

2013 Retirement Legislation



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



**New York State and Local
Retirement System**

Employees' Retirement System
Police and Fire Retirement System

A Message from Comptroller Thomas P. DiNapoli



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

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

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

Sincerely,

A handwritten signature in black ink that reads "Tom DiNapoli". The signature is written in a cursive, flowing style.

Thomas P. DiNapoli
State Comptroller

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Section I

Legislation Affecting the New York State and Local Retirement System

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55	3	Enacts major components of legislation necessary to implement the public protection — general government budget for the 2013-14 state fiscal year [A.3005/S.2605]
57	8	Amends various provisions of law relating to implementing the education, labor, housing, and family assistance budget for the 2013-2014 state fiscal year [A.3007/S.2607]
67	34	Establishes the financial restructuring board for local governments and relates to public arbitration panels determinations of whether public employers are fiscally eligible [A.8086/S.5865]
185	41	Grants retroactive tier IV membership in the New York state and local employees' retirement system to Sarah Fish [A.2888/S.2587]
193	43	Authorizes the town of Ticonderoga to offer a 20 year retirement plan to police officer Dale W. Quesnel, Jr. [A.4963/S.3182]
196	45	Increases certain special accidental death benefits [A.5576/S.4257]
206	51	Authorizes the city of Ithaca, in the county of Tompkins to offer an optional twenty year retirement plan to firefighter James Crowley [A.6687/S.4662]
262	53	Allows John R. Panichi to join the special retirement plan for sheriffs, undersheriffs and deputy sheriffs [A.6504/S.4389]
268	55	Authorizes Eric Brown to participate in the optional twenty year retirement system [A.6643/S.4584]
271	57	Allows Michael E. Petroski to join the optional twenty year retirement plan, town of Glenville, county of Schenectady [A.6811/S.4735]
273	59	Authorizes the village of Rockville Centre to offer a 20 year retirement plan to police officer Noz Firoz [A.7045/S.4800]
288	61	Authorizes the village of Hudson Falls to offer a 20 year retirement plan to police officer Brandon Kommer [A.7576/S.5140]
291	63	Authorizes Charles Witt, who is employed by the village of Lyons, to join the twenty year retirement system [A.7300/S.5143]
293	65	Relates to allowing Nancy M. Dwyer to apply for Tier IV status [A.4842/S.5207]

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295	67	Authorizes the village of Sleepy Hollow to offer an optional twenty-year retirement plan to certain police officers [A.7030/S.5239]
296	69	Authorizes the village of Quogue, county of Suffolk to offer certain retirement options to police officer Robert J. Hammel [A.7398/S.5266]
303	71	Authorizes the village of Menands in the county of Albany to offer an optional twenty year retirement plan to police officer Aaron St. Gelais [A.7940/S.5753]
308	73	Grants Stephen P. Cronin past service credit in the optional twenty year retirement plan for certain firemen and policemen [A.7694/S.5612]
339	75	Relates to implementing an agreement between the state and an employee organization; providing for the adjustment of salaries or hourly rates of certain incumbents in the professional services negotiating unit [A.8032/S.5808]
340	80	Implements an agreement between the state and an employee organization in the employ of the state university; appropriation [A.8030/S. 5799]
352	92	Establishes the electronic death registration system [A.7500/S.4668]
416	96	Relates to providing certain accidental disability retirement benefits for fire marshals in Nassau county [A.7520/S.5669]
453	99	Relates to authorizing former employees of the state university of New York NY Network to retain membership in the optional retirement program [A.7586/S.5767]
488	101	Relates to extending the effectiveness of a health insurance demonstration program for early retirees [A.7735/S.5695]
489	103	Addresses limitations in existing disability provisions intended to protect public employees who suffered injuries or illnesses in WTC rescue, recovery and cleanup operations [A.7803/S.5759]
520	129	Clarifies the maximum salary which may be used to calculate the ordinary death benefit of members of the public retirement systems of the state [A.4983/S.4761]
523	132	Allows larger lump sum payments to be made under the partial lump sum payment program for certain members of the New York state and local police and fire retirement system [A.6942/S.5053]

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Section II

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

Chapter Titles

Section III

Legislation Affecting Other New York Public Retirement Systems

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3	163	Relates to the rate of regular interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to retirement systems [A.2296/S.2145]
56	191	Enacts into law major components of legislation necessary to implement the state health mental hygiene budget for the 2013-2014 state fiscal year [A.3006/S.2606]
436	199	Allows the annual convention of the New York state teachers' retirement system to be held in either the month of October or November [A.4982/S.4755]
522	201	Provides for the refund of certain member contributions [A.6578/S.4186]

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Section I

Legislation Affecting the
New York State and Local Retirement Systems

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STATE OF NEW YORK

S. 2605--D

A. 3005--D

SENATE - ASSEMBLY

January 22, 2013

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

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

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

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

LBD12570-08-3

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

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

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

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

12 PARTS A - X OMITTED

15 PART Y

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

18 **3. Notwithstanding the provisions of subdivisions one and two of this**
19 **section, the commissioner of education may determine, pursuant to**
20 **section two hundred eleven of this article, that such earnings limita-**
21 **tions shall not apply to a retired police officer employed by a school**
22 **district as a school resource officer.**

23 § 2. This act shall take effect immediately.

24 PART Z - OMITTED

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

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

STATE OF NEW YORK

S. 2607--D

A. 3007--D

SENATE - ASSEMBLY

January 22, 2013

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

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

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

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

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

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

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

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

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

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

12

PARTS A - AA OMITTED

40

PART BB

41 Section 1. Legislative findings and intent. The legislature finds that
42 local governments and school districts are facing increased stress from
43 rising costs including employee pension obligations. Last year, the
44 legislature took action to aid local governments and school districts in
45 controlling future pension obligations by making changes to the benefit
46 structure for employees hired after April 1, 2012. Now the legislature
47 finds that it is desirable to provide local governments and school
48 districts with more stability and predictability for current pension
49 obligations, while simultaneously ensuring the adequacy of pension
50 system funding.

51 It is the intent of the legislature to authorize the comptroller and
52 the New York state teachers' retirement system board to establish,
53 subject to their discretion, additional contribution options designed to

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

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

6 § 19-a. Employer contributions for the two thousand ten - two thousand
7 eleven fiscal year and subsequent fiscal years. a. In addition to the
8 definitions in section two of this article, when used in this section:

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

17 **(1-a) "Alternative amortizing employer" shall mean a county, city,**
18 **town, village, school district, board of cooperative educational**
19 **services, or public benefit corporation that operates a public general**
20 **hospital located in the county of Westchester, the county of Erie, or**
21 **the county of Nassau that, on a form prepared by the comptroller, elects**
22 **to and does amortize a portion of the employer's annual bill pursuant to**
23 **paragraph one of subdivision d of this section for the two thousand**
24 **thirteen - two thousand fourteen fiscal year pursuant to the alternative**
25 **system graded contribution rate, regardless of whether the employer has**
26 **subsequently paid in full all such amortized amounts.**

