15 member contributions for officers who elect to transfer to the Police and Fire Retirement system.

If this bill is enacted, we anticipate that there will be an increase of approximately $1.4 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2015.

In addition to the annual contributions discussed above, it is estimated that there will be an immediate past service cost of $10.2 million which would be borne by the State of New York, assuming that payment will be made on March 1, 2015. If this cost is amortized over ten (10) years, the cost for the first year, including interest, would be $1.39 million.

These estimated costs are based on five hundred eighty (580) State University Police Officers with a total estimated salary of approximately $39 million for the fiscal year ending March 31, 2013.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 24, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-61 prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police an Fire Retirement System.

VETO MESSAGE - No. 539

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

9162

IN ASSEMBLY

March 24, 2014

_____

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 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state 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. 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.

LBD14397-02-4

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. Notwithstanding any other provision of law to the contrary, section 25 of the retirement and social security law shall not apply to sections one and two of this act.

§ 4. 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 (CBA), 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 504 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. This bill would affect members hired under a CBA as well as those hired under a CBA which has expired but is still operating under Civil Service Law Section 209. 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, 2015 of approximately 4.0% 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:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The market assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information. 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 February 11, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-76, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

VETO MESSAGE - No. 548

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

STATE OF NEW YORK

S. 6936 A. 9236

SENATE - ASSEMBLY

April 2, 2014

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

IN ASSEMBLY -- Introduced by M. of A. McDONALD -- 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 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, 2014 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.
19 § 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

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

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membership to August 1, 2003, the first date he was employed by the Village of Green Island.

If this legislation is enacted during the 2014 legislative session, we anticipate that thee 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 $2,800 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, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 17, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-54, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 549

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

9643--A

2013-2014 Regular Sessions

IN ASSEMBLY

May 13, 2014

Introduced by M. of A. FARRELL, ABBATE -- read once and referred to the Committee on Governmental Employees -- reference changed to the Committee on Ways and Means -- 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 the retirement and social security law, in relation to investments by public pension funds

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

1 Section 1. Paragraph (a) of subdivision 9 of section 177 of the
2 retirement and social security law, as amended by chapter 22 of the laws
3 of 2006, is amended to read as follows:
4 (a) the investments by a fund made pursuant to this subdivision shall
5 not at any time exceed [~~twenty-five~~] **thirty** per centum of the assets of
6 such fund;
7 § 2. This act shall take effect immediately.

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

This bill would amend subdivision 9 of Section 177 of the Retirement and Social security Law to increase to 30% the percentage of assets which may be invested by the New York State Teachers' Retirement System in those investments that aren't otherwise specifically permitted under the other subdivisions of this section. The current limit is 25%.

If this bill is enacted, any cost or savings to the employers of members of the New York State Teachers' Retirement System would depend on the investment performance of any assets that are invested in a different manner due to this change in the investment restrictions. Additional investment income results in lower required employer contributions, and vice-versa.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in

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LBD14954-07-4

the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Revised Fiscal Note 2014-31 dated June 11, 2014 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2014 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.

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

PROVISIONS OF PROPOSED LEGISLATION: With respect to the New York City Retirement Systems ("NYCRS"), this proposed legislation would amend Retirement and Social Security Law ("RSSL") Section 177.9(a) to permit an increase to 30% the percentage of assets that may be held in "Basket Clause" investments (i.e., investments not explicitly identified as permissible elsewhere in New York State law).

This 30% limit compares with a limit of 25% under current law.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: With respect to the NYCRS, the enactment of this proposed legislation would not, in and of itself, result in any change in employer contributions.

The ultimate cost of a Retirement Program is the benefits it pays. The financing of that ultimate cost is provided by contributions and investment income.

Investment income depends upon the amounts of assets of the Fund and the rate of return received on those assets. The rate of return depends primarily upon the asset allocation policy of the Fund.

To the extent that the NYCRS increase their investments in the securities authorized by this proposed legislation and those securities produce greater (lesser) rates of return than the rates of return that the NYCRS would otherwise have achieved, then employer contributions will be lesser (greater).

FISCAL NOTE IDENTIFICATION: This estimated is intended for use only during the 2014 Legislative Session. It is Fiscal Note No. 2014-27, dated June 11, 2014, prepared by the Chief Actuary for the New York City Retirement Systems.

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

This bill will amend the Retirement and Social Security Law to increase the limit on non-legal list investments for the eight (8) public retirement systems of New York State. It would replace the current 25% limit with a 30% limit.

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 assume that there would be small investment changes. Any increases or decreases in investment earnings will result in decreases or increases, respectively, in employer contributions. Annual changes in assets will be shared by all employers and will be spread over the future working lifetimes of active members.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial

Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 12, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-152, 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.

VETO MESSAGE - No. 552

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 9643-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to investments by public pension funds"

NOT APPROVED

This bill would amend Section 177 of the Retirement and Social Security Law to permit 30% of public pension fund assets to be placed outside the "Legal List" of statutorily permitted investments.