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

35 (3) "Employer's actuarial contribution" for a given fiscal year shall
36 mean an employer's annual bill for such fiscal year exclusive of defi-
37 ciency contributions and payments on account of group term life insur-
38 ance, adjustments relating to prior fiscal years' obligations, retire-
39 ment incentives and prior amortizations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **(2) For the two thousand fifteen - two thousand sixteen fiscal year**
36 **and for subsequent fiscal years, the alternative system graded contrib-**
37 **ution rates shall be determined as follows:**

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

47 **(ii) if the system average actuarial contribution rate for a given**
48 **fiscal year is at least nine and one-half percent and either equals the**
49 **alternative system graded contribution rate for the immediately preced-**
50 **ing fiscal year or exceeds the alternative system graded contribution**
51 **rate for the immediately preceding fiscal year by one-half percentage**
52 **point or less, then the alternative system graded contribution rate for**
53 **the given fiscal year shall equal the system average actuarial contrib-**
54 **ution rate for such fiscal year, provided, however, that in no event**
55 **shall the alternative system graded contribution rate be less than nine**
56 **and one-half percent;**

1 (iii) if the system average actuarial contribution rate for a given
2 fiscal year is less than nine and one-half percent and greater than the
3 alternative system graded contribution rate for the immediately preced-
4 ing fiscal year, then the alternative system graded contribution rate
5 for the given fiscal year shall equal the system actuarial contribution
6 rate for such fiscal year;

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

14 (v) if the system average actuarial contribution rate for a given
15 fiscal year either equals the alternative system graded contribution
16 rate for the immediately preceding fiscal year or is smaller than the
17 alternative system graded contribution rate for the immediately preced-
18 ing fiscal year by one-half percentage point or less, then the alterna-
19 tive system graded contribution rate for the given fiscal year shall
20 equal the system actuarial contribution rate for such fiscal year.

21 d. (1) For any given fiscal year for which an employer's average actu-
22 arial contribution rate exceeds the system graded contribution rate, the
23 employer shall pay to the retirement system an amount equal to the
24 employer's annual bill for such year or, in lieu of paying the entire
25 annual bill, the employer may pay an amount equal to the employer's
26 annual bill less all or a portion of the employer's amount eligible for
27 amortization for the fiscal year. If in accordance with this paragraph
28 the employer's payment to the retirement system is less than the entire
29 amount of the employer's annual bill, then the difference between the
30 employer's annual bill, and the amount actually paid by the employer to
31 the retirement system exclusive of any amount from the employer contrib-
32 ution reserve fund applied to reduce the employer's payment, shall be
33 the amount amortized for the fiscal year. The amount amortized for the
34 fiscal year shall be paid to the retirement system in equal annual
35 installments over a ten-year period, with interest on the unpaid balance
36 at a rate determined by the comptroller which approximates a market rate
37 of return on taxable fixed rate securities with similar terms issued by
38 comparable issuers, and with the first installment due in the immediat-
39 ely succeeding fiscal year.

40 (1-a) For any given fiscal year for which an employer's average actu-
41 arial contribution rate exceeds the alternative system graded contrib-
42 ution rate, the employer shall pay to the retirement system an amount
43 equal to the employer's annual bill for such year or, in lieu of paying
44 the entire annual bill, the employer may pay an amount equal to the
45 employer's annual bill less all or a portion of the employer's amount
46 eligible for amortization for the fiscal year. If in accordance with
47 this paragraph the employer's payment to the retirement system is less
48 than the entire amount of the employer's annual bill, then the differ-
49 ence between the employer's annual bill, and the amount actually paid by
50 the employer to the retirement system exclusive of any amount from the
51 employer contribution reserve fund applied to reduce the employer's
52 payment, shall be the amount amortized for the fiscal year. The amount
53 amortized for the fiscal year shall be paid to the retirement system in
54 equal annual installments over a twelve year period, with interest on
55 the unpaid balance at a rate determined by the comptroller which shall
56 be the twelve year interpolated rate based on the most recently

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

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

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

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

25 (2-a) For any given fiscal year for which the alternative system grad-
26 ed contribution rate equals or exceeds an alternative amortizing employ-
27 er's average actuarial contribution rate, the alternative amortizing
28 employer shall pay to the retirement system an amount equal to the
29 employer's annual bill for such year plus the employer's graded payment
30 for the fiscal year.

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

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

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

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

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

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

12 (3) Notwithstanding the provisions of paragraph two of this subdivi-
13 sion, if at the close of any given fiscal year the balance of an employ-
14 er's account within the fund exceeds one hundred percent of the employ-
15 er's payroll for such fiscal year, the excess shall be applied to reduce
16 the employer's payment to the retirement system for the next succeeding
17 fiscal year.

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

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

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

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

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

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

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

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

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

53 § 319-a. Employer contributions for the two thousand ten - two thou-
54 sand eleven fiscal year and subsequent fiscal years. a. In addition to
55 the definitions in section three hundred two of this article, when used
56 in this section:

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

9 (1-a) "Alternative amortizing employer" shall mean a county, city,
10 town or village that, on a form prepared by the comptroller, elects to
11 and does amortize a portion of the employer's annual bill pursuant to
12 paragraph one of subdivision d of this section for the two thousand
13 thirteen - two thousand fourteen fiscal year pursuant to the alternative
14 system graded contribution rate, regardless of whether the employer has
15 subsequently paid in full all such amortized amounts.

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

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

30 (4) "Employer's annual bill" shall mean for a given fiscal year the
31 sum of the following amounts: (i) an employer's normal contributions for
32 the fiscal year determined in accordance with paragraph one of subdivi-
33 sion b of section three hundred twenty-three of this article and the
34 comprehensive structural reform program implemented pursuant to subdivi-
35 sion b of section three hundred twenty-three-a of this article, includ-
36 ing the provisions of subdivision b of section three hundred twenty-
37 three-a of this article relating to the required minimum annual
38 contribution of four and one-half percent of pensionable salaries; (ii)
39 the employer's deficiency contributions and administration contributions
40 for the fiscal year determined in accordance with paragraphs two and
41 three of subdivision b of section three hundred twenty-three of this
42 article; and (iii) any payments by the employer due in the fiscal year
43 on account of group term life insurance, adjustments relating to prior
44 fiscal years' obligations, retirement incentives and prior amorti-
45 zations.

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

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

53 (7) "Employer's graded contribution" for a given fiscal year shall
54 mean the amount determined by applying the employer's graded contrib-
55 ution rate or the alternative amortizing employer's graded contribution

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (ii) If the actuarial contribution rate for an employer for a given
38 fiscal year is less than fifty percent of the system actuarial contribu-
39 tion rate for such year, then the graded contribution rate for the
40 employer for the fiscal year shall equal fifty percent of the system
41 graded contribution rate for such year.

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

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

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

52 **(i) if the system average actuarial contribution rate for a given**
53 **fiscal year is at least seventeen and one-half percent and exceeds the**
54 **alternative system graded contribution rate for the immediately preced-**
55 **ing fiscal year by more than one-half percentage point, then the alter-**
56 **native system graded contribution rate for the given fiscal year shall**

1 equal the alternative system graded contribution rate for the immediate-
2 ly preceding fiscal year plus one-half percentage point, provided,
3 however, that in no event shall the alternative system graded contrib-
4 ution rate be less than seventeen and one-half percent;

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

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

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

28 (v) if the system average actuarial contribution rate for a given
29 fiscal year either equals the alternative system graded contribution
30 rate for the immediately preceding fiscal year or is smaller than the
31 alternative system graded contribution rate for the immediately preced-
32 ing fiscal year by one-half percentage point or less, then the alterna-
33 tive system graded contribution rate for the given fiscal year shall
34 equal the system actuarial contribution rate for such fiscal year.

35 d. (1) For any given fiscal year for which an employer's average actu-
36 arial contribution rate exceeds the employer graded contribution rate,
37 the employer shall pay to the retirement system an amount equal to the
38 employer's annual bill for such year or, in lieu of paying the entire
39 annual bill, the employer may pay an amount equal to the employer's
40 annual bill less all or a portion of the employer's amount eligible for
41 amortization for the fiscal year. If in accordance with this paragraph
42 the employer's payment to the retirement system is less than the entire
43 amount of the employer's annual bill, then the difference between the
44 employer's annual bill, and the amount actually paid by the employer to
45 the retirement system exclusive of any amount from the employer contrib-
46 ution reserve fund applied to reduce the employer's payment, shall be
47 the amount amortized for the fiscal year. The amount amortized for the
48 fiscal year shall be paid to the retirement system in equal annual
49 installments over a ten-year period, with interest on the unpaid balance
50 at a rate determined by the comptroller which approximates a market rate
51 of return on taxable fixed rate securities with similar terms issued by
52 comparable issuers, and with the first installment due in the immediate-
53 ly succeeding fiscal year.

54 (1-a) For any given fiscal year for which an employer's average actu-
55 arial contribution rate exceeds the alternative system graded contrib-
56 ution rate, the employer shall pay to the retirement system an amount

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

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

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

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

39 (2-a) For any given fiscal year for which the alternative system grad-
40 ed contribution rate equals or exceeds an alternative amortizing employ-
41 er's average actuarial contribution rate, the alternative amortizing
42 employer shall pay to the retirement system an amount equal to the
43 employer's annual bill for such year plus the employer's graded payment
44 for the fiscal year.

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

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

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

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

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

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

26 (3) Notwithstanding the provisions of paragraph two of this subdivi-
27 sion, if at the close of any given fiscal year the balance of an employ-
28 er's account within the fund exceeds one hundred percent of the employ-
29 er's payroll for such fiscal year, the excess shall be applied to reduce
30 the employer's payment to the retirement system for the next succeeding
31 fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 b. Notwithstanding the provisions of this chapter or any other law to
38 the contrary, the retirement board, in its discretion, shall have
39 authority to implement the provisions of this subdivision. If the
40 retirement board elects to implement the provisions of this subdivision,
41 the provisions shall apply to the payment of participating educational
42 employer contributions in the plan year commencing July first, two thou-
43 sand thirteen, for the pension bill paid on September fifteenth, October
44 fifteenth, and November fifteenth of two thousand fourteen, and for the
45 subsequent six plan years. If a participating educational employer does
46 not elect the stable contribution option in the fiscal year commencing
47 on July first, two thousand thirteen for the pension bill paid on
48 September fifteenth, October fifteenth, and November fifteenth of two
49 thousand fourteen, it shall not be eligible to elect the stable contrib-
50 ution option in any succeeding plan year.

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

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

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

9 e. Any participating educational employer which elects to pay the
10 stable contribution amount pursuant to this subdivision shall pay the
11 amount based on the stable contribution rate for a period of seven years
12 and such option shall be available to participating educational employ-
13 ers from the two thousand thirteen - two thousand fourteen plan year
14 through the two thousand nineteen - two thousand twenty plan year. In
15 the sixth plan year, the two thousand eighteen - two thousand nineteen
16 plan year, the participating educational employer shall pay the stable
17 contribution rate and, in addition, commence payment for deferred
18 employer contributions in accordance with paragraph j of this subdivi-
19 sion. Commencing with the plan year beginning July first, two thousand
20 twenty, the participating educational employer shall resume payment of
21 the actuarially required contribution rate of normal and administrative
22 contributions pursuant to sections five hundred seventeen and five
23 hundred nineteen of this article and, in addition, any payment for
24 deferred employer contribution amounts in accordance with paragraphs j
25 and k of this subdivision.

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

30 (1) the stable contribution amount calculated pursuant to this subdivi-
31 vision; and

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

37 g. The stable contribution amount must be paid in full by participat-
38 ing educational employers on the dates specified in paragraph h of
39 subdivision two of this section.

40 h. Prior to July first, two thousand fifteen and July first, two thou-
41 sand seventeen the retirement board is authorized to evaluate the stable
42 contribution rate used to calculate participating educational employer
43 stable contribution amounts. Such evaluation shall be based on a projec-
44 tion of assets and liabilities so as to ensure that contributions by
45 participating educational employers which participate in the stable
46 contribution option are adequate to ensure that system assets are suffi-
47 cient to fund benefits for active and retired members. The retirement
48 board is authorized to increase the stable contribution rate by up to
49 two percentage points on July first, two thousand fifteen and on July
50 first, two thousand seventeen. The revised stable contribution rate
51 resulting from the foregoing evaluations and July first, two thousand
52 fifteen and July first, two thousand seventeen stable rate increases may
53 not, in combination, exceed eighteen percent. The retirement board is
54 authorized to decrease the stable contribution rate, if warranted, but
55 in no event shall the stable contribution rate be less than fourteen
56 percent.

1 i. A participating educational employer may elect to terminate partic-
2 ipation in the stable contribution option and resume payment of the
3 actuarially required contribution of normal and administrative contrib-
4 utions in accordance with sections five hundred seventeen and five
5 hundred nineteen of this article. Provided, however, that such partic-
6 ipating educational employer which elects to terminate participation
7 shall make a reconciliation contribution to the retirement system, at an
8 amount to be determined by the retirement board, adequate to fund the
9 benefits for active and retired members associated with such participat-
10 ing educational employer had such participating educational employer not
11 elected the provisions of this subdivision. Such reconciliation contrib-
12 ution shall be made over a period not to exceed five years and shall be
13 made in addition to the normal and administrative contributions pursuant
14 to sections five hundred seventeen and five hundred nineteen of this
15 article for the plan year in which such participating educational
16 employer chooses to resume payment of the normal and administrative
17 contributions pursuant to sections five hundred seventeen and five
18 hundred nineteen of this article. For the purposes of determining the
19 reconciliation contribution amount, the retirement board shall assume
20 interest on the deferred employer contribution amount at a rate which
21 approximates the monthly average yield on United States treasury securi-
22 ties at ten-year constant maturity for the twelve-month period preceding
23 August first of each year plus one percentage point. The interest rate
24 associated with such deferred employer contribution amount shall be
25 specific to each applicable plan year's deferred amount.