The existing statutory limits on the investment of public pension funds are carefully designed to achieve the appropriate balance between promoting growth and limiting risk. This bill would undermine that balance by potentially exposing hard-earned pension savings to the increased risk and higher fees frequently associated with the class of investment assets permissible under this bill. Therefore, I am vetoing this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

3867--A

2013-2014 Regular Sessions

IN SENATE

February 25, 2013

Introduced by Sens. GOLDEN, GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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 the deferral of vacation days for certain members of the retirement system

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

1 Section 1. Section 89 of the retirement and social security law is
2 amended by adding a new subdivision l to read as follows:
3 **l. Notwithstanding the provisions of any general, special or local**
4 **law, code, resolution or charter to the contrary, uniformed persons,**
5 **uniformed personnel, or security hospital treatment assistants as**
6 **defined in subdivision i of this section shall be afforded the option of**
7 **postponing the use of up to five vacation days per year and taking a**
8 **monetary payment in lieu thereof on the date of retirement, separation**
9 **from service, or on the date the member becomes ineligible to receive**
10 **the benefits provided by this section by reason of termination, transfer**
11 **to a different title or for any other reason which would otherwise deem**
12 **the member ineligible to receive such benefits, at the pay rate applica-**
13 **ble to such member on the date of such member's retirement or on the**
14 **date such member becomes ineligible to receive the benefits provided by**
15 **this section by reason of separation of service, termination, transfer**
16 **to a different title or for any other reason. Such monetary payment**
17 **shall not be utilized in the determination of final average salary for**
18 **any such member who so elects to postpone vacation days pursuant to this**
19 **subdivision. Any such member wishing to postpone the use of vacation**
20 **days pursuant to this subdivision shall elect such postponement on an**

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

LBD07379-03-4

1 **annual basis by certifying to the director of personnel of his or her**
2 **respective employer of his or her intention to do so in such manner and**
3 **form as the respective director shall so require.**
4 § 2. This act shall take effect immediately.

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

This bill would allow State Correction Officers and Security Hospital Treatment Assistants to postpone up to 5 days of vacation per year and take monetary payment in lieu thereof on the date of retirement.

If this bill is enacted, affected members would become eligible for increased lump sum payments on their dates of retirement, separation from service, termination or transfer to a different title. The additional payment may not be included in the members' final average salary. Therefore, this legislation does not change any benefit calculations of the New York State and Local Employees' Retirement System (ERS), and there would not be a cost.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated October 29, 2013, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-29, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 557

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire

retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

5153--A

2013-2014 Regular Sessions

IN SENATE

May 13, 2013

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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 probation officers in the Suffolk county department of probation

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 63-g to read as follows:
3 **§ 63-g. Performance of duty disability retirement; certain employees.**
4 **Any member employed by the Suffolk county probation department as a**
5 **probation officer, who becomes physically or mentally incapacitated for**
6 **the performance of duties as the natural and proximate result of an**
7 **injury sustained in the performance or discharge of his or her duties**
8 **shall be paid a performance of duty disability retirement allowance**
9 **equal to one-half his or her final average salary.**
10 § 2. The retirement and social security law is amended by adding a new
11 section 607-i to read as follows:
12 **§ 607-i. Performance of duty disability retirement; certain employees.**
13 **Any member employed by the Suffolk county probation department as a**
14 **probation officer, who becomes physically or mentally incapacitated for**
15 **the performance of duties as the natural and proximate result of an**
16 **injury sustained in the performance or discharge of his or her duties**
17 **shall be paid a performance of duty disability retirement allowance**
18 **equal to one-half his or her final average salary.**
19 § 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.

LBD10682-04-4

This bill would provide improved disability benefits to probation officers employed by the Suffolk County probation department. They would be eligible for a performance of duty disability retirement allowance which would be 50% of final average salary.

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase of approximately $218,000 in the annual contributions of the Suffolk County for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salaries of those affected change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $1.0 million which will be borne by Suffolk County as a onetime payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

These estimated costs are based on 214 known affected members having a total salary for the fiscal year ending March 31, 2014 of approximately $18.8 million.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 21, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-102, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 559

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire

retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

6757--A

Cal. No. 390

IN SENATE

March 6, 2014

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system

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

1 Section 1. Subdivision a of section 605-a of the retirement and social
2 security law, as amended by chapter 489 of the laws of 2008, is amended
3 to read as follows:
4 a. A member employed as a uniformed court officer or peace officer in
5 the unified court system shall be entitled to an accidental disability
6 retirement allowance if, at the time application therefor is filed, such
7 member is:
8 1. Physically or mentally incapacitated for performance of duty as the
9 natural and proximate result of an accident, not caused by his own will-
10 ful negligence, sustained in such service and while actually a member of
11 the retirement system; and
12 2. Actually in service upon which his or her membership is based.
13 However, in a case where a member is discontinued from service subse-
14 quent to the accident, either voluntarily or involuntarily, and provided
15 that the member meets the requirements of paragraph one of this subdivi-
16 sion, application may be made either (a) by a vested member incapaci-
17 tated as the result of a qualifying World Trade Center condition as
18 defined in section two of this chapter at any time, or (b) not later
19 than two years after the member is first discontinued from service.
20 **For purposes of this subdivision, a member who is injured as the**
21 **result of a physical assault by an assailant, suffered while in service**
22 **shall be entitled to accidental disability retirement unless the contra-**
23 **ry can be proven by competent evidence under this section.**

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

LBD08229-08-4

1 § 2. Notwithstanding any other provision of law to the contrary, none
2 of the provisions of this act shall be subject to section 25 of the
3 retirement and social security law.
4 § 3. This act shall take effect immediately.

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

This bill would allow Tier 3, 4, 5 and 6 uniformed court officers and peace officers in the unified court system to be eligible for an accidental disability for injuries sustained in the performance of duty and the result of an injury sustained in the performance or discharge of duty by or as the result of an assault by an assailant, unless the contrary be proven by competent evidence. The benefit for an accidental disability would be 75% of final average salary less worker's compensation.

If this bill is enacted, the cost will vary depending on the members' age, service, tier and salary. It is estimated that the average per person cost will be approximately three (3) times salary.