26 j. In the sixth plan year, commencing July first, two thousand eigh-
27 teen, all participating educational employers having elected the stable
28 contribution option shall continue to contribute the stable contribution
29 amount to the retirement system and remit to the retirement system the
30 accrued deferred employer contributions accumulated in the first five
31 plan years. The stable payment of the deferred employer contribution
32 accrued by the participating educational employer shall be paid to the
33 retirement system in equal annual installments over a five-year period,
34 with interest on the unpaid portion to be based on the monthly average
35 yield on United States treasury securities at a ten-year constant matu-
36 rity for the twelve-month period preceding August first of each year
37 plus one percentage point. The interest rate associated with such
38 deferred employer contribution amount shall be specific to the rate as
39 measured on August first of the applicable plan year to such deferred
40 amount. Payments of the stable installments shall be made in the same
41 manner as other employer contributions as prescribed in this article.
42 Nothing in this subdivision shall be construed as prohibiting such
43 participating educational employer from making a reconciliation contrib-
44 ution in accordance with paragraph i of this subdivision.

45 k. In the eighth plan year, commencing July first, two thousand twen-
46 ty, all participating educational employers having elected the stable
47 contribution option shall resume payment of the actuarially required
48 contribution rate of normal and administrative contributions in accord-
49 ance with section five hundred seventeen and five hundred nineteen of
50 this article. Additionally, such employer will remit to the retirement
51 system the accrued deferred employer contributions accumulated during
52 the plan years commencing July first, two thousand eighteen and July
53 first, two thousand nineteen of the stable contribution option. The
54 stable payment of the deferred employer contribution accrued by the
55 participating educational employer shall be paid to the retirement
56 system in equal annual installments over a five-year period with inter-

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

12 1. Notwithstanding the provisions of this subdivision, if the retire-
13 ment board decides to adopt a stable contribution option, in accordance
14 with this subdivision, and the funded status of the retirement system
15 reaches a threshold below eighty percent at the end of any plan year
16 during the seven plan year term of this option, the option shall cease
17 and participating educational employers who have elected the stable
18 contribution option shall resume payment of the actuarially required
19 contribution rate of normal and administrative contributions in accord-
20 ance with section five hundred seventeen and five hundred nineteen of
21 this article. Additionally, such employer will make a reconciliation
22 contribution to the retirement system, at an amount to be determined by
23 the retirement board, adequate to fund the benefits for active and
24 retired members associated with such participating educational employer
25 had such participating educational employer not elected the provisions
26 of this section. The payment of the deferred employer contribution
27 accrued by the participating educational employer shall be paid to the
28 retirement system in equal annual installments over a five-year period
29 with interest on the unpaid portion to be based on the monthly average
30 yield on United States treasury securities at a ten-year constant matu-
31 riety for the twelve-month period preceding August first of each year
32 plus one percentage point. The interest rate associated with such
33 deferred employer contribution amount shall be specific to the rate as
34 measured on August first of the applicable plan year to such deferred
35 amount. Payments of the stable installments shall be made in the same
36 manner as other employer contributions as prescribed in this article.

37 m. The retirement board is authorized to promulgate rules and regu-
38 lations for implementation of this subdivision.

39 § 5. This act shall take effect immediately.

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

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

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

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

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF NEW YORK

S. 5865

A. 8086

2013-2014 Regular Sessions

SENATE - ASSEMBLY

June 18, 2013

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

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

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

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

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

7 t. Local government performance and efficiency program. (i) **(1)** Defi-
8 nitions. For the purposes of this [~~paragraph~~] subparagraph, "munici-
9 pality" shall mean a county, city, town, or village, but shall not
10 include the individual counties contained in the city of New York.

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

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

LBD12047-01-3

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

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

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

18 ~~[(vi)]~~ **(6)** Awards. The secretary of state may make awards to appli-
19 cants based on factors including, but not limited to, the amount of
20 current and future savings, the impact of such action upon the municipal
21 property tax levy, the size and complexity of the action, and the abili-
22 ty for the action to be replicated by other municipalities. Awards shall
23 only be made to municipalities for actions that have been fully imple-
24 mented, that clearly resulted in quantifiable savings and efficiencies,
25 and that produced permanent and quantifiable improvements to municipal
26 efficiency or services. The maximum amount awarded per application shall
27 not exceed the lesser of five million dollars or twenty-five dollars per
28 resident of the applying municipalities as of the most recent federal
29 decennial census, provided, however, that if the boundaries of munici-
30 palities jointly applying for such funding overlap, the residents in
31 overlapping areas shall only be counted once, and provided, further,
32 that if a county jointly applies with some but not all of the other
33 municipalities therein, only the residents in such other municipalities
34 shall be counted.

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

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

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

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

1 subparagraph shall be determined by an affirmative vote of a majority of
2 the total number of members of the board and may differ for each award
3 of funding. Such loans shall not be bound by the local finance law with
4 respect to terms and repayment limitations but in no event may the sum
5 of all awards pursuant to this subparagraph be greater than five million
6 dollars for any single municipality nor may any loan be for a term long-
7 er than ten years. Further, any such loans shall not be considered debt
8 for purposes of calculating constitutional limit provisions. Notwith-
9 standing any other law to the contrary, the director of the budget may
10 direct the state comptroller to withhold any state aid payments due to a
11 fiscally eligible municipality in order to satisfy the repayment condi-
12 tions of the funding awarded pursuant to this subparagraph.

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

15 § 160.05. Financial restructuring board for local governments. 1.
16 There shall be a financial restructuring board for local governments
17 which shall consist of ten members: the director of the budget who shall
18 be chair of the board, the attorney general, the state comptroller, and
19 the secretary of state, each of whom may designate a representative to
20 attend sessions of the board on his or her behalf, and six members
21 appointed by the governor, one of whom upon the recommendation of the
22 temporary president of the senate, one of whom upon the recommendation
23 of the speaker of the assembly, and four other members appointed by the
24 governor, one of whom shall have significant experience in municipal
25 financial and restructuring matters. In making such appointments, the
26 governor shall consider regional diversity. Appointees shall serve at
27 the pleasure of his or her appointing authority. The appointee of the
28 governor who has been designated as having significant experience in
29 municipal financial and restructuring matters shall receive fair compen-
30 sation for his or her services performed pursuant to this section in an
31 amount to be determined by the director of the budget and all members
32 shall be reimbursed for all reasonable expenses actually and necessarily
33 incurred by him or her in the performance of his or her duties. The
34 board shall have the power to act by an affirmative vote of a majority
35 of the total number of members and shall render its findings and recom-
36 mendations within six months of being requested to act by a fiscally
37 eligible municipality. The provisions of section seventeen of the public
38 officers law shall apply to members of the board. No member of the board
39 shall be held liable for the performance of any function or duty author-
40 ized by this section. The work of the board shall be conducted with
41 such staff as the director of the budget, the secretary of state, the
42 attorney general and the state comptroller shall make available. All
43 proceedings, meetings and hearings conducted by the board shall be held
44 in the city of Albany.

45 2. A "fiscally eligible municipality" shall mean any county, city,
46 excluding a city with a population greater than one million, town, or
47 village that the board, on a case by case basis, determines would bene-
48 fit from the services and assistance which the board has legal authority
49 to offer. In evaluating whether a municipality is a fiscally eligible
50 municipality, the board shall consider the average full value property
51 tax rate of such public employer and the average fund balance percentage
52 of such public employer and such other criteria as the board deems rele-
53 vant. For purposes of this section, "full value property tax rate"
54 shall mean the amount to be raised by tax on real estate by a local
55 government in a given fiscal year divided by the full valuation of taxa-
56 ble real estate for that same fiscal year as reported to the office of

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

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

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

33 3. Upon the request of a fiscally eligible municipality, by resolution
34 of the governing body of such municipality with the concurrence of the
35 chief executive of such municipality, the financial restructuring board
36 for local governments may undertake a comprehensive review of the oper-
37 ations, finances, management practices, economic base and any other
38 factors that in its sole discretion it deems relevant to be able to make
39 findings and recommendations on reforming and restructuring the oper-
40 ations of the fiscally eligible municipality. As part of such recommen-
41 dations, the board may propose that such municipality agree to fiscal
42 accountability measures, as determined by the board, including, but not
43 limited to, multi-year financial planning. It may also identify cost-
44 saving measures, recommend consolidation of functions or agencies within
45 such municipality or between such municipality and other municipalities,
46 consistent with existing law, identify and make available, to the extent
47 otherwise permitted by law, grants and loans on such terms and condi-
48 tions as it deems appropriate, and make such other recommendations as
49 the board may deem just and proper but in no event shall the sum of all
50 awards made by the board to a single fiscally eligible municipality be
51 greater than five million dollars. If such award is a loan, it may not
52 be for a term longer than ten years. In the event a grant or loan is
53 made, the board may condition such award on the fiscally eligible muni-
54 cipality submitting a report or reports on such actions taken by the
55 fiscally eligible municipality pursuant to the board's recommendations,
56 and the board shall require that the eligible municipality must adopt

1 and implement all the board's recommendations as a condition to receiv-
2 ing an award or awards. Before making final recommendations, the board
3 shall consult with the fiscally eligible municipality. Such recommenda-
4 tions shall not be final and binding on a fiscally eligible municipality
5 unless it formally agrees to abide by and implement such recommendations
6 in which event such recommendations and the terms provided thereunder
7 shall be final and binding on such municipality.

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

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

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

17 4-a. (a) Notwithstanding anything in subdivision four of this section
18 to the contrary, a public employer that is a fiscally eligible municipi-
19 ality, as defined in section 160.05 of the local finance law, and is
20 otherwise subject to subdivision four of this section, upon resolution
21 of its governing body with the concurrence of its chief executive offi-
22 cer, and a public employee organization subject to subdivision four of
23 this section may, jointly, stipulate and agree that an impasse exists,
24 at any time, with respect to collective negotiations between the parties
25 for a collective bargaining agreement and, in lieu of commencing a
26 proceeding under subdivision four of this section, may jointly request
27 that the financial restructuring board for local governments, estab-
28 lished in section 160.05 of the local finance law, resolve such impasse.
29 A joint request pursuant to this subdivision shall be irrevocable.

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

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

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

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

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

7 (d) The provisions of this subdivision shall expire [~~thirty-six~~] thir-
8 ty-nine years from July first, nineteen hundred seventy-seven, and here-
9 after may be renewed every four years.

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

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

19 (b) In evaluating whether a public employer covered by this subdivi-
20 sion is a fiscally eligible municipality, such public arbitration panel
21 shall consider the average full value property tax rate of such public
22 employer and the average fund balance percentage of such public employ-
23 er.

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

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

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

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

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

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

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

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

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

30 § 6. Severability. If any clause, sentence, paragraph, subdivision,
31 section or part of this article shall be adjudged by any court of compe-
32 tent jurisdiction to be invalid, such judgment shall not affect, impair,
33 or invalidate the remainder thereof, but shall be confined in its opera-
34 tion to the clause, sentence, paragraph, subdivision, section or part
35 thereof directly involved in the controversy in which such judgment
36 shall have been rendered.

37 § 7. This act shall take effect immediately, provided that sections
38 one, two and three of this act shall take effect on the ninetieth day
39 after it shall have become a law and sections four and five of this act
40 shall be deemed to have been in full force and effect on and after
41 April 1, 2013; and provided, further, that sections three, four and five
42 of this act shall apply to all agreements and interest arbitration
43 determinations that expire before, on or after April 1, 2013 except
44 those (a) where the public employment relations board received a peti-
45 tion to refer the dispute to a public arbitration panel pursuant to
46 subdivision 4 of section 209 of the civil service law before June 14,
47 2013 or (b) where the public employment relations board received a
48 declaration of impasse pursuant to subdivision 4 of section 209 of the
49 civil service law on or after April 1, 2013 but on or before June 14,
50 2013.

STATE OF NEW YORK

S. 2587

A. 2888

2013-2014 Regular Sessions

SENATE - ASSEMBLY

January 22, 2013

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

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

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

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

1 Section 1. Notwithstanding any other provision of law, Sarah Fish, a
2 member of the New York state and local employees' retirement system, who
3 was employed as a staff social worker on December 28, 2009, by the coun-
4 ty of Madison, for reasons not ascribable to her own negligence, did not
5 file a membership application in such system until January 4, 2010,
6 which gave her Tier V status instead of Tier IV status, where she would
7 have been had she been able to file a membership application when she
8 became a permanent employee on December 28, 2009 may be deemed to have
9 become a member of the New York state and local employees' retirement
10 system December 28, 2009 if on or before December 31, 2013 she shall
11 file with the state comptroller a written request to that effect. Upon
12 the granting of such retroactive membership, Sarah Fish shall not be
13 granted a refund of any employee contribution made by her to the New
14 York state and local employees' retirement system.

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

17 § 3. This act shall take effect immediately.

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

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

LBD04739-02-3

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

4963

2013-2014 Regular Sessions

IN ASSEMBLY

February 13, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the town of Ticonderoga, in the county of Essex, a participating employ-
3 er in the New York state and local police and fire retirement system,
4 which previously elected to offer the optional twenty year retirement
5 plan, established pursuant to section 384-d of the retirement and social
6 security law, to police officers employed by such town, is hereby
7 authorized to make participation in such plan available to patrolman
8 Dale W. Quesnel, Jr., a police officer employed by the town of Ticonde-
9 roga, who, for reasons not ascribable to his own negligence, failed to
10 make a timely application to participate in such optional twenty year
11 retirement plan. The town of Ticonderoga may so elect by filing with
12 the state comptroller, on or before December 31, 2014, a resolution of
13 its town board together with certification that such police officer did
14 not bar himself from participation in such retirement plan as a result
15 of his own negligence. Thereafter, such police officer may elect to be
16 covered by the provisions of section 384-d of the retirement and social
17 security law, and shall be entitled to the full rights and benefits
18 associated with coverage under such section, by filing a request to that
19 effect with the state comptroller on or before June 30, 2015.

20 § 2. All past costs associated with implementing the provisions of
21 this act shall be borne by the town of Ticonderoga.

22 § 3. This act shall take effect immediately.