The exact number of members who could be affected by this legislation cannot be readily determined. In all likelihood, very few members would be affected.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 11, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-81, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 562

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

S. 6937 A. 9235

SENATE - ASSEMBLY

April 2, 2014

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

IN ASSEMBLY -- Introduced by M. of A. McDONALD -- 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 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:

1 Section 1. Notwithstanding any other provision of law, Jill Alix, a
2 member of the New York state and local employees' retirement system, who
3 was employed on June 20, 2008, by the village of Green Island as a
4 recreation director, and who filed membership applications in such
5 system on June 20, 2008 which should have given her Tier IV status but
6 for reasons not ascribable to her own negligence and due to an adminis-
7 trative error, the application was not processed in the usual manner and
8 therefore not processed until December 17, 2012, may be deemed to have
9 become a member of the New York state and local employees' retirement
10 system on June 20, 2008, if on or before December 31, 2014 she shall
11 file an application therefor with the state comptroller. Upon the
12 receipt of such application, Jill Alix shall be granted Tier IV status
13 in the New York state and local employees' retirement system and be
14 eligible for all the rights and benefits thereof. No contributions made
15 to the New York state and local employees' retirement system by Jill
16 Alix shall be returned to her pursuant to this act.
17 § 2. Notwithstanding any other provision of law, Chris Karwiel, a
18 member of the New York state and local employees' retirement system, who
19 was employed on July 19, 2002, by the village of Green Island as a
20 recreation assistant and office assistant, and who filed membership
21 applications in such system on July 19, 2002 which should have given him
22 Tier IV status but for reasons not ascribable to his own negligence and
23 due to an administrative error, the application was not processed in the

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

LBD13413-02-4

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, 2014 he 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 him 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, 2014 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 May 27, 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 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, 2014 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 allow four employees of the Village of Green Island - Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward - to receive retroactive dates of membership in the New York State and Local Employees' Retirement System, thereby making them Tier 4 members.

If this bill is enacted and all four members become covered under the provisions of Tier 4, we anticipate that there will be an increase of approximately $4,800 in the annual contributions of the Village of Green Island for the fiscal year ending March 31, 2015. There also will be an increase of approximately $2,800 in annual contributions of the State of New York for the fiscal year ending March 31, 2015 on behalf of Taryn

Ward, who is currently employed by the State. In future years, this cost will vary as the billing rates and salary of the four affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $6,550 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, 2015

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 14, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-52, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 563

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

7176--A

Cal. No. 801

IN SENATE

May 1, 2014

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the retirement and social security law, in relation to accidental disability retirement

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

1 Section 1. Paragraph 2 of subdivision a of section 363 of the retire-
2 ment and social security law, as amended by chapter 489 of the laws of
3 2008, is amended to read as follows:
4 2. Actually in service upon which his membership is based. However, in
5 a case where a member is discontinued from service subsequent to the
6 accident, either voluntarily or involuntarily, and provided that the
7 member meets the requirements of paragraph one of this subdivision,
8 application may be made, either (a) by a vested member incapacitated as
9 the result of a qualifying World Trade Center condition as defined in
10 section two of this chapter at any time, or (b) not later than two years
11 after the member is first discontinued from service. **Provided further**
12 **that in the case of an application filed for accidental disability bene-**
13 **fits pursuant to section three hundred sixty-three-d of this title the**
14 **requirements for filing for such benefit shall be five years.**
15 § 2. This act shall take effect immediately and apply to all applica-
16 tions filed on or after such date.

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

This bill would extend the filing deadline from 2 years to 5 years for active and retired firefighters in the New York State and Local Police and Fire Retirement system to file an application for accidental disability retirement due to certain cancers.

If this bill is enacted, the cost would depend on age, service, salary and plan of the affected firefighters, as well as whether such person would have otherwise been eligible for, or has been receiving an ordi-

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

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nary disability, a performance of duty disability or a service retirement.

For those who apply for this benefit subsequent to a service retirement, it is estimated that there would be an average per person cost of approximately 1.5 times final average salary. For those who apply subsequent to a performance of duty retirement, it is estimated that there would be an average per person cost of approximately 2 times final average salary. For those who apply subsequent to an ordinary disability retirement, it is estimated that there would be an average per person cost of approximately 4 times final average salary. The number of members of retirees who could be affected by this legislation cannot be readily determined. These costs would be borne by the State of New York and all the participating employers in the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 14, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-118, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

VETO MESSAGE - No. 565

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

STATE OF NEW YORK

7757

IN SENATE

June 5, 2014

Introduced by Sen. GOLDEN -- 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 eligibility for retirement benefits for certain members of the unified court system

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

Section 1. Subdivision a of section 503 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

a. The normal service retirement benefit specified in section five hundred four of this article shall be payable to general members, other than elective members, who have met the minimum service requirements upon retirement and attainment of age sixty-two, provided, however, a general member who is a peace officer employed by the unified court system or a member of a teachers' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service. For members who become members of the New York state and local employees' retirement system on or after April first, two thousand twelve, the normal service retirement benefits specified in section five hundred four of this article shall be payable to general members, other than elective members, who have met the minimum service requirements upon retirement and attainment of age sixty-three**; provided that, a member who is a peace officer employed by the unified court system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service**.

§ 2. Subdivisions a and a-1 of section 603 of the retirement and social security law, subdivision a as amended and subdivision a-1 as added by chapter 18 of the laws of 2012, are amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-

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

LBD14479-03-4

two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system [~~**who first becomes a member of the New York state and local employees' retirement system before April first, two thousand twelve**~~] may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service, provided further that the [~~**the**~~] preceding provisions of this subdivision shall not apply to a New York city revised plan member.

a-1. For members who first become a member of a public retirement system of the state on or after April first, two thousand twelve, **except for uniformed court officers or peace officers employed by the unified court system,** the service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and have attained age sixty-three.