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

LBD01211-02-3

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

5576--B

2013-2014 Regular Sessions

IN ASSEMBLY

March 1, 2013

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

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

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

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

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

11	calendar year of death		
12	of the deceased member	per centum	
13	1977 or prior	[181.4%]	189.8%
14	1978	[173.2%]	181.4%
15	1979	[165.2%]	173.2%
16	1980	[157.5%]	165.2%
17	1981	[150.0%]	157.5%
18	1982	[142.7%]	150.0%

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

LBD08382-05-3

1	1983	[135.7%]	<u>142.7%</u>
2	1984	[128.8%]	<u>135.7%</u>
3	1985	[122.1%]	<u>128.8%</u>
4	1986	[115.7%]	<u>122.1%</u>
5	1987	[109.4%]	<u>115.7%</u>
6	1988	[103.3%]	<u>109.4%</u>
7	1989	[97.4%]	<u>103.3%</u>
8	1990	[91.6%]	<u>97.4%</u>
9	1991	[86.0%]	<u>91.6%</u>
10	1992	[80.6%]	<u>86.0%</u>
11	1993	[75.4%]	<u>80.6%</u>
12	1994	[70.2%]	<u>75.4%</u>
13	1995	[65.3%]	<u>70.2%</u>
14	1996	[60.5%]	<u>65.3%</u>
15	1997	[55.8%]	<u>60.5%</u>
16	1998	[51.3%]	<u>55.8%</u>
17	1999	[46.9%]	<u>51.3%</u>
18	2000	[42.6%]	<u>46.9%</u>
19	2001	[38.4%]	<u>42.6%</u>
20	2002	[34.4%]	<u>38.4%</u>
21	2003	[30.5%]	<u>34.4%</u>
22	2004	[26.7%]	<u>30.5%</u>
23	2005	[23.0%]	<u>26.7%</u>
24	2006	[19.4%]	<u>23.0%</u>
25	2007	[15.9%]	<u>19.4%</u>
26	2008	[12.6%]	<u>15.9%</u>
27	2009	[9.3%]	<u>12.6%</u>
28	2010	[6.1%]	<u>9.3%</u>
29	2011	[3.0%]	<u>6.1%</u>
30	2012	[0.0%]	<u>3.0%</u>
31	2013		<u>0.0%</u>

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

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

42	calendar year of death		
43	of the deceased member	per centum	
44	1977 or prior	[181.4%]	<u>189.8%</u>
45	1978	[173.2%]	<u>181.4%</u>
46	1979	[165.2%]	<u>173.2%</u>
47	1980	[157.5%]	<u>165.2%</u>
48	1981	[150.0%]	<u>157.5%</u>
49	1982	[142.7%]	<u>150.0%</u>
50	1983	[135.7%]	<u>142.7%</u>
51	1984	[128.8%]	<u>135.7%</u>
52	1985	[122.1%]	<u>128.8%</u>
53	1986	[115.7%]	<u>122.1%</u>
54	1987	[109.4%]	<u>115.7%</u>
55	1988	[103.3%]	<u>109.4%</u>
56	1989	[97.4%]	<u>103.3%</u>

1	1990	[91.6%]	<u>97.4%</u>
2	1991	[86.0%]	<u>91.6%</u>
3	1992	[80.6%]	<u>86.0%</u>
4	1993	[75.4%]	<u>80.6%</u>
5	1994	[70.2%]	<u>75.4%</u>
6	1995	[65.3%]	<u>70.2%</u>
7	1996	[60.5%]	<u>65.3%</u>
8	1997	[55.8%]	<u>60.5%</u>
9	1998	[51.3%]	<u>55.8%</u>
10	1999	[46.9%]	<u>51.3%</u>
11	2000	[42.6%]	<u>46.9%</u>
12	2001	[38.4%]	<u>42.6%</u>
13	2002	[34.4%]	<u>38.4%</u>
14	2003	[30.5%]	<u>34.4%</u>
15	2004	[26.7%]	<u>30.5%</u>
16	2005	[23.0%]	<u>26.7%</u>
17	2006	[19.4%]	<u>23.0%</u>
18	2007	[15.9%]	<u>19.4%</u>
19	2008	[12.6%]	<u>15.9%</u>
20	2009	[9.3%]	<u>12.6%</u>
21	2010	[6.1%]	<u>9.3%</u>
22	2011	[3.0%]	<u>6.1%</u>
23	2012	[0.0%]	<u>3.0%</u>
24	2013		<u>0.0%</u>

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

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

Summary of relevant resources:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 1

SADB Census Data as of June 30, 2012

(\$ Millions)

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

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

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

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

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

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

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

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

STATE OF NEW YORK

6687

2013-2014 Regular Sessions

IN ASSEMBLY

April 12, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contra-
2 ry, the city of Ithaca, in the county of Tompkins, 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 firefighters employed by such city, is here-
7 by authorized to make participation in such plan available to James
8 Crowley, a firefighter employed by the city of Ithaca, who, for reasons
9 not ascribable to his own negligence, failed to make a timely applica-
10 tion to participate in such optional twenty year retirement plan. The
11 city of Ithaca may so elect by filing with the state comptroller, on or
12 before December 31, 2014, a resolution of its common council together
13 with certification that such firefighter did not bar himself from
14 participation in such retirement plan as a result of his own negligence.
15 Thereafter, such firefighter may elect to be covered by the provisions
16 of section 384-d of the retirement and social security law, 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 June 30, 2015.

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

22 § 3. This act shall take effect immediately.

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

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

LBD09966-03-3

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

4389

2013-2014 Regular Sessions

IN SENATE

March 26, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law, John R. Pani-
 2 chi, who is employed as a deputy sheriff in the county of Rensselaer,
 3 and who is a member of the New York state and local employees' retire-
 4 ment system, and who was eligible to make the election pursuant to
 5 section 553 of the retirement and social security law to join the
 6 special retirement plan for sheriffs, undersheriffs and deputy sheriffs
 7 engaged in law enforcement activities, shall be eligible to individually
 8 join such special retirement plan if the county of Rensselaer so elects
 9 by filing with the state comptroller, on or before December 31, 2013, a
 10 resolution of its governing body together with certification that such
 11 deputy sheriff did not bar himself from participation in such retirement
 12 plan as a result of his own negligence. Thereafter such deputy sheriff
 13 may elect to be covered by the provisions of section 553 of the retire-
 14 ment and social security law, and shall be entitled to the full rights
 15 and benefits associated with coverage under such section for the service
 16 rendered with the county of Rensselaer only, by filing a request to that
 17 effect with the state comptroller on or before June 30, 2014.

18 § 2. All costs incurred by the implementation of this act shall be
 19 borne by the county of Rensselaer.

20 § 3. This act shall take effect immediately.

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

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

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

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

LBD02760-03-3

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

S. 4584--A

A. 6643--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

April 12, 2013

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

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the city of Johnstown, in the county of Fulton, a participating employer
3 in the New York state and local police and fire retirement system, which
4 previously elected to offer the optional twenty year retirement plan,
5 established pursuant to section 384-d of the retirement and social secu-
6 rity law, to firefighters employed by such city, is hereby authorized to
7 make participation in such plan available to Eric Brown, a firefighter
8 employed by the city of Johnstown, who, for reasons not ascribable to
9 his own negligence failed to make a timely application to participate in
10 such optional twenty year retirement plan. The city of Johnstown may so
11 elect by filing with the state comptroller, on or before December 31,
12 2013, a resolution of its governing body together with certification
13 that such firefighter did not bar himself from participation in such
14 retirement plan as a result of his own negligence. Thereafter, Eric
15 Brown, may elect to be covered by the provisions of section 384-d of the
16 retirement and social security law as a Tier 5 member, and shall be
17 entitled to the full rights and benefits associated with coverage under

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

LBD10022-03-3

1 such section, by filing a request to that effect with the state comp-
2 troller on or before December 31, 2013.

3 § 2. All past service costs associated with implementing the
4 provisions of this act shall be borne by the city of Johnstown and may
5 be amortized over a period of five years.

6 § 3. This act shall take effect immediately.

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

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

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

There also will be no past service cost.

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

S. 4735--A

A. 6811--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

April 19, 2013

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

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
 2 the town of Glenville, in the county of Schenectady, a participating
 3 employer in the New York state and local police and fire retirement
 4 system, which previously elected to offer the optional twenty year
 5 retirement plan, established pursuant to section 384-d of the retirement
 6 and social security law, to police officers employed by such town, is
 7 hereby authorized to make participation in such plan available to Michael
 8 E. Petroski, a police officer employed by the town of Glenville, who,
 9 for reasons not ascribable to his own negligence failed to make a timely
 10 application to participate in such optional twenty year retirement plan.
 11 The town of Glenville may so elect by filing with the state comptroller,
 12 on or before December 31, 2013, a resolution of its town board together
 13 with certification that such police officer did not bar himself from
 14 participation in such retirement plan as a result of his own negligence.
 15 Thereafter, Michael E. Petroski, may elect to be covered by the
 16 provisions of section 384-d of the retirement and social security law,
 17 and shall be entitled to the full rights and benefits associated with

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

LBD10206-03-3

1 coverage under such section, by filing a request to that effect with the
2 state comptroller on or before December 31, 2013.

3 § 2. All past service costs associated with implementing the
4 provisions of this act shall be borne by the town of Glenville.

5 § 3. This act shall take effect immediately.

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

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

4800

2013-2014 Regular Sessions

IN SENATE

April 24, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
 2 the village of Rockville Centre, in the county of Nassau, a participat-
 3 ing 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, and the addi-
 6 tional pension benefits for members of optional twenty year retirement
 7 plans, pursuant to section 384-e of the retirement and social security
 8 law, available to the police officers employed by it, is hereby author-
 9 ized to make such benefits available to officer Noz Firoz, who for
 10 reasons not ascribable to his own negligence, was not enrolled in such
 11 plan at the time of his hiring. Such participating employer may elect to
 12 make such provisions available to such officer by filing with the state
 13 comptroller, on or before December 31, 2013, a resolution of its govern-
 14 ing board certifying that such police officer is eligible to apply, is
 15 not barred from participating in such retirement plan as the result of
 16 his own negligence, and that the village of Rockville Centre shall pay
 17 all past service costs attributable to this act, as determined by the
 18 comptroller, into the pension accumulation fund. Thereafter, such police
 19 officer may apply to participate in such plan by filing the appropriate
 20 application with the state comptroller on or before June 30, 2014. Upon
 21 applying, the officer shall have all of his service credit with the
 22 village of Rockville Centre, as a police officer, be creditable under
 23 sections 384-d and 384-e of the retirement and social security law.

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

LBD10478-03-3

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

5 § 3. This act shall take effect immediately.

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

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

5140

2013-2014 Regular Sessions

IN SENATE

May 10, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
 2 the village of Hudson Falls, in the county of Washington, a participat-
 3 ing 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 village, is
 7 hereby authorized to make participation in such plan available to Bran-
 8 don Kommer, a police officer employed by the village of Hudson Falls,
 9 who, for reasons not ascribable to his own negligence, failed to make a
 10 timely application to participate in such optional twenty year retire-
 11 ment plan. The village of Hudson Falls may so elect by filing with the
 12 state comptroller, on or before December 31, 2014, a resolution of its
 13 board of trustees together with certification that such police officer
 14 did not bar himself from participation in such retirement plan as a
 15 result of his own negligence. Thereafter, such police officer may elect
 16 to be covered by the provisions of section 384-d of the retirement and
 17 social security law, and shall be entitled to the full rights and bene-
 18 fits associated with coverage under such section, by filing a request to
 19 that effect with the state comptroller on or before June 30, 2015.

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

22 § 3. This act shall take effect immediately.

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

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

LBD10784-02-3

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

5143

2013-2014 Regular Sessions

IN SENATE

May 10, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the village of Lyons, a participating employer in the New York state and
3 local police and fire retirement system, which previously elected to
4 offer the optional twenty year retirement plan, established pursuant to
5 section 384-d of the retirement and social security law, to members of
6 the retirement system employed by such village, is hereby authorized to
7 make participation in such plan available to Charles Witt, a firefighter
8 employed by the village of Lyons, who, for reasons not ascribable to his
9 own negligence, failed to make a timely application to participate in
10 such optional twenty year retirement plan. The village of Lyons may so
11 elect by filing with the state comptroller, on or before December 31,
12 2013, a resolution of its local legislative body together with certifi-
13 cation that Charles Witt did not bar himself from participation in such
14 retirement plan as a result of his own negligence. Thereafter, Charles
15 Witt may elect to be covered by the provisions of section 384-d of the
16 retirement and social security law, and shall be entitled to the full
17 rights and benefits associated with coverage under such section, by
18 filing a request to that effect with the state comptroller on or before
19 June 30, 2014.

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

24 § 3. This act shall take effect immediately.

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

LBD10874-02-3

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

5207

2013-2014 Regular Sessions

IN SENATE

May 14, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law, Nancy M. Dwyer,
2 a member of the New York state and local employees' retirement system
3 employed by the town of Southeast in Putnam county, who was employed by
4 the tax department in the town of Southeast in Putnam county beginning
5 on August 27, 2001, and who, for reasons not ascribable to her own
6 negligence, failed to become a member of the New York state and local
7 employees' retirement system while so employed by the tax department in
8 the town of Southeast, shall be deemed to have joined the New York state
9 and local employees' retirement system on August 27, 2001, if on or
10 before December 31, 2013 she shall file an application therefor with the
11 state comptroller. Upon the receipt of such application, Nancy M. Dwyer
12 shall be granted Tier IV status in the New York state and local employ-
13 ees' retirement system and be eligible for all the rights and benefits
14 thereof.

15 § 2. No contributions made to the New York state and local employees'
16 retirement system by Nancy M. Dwyer shall be returned to her pursuant to
17 this act.

18 § 3. All past service costs of implementing the provisions of this act
19 shall be borne by the town of Southeast in Putnam county.

20 § 4. This act shall take effect immediately.