§ 3. Subdivisions a and b-1 of section 604 of the retirement and social security law, subdivision a as amended and subdivision b-1 as added by chapter 18 of the laws of 2012, are amended to read as follows:

a. The service retirement benefit at normal retirement age for a member with less than twenty years of credited service, or less than twenty-five years credited service for a member who joins the New York state teachers' retirement system on or after January first, two thousand ten, shall be a retirement allowance equal to one-sixtieth of final average salary times years of credited service. Normal retirement age for members who first become members of a public retirement system of the state on or after April first, two thousand twelve shall be age sixty-three; **except that the normal retirement age shall be sixty-two for a member who is a peace officer or uniformed court officer employed by the unified court system**.

b-1. Notwithstanding any other provision of law to the contrary, the service retirement benefit for members with twenty or more years of credit service who first become a member of a public retirement system of the state on or after April first, two thousand twelve at age sixty-three**, or at age sixty-two for uniformed court officers or peace officers employed by the unified court system,** shall be a pension equal to the sum of thirty-five per centum and one-fiftieth of final average salary for each year of service in excess of twenty times final average

1 salary times years of credited service. In no event shall any retirement
2 benefit payable without optional modification be less than the actuari-
3 ally equivalent annuitized value of the member's contributions accumu-
4 lated with interest at five percent per annum compounded annually to the
5 date of retirement.
6 § 4. This act shall take effect immediately; provided that the amend-
7 ments to subdivision a of section 603 of the retirement and social secu-
8 rity law made by section two of this act shall not affect the expiration
9 of such subdivision and shall be deemed to expire therewith.

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

This bill will allow any Tier 6 member who is a uniformed court officer or peace officer employed by the unified court system to retire without early age reduction upon attaining 30 years of creditable service and age 55. It would also reduce the normal retirement age from 63 to 62, and lessen the reductions in benefits for those who retire prior to normal retirement age.

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase in the annual contributions of the state of New York of approximately 1.0% of the compensation of the affected members. For the fiscal year ending March 31, 2015, this is estimated to be approximately $20,000.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $11,300 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, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 15, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-113, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 568

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

Section III

Legislation Affecting Other New York Public Retirement Systems

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STATE OF NEW YORK

10019

IN ASSEMBLY

June 9, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend chapter 675 of the laws of 1984 relating to providing fringe benefits for certain employees of school districts and boards of cooperative educational services, in relation to leaves of absence

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

Section 1. Section 1 of chapter 675 of the laws of 1984, relating to providing fringe benefits for certain employees of school districts and boards of cooperative educational services, is amended to read as follows:

Section 1. Notwithstanding any other provisions of law, except in a city having a population of one million or more, an employer as defined in subdivision three of section five hundred one of the education law may grant a leave of absence with full salary to a member of the New York state teachers' retirement system who is employed as a full-time teacher as defined in subdivision four of section five hundred one of the education law from his or her regular position, for the purpose of serving as an elective officer [~~(not to exceed four)~~] of the local employee organization certified or recognized pursuant to article fourteen of the civil service law as the collective negotiating agent of an employee negotiating unit, **or its statewide affiliate,** provided that:

a. the local employee organization **or its statewide affiliate** requests that a leave of absence be granted with full salary for such purpose;

b. each such leave, its terms and renewal shall be subject to an agreement pursuant to article fourteen of the civil service law;

c. such local employee organization **or its statewide affiliate** shall periodically, as specified by the public employer, reimburse the public employer for the salary or wages paid to such employee during such leave of absence together with the full cost of fringe benefits including retirement credit with the New York state teachers' retirement system; and

d. The salary paid shall be the salary the employee would have earned and received had [~~he~~] **the employee** remained in service in the position

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

LBD15506-01-4

1 which [~~he~~] **the employee** held as a full time employee at the time [~~he~~]
2 **the employee** was first elected as an elective officer, prior to the
3 granting of the leave of absence based on the salary schedule in effect
4 for the negotiating unit during each year of the leave of absence.
5 § 2. This act shall take effect immediately.

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

This bill would amend Chapter 675 of the Laws of 1984 to allow a participating employer of the New York State Teachers' Retirement System (NYSTRS) to grant a leave of absence with full salary to a member of NYSTRS who is employed as a full-time teacher from his or her regular position for the purpose of serving as an elective officer of the statewide affiliate of the local employee organization certified or recognized by the participating employer pursuant to Article 14 of the Civil Service Law as the collective negotiating agent of an employee negotiating unit. Currently this leave of absence is only permitted on account of serving as an elective officer of the local employee organization.

The statewide affiliate shall reimburse the public employer for the salary paid to such employee during such leave of absence together with the full cost of all fringe benefits, including the cost of retirement credit with NYSTRS. The salary paid shall be the salary the employee would have earned had he/she remained in service in the position held at the time first elected, based on the salary schedule for the negotiating unit during each year of the leave of absence.

Inasmuch as the retirement costs are to be paid by the statewide affiliate, there will be no annual cost to the employers of members of NYSTRS if this bill is enacted.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is ***Fiscal Note*** 2014-33 dated June 3, 2014 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2014 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.

STATE OF NEW YORK

7399

IN SENATE

May 14, 2014

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

AN ACT to authorize Nicole Steinberg to apply for retroactive membership in the New York state teachers' retirement system

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

1 Section 1. Notwithstanding any provision of law to the contrary,
2 Nicole Steinberg (nee Pisciotta) who commenced employment by the Middle
3 Country central school district as a permanent building substitute
4 teacher on September 13, 2007, and who, for reasons not ascribable to
5 her own negligence, did not become a member of the New York state teach-
6 ers' retirement system until June 1, 2010, shall be deemed to have
7 become a member of such retirement system on September 13, 2007, having
8 Tier IV status, if within one year of the effective date of this act
9 Nicole Steinberg files an application therefor with the head of the New
10 York state teachers' retirement system.
11 § 2. All past service costs of implementing the provisions of this act
12 shall be borne by the Middle Country central school district.
13 § 3. This act shall take effect immediately.

FISCAL NOTE.--This bill would allow Nicole Steinberg, an active member of the New York State Teachers' Retirement System with Tier 5 status, to be reclassified as a Tier 4 member with all rights, benefits, and privileges which would be available to her as a Tier 4 member. Her date of membership would be changed to September 13, 2007 based upon her employment with the Middle Country Central School District. Ms. Steinberg must file a written request with the head of the New York State Teachers' Retirement System within one year of the effective date of this bill.

The cost of this benefit is equal to the increase in the present value of liabilities, which is estimate to be $30,000. All costs associated with implementing this bill shall be borne by the Middle Country Central School District.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's

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

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Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2014-30 dated April 29, 2014 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2014 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.

STATE OF NEW YORK

7692

IN SENATE

May 29, 2014

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to the disclosure of records to public retirement systems of the city of New York

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

Section 1. Paragraph (n) of subdivision 1 of section 96 of the public officers law, as added by chapter 652 of the laws of 1983, is amended and a new paragraph (o) is added to read as follows:

(n) to officers or employees of another agency if the record sought to be disclosed is necessary for the receiving agency to comply with the mandate of an executive order, but only if such records are to be used only for statistical research, evaluation or reporting and are not used in making any determination about a data subject[~~.~~]**; or**

(o) to officers or employees of a public retirement system of the city of New York if the information sought to be disclosed is necessary for the receiving public retirement system to process benefits under the retirement and social security law, the administrative code of the city of New York, or the education law or any other applicable provision of law. A written request or consent from the data subject pursuant to paragraph (a) of this subdivision shall not be required for the disclosure of records pursuant to this paragraph.

§ 2. 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 Public Officers Law Article 6-A, known as the Personal Privacy Protection Law, by adding a new paragraph (o) to Section 96 to allow the disclosure of records or personal information belonging to a "data subject" (generally, an employee of a state agency, board, public authority, etc.) to any of the New York City Retirement Systems ("NYCRS") without requiring a written request or consent from the data subject if the information being sought is necessary to process statutory pension benefits.

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

LBD15429-01-4

The Effective Date of the proposed legislation would be the date of enactment.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUE OF BENEFITS, EMPLOYER NORMAL COST, ACTUARIAL ACCRUED LIABILITY AND EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation is expected to result in no change in the Actuarial Present Value of Benefits, Employer Normal Cost, Actuarial Accrued Liability or employer contributions to the NYCRS.

FINANCIAL IMPACT - ADMINISTRATIVE EXPENSES: The enactment of this legislation would result in the more efficient and less costly administration of the NYCRS.

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 container herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2014 Legislative Session. It is Fiscal Note 2014-03, dated December 12, 2013, prepared by the Chief Actuary for the New York City Retirement Systems.

STATE OF NEW YORK

7693

IN SENATE

May 29, 2014

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the exchange of information between the workers' compensation board and the New York city employees' retirement system

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

Section 1. Paragraph (c) of subdivision 4 of section 25 of the workers' compensation law, as amended by chapter 92 of the laws of 1973, is amended to read as follows:

(c) If the employer or comptroller of the state or city of New York or trustees duly constituted under any welfare, pension or benefit plan, agreement or trust to which the injured employee is a party or of which he **or she** is a beneficiary, and which plan, agreement or trust shall provide that the injured employee shall not be entitled to or shall be limited in the amount of benefits or payments thereunder if he **or she** shall be entitled to benefits under this chapter, shall have advanced or paid benefits or payments thereunder to the injured employee during any period in which his **or her** right to benefits under this chapter was not determined, then and in such event such employer or comptroller of the state or city of New York or trustees shall be entitled to be reimbursed out of the unpaid instalment or instalments of compensation due, provided claim therefor is filed together with proof of the terms of said plan, agreement or trust and of the fact and amount of payment with the board before award of compensation is made. **The New York city employees' retirement system shall provide to the board on a monthly basis a listing in an electronic format including the names and social security numbers of injured employees to whom benefit payments were paid or advanced by such system and whose benefit payments are limited by workers' compensation benefits awarded under this chapter. The board shall verify which injured employees have been awarded workers' compensation benefits and return the listing to the New York city employees' retirement system including, but not limited to, the following information relating to the award for each injured employee: date of accident,**

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

LBD15425-01-4

1 **board case number, carrier identification number, carrier case number,**
2 **beginning and ending dates of disability, payment interval, and payment**
3 **amount. The board shall return the listing to the New York city employ-**
4 **ees' retirement system no later than fourteen days after its receipt.**
5 § 2. This act shall take effect immediately.

FISCAL NOTE. -- PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Workers' Compensation Law ("WCL") Section 25.4(c) to require that the Workers' Compensation Board ("WCB") provide the New York City Employees' Retirement System ("NYCERS") with information relating to Workers' Compensation benefits awarded to retirees of NYCERS whose pension payments are subject to an offset by those benefits.

Currently, WCL Section 25 allows NYCERS to file claims with the WCB for reimbursement of pension benefit payments advanced or paid to retirees before Workers' Compensation benefits are awarded. However, confirmation of which retirees have received Workers' Compensation benefits has not been forthcoming which has impacted NYCERS' ability to implement the offset provisions and initiate the claim process in a timely manner.

This proposed legislation would authorize NYCERS to provide a listing in electronic format to the WCB of injured employees to whom benefit payments were paid or advanced and whose benefit payments are offset by Workers' Compensation benefits with the requirement that the WCB verify which injured employees have been awarded Workers' Compensation benefits and return the listing to NYCERS with certain information related to their awards no later than fourteen days after its receipt.

The Effective Date of the proposed legislation would be the date of enactment.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUE OF BENEFITS, EMPLOYER NORMAL COST, ACTUARIAL ACCRUED LIABILITY AND EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation is expected to result in little or no change in the Actuarial Present Value of Benefits, Employer Normal Cost, Actuarial Accrued Liability or employer contributions to NYCERS.

The enactment of this proposed legislation would, however, result in more accurate and timely processing of certain disability benefit payments from NYCERS.

FINANCIAL IMPACT - ADMINISTRATIVE EXPENSES: The enactment of this legislation would result in some administrative expenses to NYCERS and the WCB, offset by savings to NYCERS in the processing of certain disability benefit payouts.

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 2014 Legislative Session. It is Fiscal Note 2014-02, dated December 12, 2013, prepared by the Chief Actuary for the New York City Retirement Systems.

STATE OF NEW YORK

6914--A

2013-2014 Regular Sessions

IN ASSEMBLY

April 24, 2013

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Introduced by M. of A. ROSENTHAL, COLTON, PERRY, BENEDETTO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the military law, in relation to non-contributory retirement service credit for members of the New York city retirement systems called to military duty on or after September eleventh, two thousand one

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

Section 1. Section 243-d of the military law, as added by chapter 326 of the laws of 2005, is amended to read as follows:

§ 243-d. Non-contributory retirement service credit for members of the New York state and local retirement systems**, the New York city retirement systems** or the New York state teachers' retirement system called to active military duty on or after September eleventh, two thousand one. Notwithstanding any other provision of law, any member of the New York state and local employees' retirement system, **the New York city retirement systems,** the New York state and local police and fire retirement system, or the New York state teachers' retirement system who is called to active military duty on or after September eleventh, two thousand one and prior to January first, two thousand six, who is not receiving his or her full salary from a participating employer and is otherwise eligible to receive retirement service credit in such system for such active military duty pursuant to section two hundred forty-two or two hundred forty-three of this article, shall not be required to make member contributions to receive such credit.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after September 11, 2001.

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

LBD05024-04-4

FISCAL NOTE.-- PROVISIONS OF PROPOSED LEGISLATION: The proposed legislation would amend Military Law Section 243-d to provide non-contributory retirement service credit for any member of the New York City Retirement Systems ("NYCRS") who was called to active military duty on or after September 11, 2001 and prior to January 1, 2006, who did not receive his or her full salary from a participating employer and who otherwise would be eligible to receive retirement service credit in the NYCRS for such active military service. Such member would not be required to make member contributions to receive such credit.

It is the understanding of the Actuary that the time period for which such member was not receiving his or her full salary from a participating employer would be the time period of such military service and not the time period after the return of such member to his or her employment with a participating employer of the NYCRS.

The Effective Date of the proposed legislation would be the date of enactment and would be deemed to have been in full force and effect on and after September 11, 2001.

FINANCIAL IMPACT - SUMMARY: Enactment of this proposed legislation would increase the Unfunded Actuarial Accrued Liability ("UAAL"), where such amount depends on the number of members affected and upon the amount of military service being credited as well as other characteristics including the age and salary history of the affected members.

Assuming that these affected members would purchase this military service if this legislation were not enacted, the enactment of this proposed legislation for each member affected would be expected to result in an increase in the UAAL reflecting the impact of making such purchases non-contributory.

Under Military Law Section 243, captioned "Provisions applicable to public employees who are absent on military duty," members who purchase such service would contribute such amount as he or she would have contributed had his or her employment been continuous.

Under Military Law Section 244-a, captioned "Credit to members of public retirement systems for military service performed during war," members who purchase such service would pay in full the cost of such service (i.e., both the member cost and the employer cost).

Under the Retirement and Social Security Law ("RSSL") Section 1000, captioned "Military service credit," members who purchase such service would contribute 3.0% of his or her compensation earned in the 12 months of credited service immediately preceding the date that the member purchases this service times the number of years of service being purchased.

However, RSSL Section 1000 also provides that a member who has purchased military service pursuant to Military Law Section 244-a would be entitled to a refund of the difference between the amount paid by the member for such purchase and the amount that would be payable if service had been purchased under RSSL Section 1000.

Thus, for purposes of this Fiscal Note, it has been assumed that the member would have purchased this service under RSSL Section 1000.

Accordingly, the increase in the UAAL would be comparable to the value of member contributions of 3.0% of his or her compensation earned in the 12 months of credited service immediately preceding the date that the member purchases this service times the number of years of service being purchased.

For purposes of amortization of the increase in UAAL, in accordance with Administrative Code of the City of New York ("ACNY") Section 13.638.2(k-2), the Actuary has roughly estimated the remaining working

lifetimes of those likely to utilize the provisions of the proposed legislation to be 10 years. Under the One-Year Lag Methodology ("OYLM") used to finance the NYCRS, an amortization period of 10 years would include nine annual payments beginning one year after the actuarial valuation date.

The following Table summarizes the estimated financial impact of this proposed legislation on the NYCRS:

Table 1

Estimated Financial Impact to Provide Non-Contributory Service Credit for Certain Members Called to Active Military Duty on and after September 11, 2001 and prior to January 1,2006

($ Thousands)

Retirement System{1}	Estimated Increase in Unfunded Actuarial Accrued Liability	Estimated Additional Annual Employer Costs{2}
NYCERS	$459.2	$72.9
TRS	0.0{3}	0.0{3}
BERS	0.0{3}	0.0{3}
POLICE	3,774.9	599.4
FIRE	490.9	77.9
Total	$4,725.0	$750.2

{1} 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")
{2} Based on an amortization period of 10 years (9 payments under OYLM).
{3} De minimis.

1 Increases in employer contributions would be comparable to the
2 increases in employer costs.
3 If enacted during the 2014 Legislative Session and if these affected
4 members and their amounts of military service being credited were iden-
5 tified on or before June 30, 2014, this proposed legislation would be
6 expected to increase employer contributions to the NYCRS beginning
7 Fiscal Year 2016.
8 OTHER COSTS: The enactment of this proposed legislation would result
9 in some administrative expenses for the NYCRS.
10 CENSUS DATA: The calculation of estimated changes in UAAL, employer
11 costs and employer contributions presented herein is based upon data
12 provided by NYCERS, POLICE and FIRE. NYCERS reported that 179 members
13 were called to military duty between September 11, 2001 and December 31,
14 2005. POLICE provided data on 1,121 members who were called to military
15 service between September 11, 2001 and December 31, 2005 along with each
16 member's length of military service during that period and their rank
17 when called to duty. FIRE provided data on 185 members who were on mili-
18 tary service as of the end of each calendar year from 2001 through 2005
19 along with their salary at the time they were called to duty. Estimates
20 were made for similar information for TRS and BERS based on the data
21 received from the other systems.
22 STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief
23 Actuary for the New York City Retirement Systems. I am a Fellow of the
24 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 2014 Legislative Session. It is Fiscal Note 2014-10, dated April 2, 2014 prepared by the Chief Actuary of the New York City Retirement Systems.

STATE OF NEW YORK

5058--B

2013-2014 Regular Sessions

IN SENATE

May 7, 2013

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize Beth Barsamian to receive an ordinary death benefit of her daughter, Lauren Barsamian

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 Beth Barsamian shall be hereby eligible to receive the ordinary death
3 benefit calculated pursuant to section 606 of the retirement and social
4 security law on account of the death of her daughter, Lauren Barsamian,
5 who died on October 14, 2005 from a tragic accident that occurred on
6 October 8, 2005, while employed by the East Ramapo School District, a
7 member of the New York state teachers' retirement system, and for
8 reasons not ascribable to Lauren Barsamian's own negligence, the trans-
9 fer of her prior service credit as a teacher from September 2002 through
10 August 2005 at the St. Joseph's School for the Deaf, an employer which
11 participates in the New York state and local employees' retirement
12 system, was not completed and as such did not afford death coverage to
13 her mother and family. Beth Barsamian is further authorized to transfer
14 the prior service credit of Lauren Barsamian in the New York state and
15 local employees' retirement system to the New York state teachers'
16 retirement system which Lauren Barsamian joined on September 1, 2005, if
17 on or before December 31, 2014, she files an application therefor with
18 the state comptroller. Such transfer shall be deemed to have taken

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

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effect on the beginning date of Lauren Barsamian's membership with the New York state teachers' retirement system.

Transfer of Lauren Barsamian's prior service credit shall be made by the New York state and local employees' retirement system to the New York state teachers' retirement system upon notification from the former retirement system to the latter retirement system that Lauren Barsamian would have met all of the requirements, had she been alive. There shall not be a transfer of the member's contributions because those monies have already been paid out to her designated beneficiary.

All costs incurred by implementing the provisions of this act due to past service shall be borne by the employers of members of the New York state teachers' retirement system.

§ 2. This act shall take effect immediately.

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

This bill would allow Beth Barsamian, the mother of Lauren Barsamian, to transfer Lauren Barsamian's service credit in the New York State and Local Employees' Retirement System to the New York State Teachers' Retirement System. Lauren Barsamian became a member of the New York State Teachers' Retirement System on September 1, 2005 and died on October 14, 2005 from a tragic accident that occurred on October 8, 2005. Lauren Barsamian was ineligible for death benefit coverage under Paragraph 2 of Section 606 of the Retirement and Social Security Law because she had less than one year of service credit with the New York State Teachers' Retirement System at the time of her death. However, she would have been eligible for death benefit coverage had she transferred her service credit in the New York State and Local Employees' Retirement System to the New York State Teachers' Retirement System prior to her death.

The cost of this benefit is equal to the amount of Ms. Barsamian's ordinary death benefit, which is estimated to be $167,000.

The source of this estimate is Fiscal Note 2014-21 dated March 5, 2014 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2014 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.

Section IV

Vetoed Legislation Affecting Other New York Public Retirement Systems

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STATE OF NEW YORK

4888--A

2013-2014 Regular Sessions

IN SENATE

April 30, 2013

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the New York city employees' retirement system to consider the application for disability retirement benefits from Peter DiMario

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, the application
2 for disability retirement benefits of Peter DiMario, who was employed by
3 the New York city off-track betting corporation from June 1984 until
4 December 2010 when such corporation closed, and is a member of the New
5 York city employees' retirement system, which for reasons not ascribable
6 to his own negligence has been denied a disability retirement from the
7 New York city employees' retirement system, shall be accepted for
8 consideration by the New York city employees' retirement system as if
9 such application had been filed in a timely manner on March 7, 2011.
10 § 2. All costs associated with the implementation of this act shall be
11 borne by the state.
12 § 3. This act shall take effect immediately.

FISCAL NOTE.--PROVISIONS OF PROPOSED LEGISLATION: The proposed legislation would authorize the New York City Employees' Retirement System ("NYCERS") to accept for consideration an application for Disability Retirement benefits from Peter DiMario.

BACKGROUND: Mr. DiMario became a Tier IV member of NYCERS on June 18, 1984 and is covered under the provisions of Retirement and Social Security Law ("RSSL") Article 15.

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

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RSSL Article 15, Section 605 provides that an application for Disability Retirement must be filed either:

(a) By a vested member incapacitated as the result of a qualifying World Trade Center condition as defined in RSSL Section 2, at any time, or

(b) Within three months from the last date the member was being paid on the payroll or,

(c) In the case of a member who was placed on a leave of absence for medical reasons without pay, either voluntarily or involuntarily, at the time he/she ceased being paid, not later than twelve months after the date the employee receives notice that his/her employment status has been terminated.

In the case of Mr. DiMario, under current law, he would have had to file pursuant to the preceding basis (b) (i.e., within three months of his last day of pay). His last day of pay was December 7, 2010.

However, Mr. DiMario filed for Disability Retirement on October 25, 2011, more than three months after his last day of pay. Since his application was not timely filed, NYCERS informed Mr. DiMario that it could not be processed.

The proposed legislation, if enacted, would authorize NYCERS to accept for consideration his application for Disability Retirement as if it had been filed in a timely manner on March 7, 2011.

All costs associated with the implementation of this proposed legislation would be borne by New York State.

The Effective Date of the proposed legislation would be the Date of Enactment.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: The estimated financial impact has been calculated based on the difference between (1) the benefits Mr. DiMario would receive if this proposed legislation were enacted and his application for Disability Retirement were approved and (2) the benefits Mr. DiMario would otherwise be entitled to receive.

The difference in estimated costs is intended to provide a sense of the ultimate financial impact.

The difference in first year employer contributions reflects both the difference in costs and the impact of the actuarial valuation assumptions initially in use.

Based on the actuarial assumptions and methods described herein, on an estimated cost basis, the enactment of this proposed legislation would increase the Actuarial Present Value of Benefits ("APVB") and the Unfunded Actuarial Accrued Liability ("UAAL") of NYCERS by approximately $245,000 as of June 30, 2013.

On an actuarial valuation basis Mr. DiMario is currently considered to be entitled to a Vested Benefit and assumed to have a life expectancy similar to a Service (rather than Disability) retiree. If Mr. DiMario were treated as a Disability Retiree with life expectancy of a Disability Retiree (assuming he were approved), the APVB and UAAL of NYCERS would increase by approximately $215,000 as of June 30, 2013.

FINANCIAL IMPACT - ANNUAL EMPLOYER COSTS AND ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Section 13.638.2(k-2) of the Administrative Code of the City of New York ("ACNY"), new UAAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes.

For this proposed legislation, Mr. DiMario is inactive and therefore the entire increase in UAAL based on the Actuary's actuarial assumptions

and methods in effect on June 30, 2013 of $245,000 (on an estimated cost basis) should be recognized in the first year.

Similarly, as of June 30, 2013, based on the actuarial valuation assumptions and methods then in effect, the proposed legislation would increase the first year's employer contributions by approximately $215,000.

CONTRIBUTION TIMING: If enacted during the 2014 Legislative Session and if his application for Disability Retirement were approved on or before June 30, 2014, his status as a Disability Retiree would likely first be reflected in the June 30, 2014 census data. In accordance with the One-Year Lag methodology used to determine employer contributions, increased employer contributions would be consistent with the increased employer costs and would be determined for Fiscal Year 2016.

If enacted during the 2014 Legislative Session, and if his application for Disability Retirement were approved after June 30, 2014 but on or before June 30, 2015, his status as a Disability Retiree would likely first be reflected in the June 30, 2015 census data and increased employer contributions would be determined for Fiscal Year 2017.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional APVB and UAAL for employer contribution purposes presented herein have been calculated by comparing the APVB of a Vested Benefit as determined for actuarial valuation purposes (i.e., using a Service Retirement mortality table) with the APVB of a Disability Retirement benefit as determined for actuarial valuation purposes (i.e., using a Disability Retirement mortality table).

The additional APVB for employer cost purposes (i.e., additional APV of future employer costs and additional annual employer costs) reflect an assumption that Mr. DiMario's life expectancy is more consistent with a Disability Retirement mortality table.

For purposes of determining the APVB of a Disability Retirement benefit, we have assumed that Mr. DiMario would elect to have his benefit paid in the form of a 100% joint & survivor benefit which is the option he elected on his Disability Retirement application.

In addition to the actuarial assumptions described above, all results presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2013 (Lag) actuarial valuations used to determine Fiscal Year 2015 employer contributions of NYCERS.

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 NYCERS.

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 2014 Legislative Session. It is Fiscal Note 2014-05, dated February 4, 2014 prepared by the Chief Actuary for the New York City Employees' Retirement System.

VETO MESSAGE - No. 558

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 7862-A, entitled:

"AN ACT to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York"

Assembly Bill Number 9162, entitled:

"AN ACT to amend the retirement and social security law, in relation 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 establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system"

Assembly Bill Number 9236, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Stebbins"

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 3867-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system"

Senate Bill Number 4888-A, entitled:

"AN ACT to authorize the New York City employees' retirement system to consider the application for disability retirement benefits from Peter DiMario"

Senate Bill Number 5153-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation"

Senate Bill Number 6757-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system"

Senate Bill Number 6937, 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 7176-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement"

Senate Bill Number 7757, entitled:

"AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system"

NOT APPROVED

These bills provide various pension and payroll benefits to State and local workers but provide no funding to pay for them.

Combined, these bills would require the State and its localities to pay an estimated $15 million in one-time expenditures and would impose recurring annual costs estimated at $7.8 million. Given such unfunded costs and their ultimate imposition on taxpayers, I am vetoing these bills.

These bills are disapproved. (signed) ANDREW M. CUOMO

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