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

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

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

LBD05524-02-3

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

5239

2013-2014 Regular Sessions

IN SENATE

May 15, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
 2 the village of Sleepy Hollow, a participating employer in the New York
 3 state and local police and fire retirement system, which previously
 4 elected to offer the optional twenty year retirement plan, established
 5 pursuant to section 384-d of the retirement and social security law, to
 6 police officers employed by such village, is hereby authorized to make
 7 participation in such plan available to Raymond D'Alessandro and James
 8 Warren, police officers employed by the village of Sleepy Hollow, who,
 9 for reasons not ascribable to their own negligence, failed to make a
 10 timely application to participate in such optional twenty year retire-
 11 ment plan. The village of Sleepy Hollow may so elect by filing with the
 12 state comptroller, on or before December 31, 2013, a resolution of its
 13 local legislative body together with certification that such police
 14 officers did not bar themselves from participation in such retirement
 15 plan as a result of their own negligence. Thereafter, such police offi-
 16 cers may elect to be covered by the provisions of section 384-d of the
 17 retirement and social security law, and shall be entitled to the full
 18 rights and benefits associated with coverage under such section, by
 19 filing a request to that effect with the state comptroller on or before
 20 June 30, 2014.

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

24 § 3. This act shall take effect immediately.

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

LBD10332-03-3

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

S. 5266

A. 7398

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 15, 2013

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

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the village of Quogue, in the county of Suffolk, a participating employ-
3 er in the New York state and local police and fire retirement system,
4 which previously elected to offer the optional twenty year retirement
5 plan, established pursuant to section 384-d of the retirement and social
6 security law, to police officers employed by such town, is hereby
7 authorized to make participation in such plan available to patrolman
8 Robert J. Hammel, registration number OB01367-1, a police officer
9 employed by the village of Quogue, who, for reasons not ascribable to
10 his own negligence, failed to make a timely application to participate
11 in such optional twenty year retirement plan. The village of Quogue may
12 so elect by filing with the state comptroller, on or before December 31,
13 2013, a resolution of its town board together with certification that
14 such police officer did not bar himself from participation in such
15 retirement plan as a result of his own negligence. Thereafter, such
16 police officer may elect to be covered by the provisions of section
17 384-d of the retirement and social security law, and shall be entitled
18 to the full rights and benefits associated with coverage under such
19 section, by filing a request to that effect with the state comptroller
20 on or before June 30, 2014.

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

LBD10723-04-3

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

4 § 3. This act shall take effect immediately.

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

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

5753

2013-2014 Regular Sessions

IN SENATE

June 12, 2013

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

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

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
 2 the village of Menands, in the county of Albany, a participating employ-
 3 er in the New York state and local police and fire retirement system,
 4 which previously elected to offer the optional twenty year retirement
 5 plan, established pursuant to section 384-d of the retirement and social
 6 security law, to police officers employed by such town, is hereby
 7 authorized to make participation in such plan available to Aaron St.
 8 Gelais, a police officer employed by the village of Menands with a start
 9 date of October 2, 2010, who, for reasons not ascribable to his own
 10 negligence, failed to make a timely application to participate in such
 11 optional twenty year retirement plan. The village of Menands may so
 12 elect by filing with the state comptroller, on or before December 31,
 13 2013, a resolution of its town board together with certification that
 14 such police officer did not bar himself from participation in such
 15 retirement plan as a result of his own negligence. Thereafter, such
 16 police officer may elect to be covered by the provisions of section
 17 384-d of the retirement and social security law, and shall be entitled
 18 to the full rights and benefits associated with coverage under such
 19 section, by filing a request to that effect with the state comptroller
 20 on or before June 30, 2014.

21 § 2. All past costs associated with implementing the provisions of
 22 this act shall be borne by the village of Menands.

23 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Section 50 of the Legislative Law:

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

LBD11262-02-3

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

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

There will be no past service cost.

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

5612

2013-2014 Regular Sessions

IN SENATE

May 28, 2013

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

AN ACT in relation to granting Stephen P. Cronin past service credit in the optional twenty year retirement plan for certain firemen and policemen

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

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

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

LBD10785-04-3

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

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

8 § 4. This act shall take effect immediately.

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

8032

2013-2014 Regular Sessions

IN ASSEMBLY

June 16, 2013

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

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

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

- 1 Section 1. Definitions. 1. For purposes of this act, "eligible unit
2 members" means those members of the collective negotiating unit desig-
3 nated as the professional services negotiating unit established pursuant
4 to article 14 of the civil service law that are in lifeguard titles and
5 who are in positions designated as part of bargaining unit 68.
6 2. For purposes of this act, "the agreement" means a collectively
7 negotiated agreement entered into in 2013 between the state and the
8 employee organization representing eligible unit members of the profes-
9 sional services negotiating unit as designated in subdivision 1 of this
10 section.
11 3. For purposes of this act, "the employee organization" means the
12 employee organization representing members of the professional services
13 negotiating unit.
14 § 2. Adjustment to salaries and hourly rates and other compensation of
15 certain eligible unit members in the professional services negotiating
16 unit.
17 1. The provisions of this section shall apply to certain eligible unit
18 members in the professional services negotiating unit that are in life-
19 guard titles and who are in positions designated as part of bargaining
20 unit 68.
21 2. Percentage increases applicable to certain eligible unit members
22 prior to March 31, 2011.

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

LBD12038-01-3

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

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

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

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

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

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

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

15 (h) To be eligible for the retroactive increases set forth in para-
16 graphs (a) through (g) of this subdivision, an eligible unit member (i)
17 must have been in employment status on the effective date of the salary
18 or hourly rate increase or employed during a season that commences
19 during the fiscal year that includes such salary or hourly rate
20 increase, and (ii) must have been in employment status on April 1, 2013
21 or during a season that commences in the fiscal year that includes April
22 1, 2013.

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

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

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

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

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

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

51 § 3. Notwithstanding any provision of law to the contrary, the appro-
52 priations contained in this act shall be available to the state for the
53 payment of grievance and arbitration settlements and awards pursuant to
54 article 7 of the agreement between the state and the employee organiza-
55 tion that covers members of the professional services negotiating unit.

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

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

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

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

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

7 § 8. Use of appropriations. The comptroller is authorized to pay any
8 amounts required during the fiscal year commencing April 1, 2013, by the
9 provisions of this act for any state department or agency from any
10 appropriation or other funds available to such state department or agen-
11 cy for personal service or for other related employee benefits during
12 such fiscal year. To the extent that such appropriations are insuffi-
13 cient in any fund to accomplish the purposes herein set forth, the
14 director of the budget is authorized to allocate to the various depart-
15 ments and agencies, from any appropriations available in any fund, the
16 amounts necessary to pay such amounts. The aforementioned appropriations
17 shall be available for payment of any liabilities or obligations
18 incurred prior to April 1, 2013 in addition to current liabilities.

19 § 9. Payment from special or administrative funds. If the compensation
20 to which officers and employees of the state are otherwise entitled is
21 payable from a special or administrative fund or funds of the state,
22 other than the general fund or the capital projects fund of the state,
23 the increase in compensation to which such officers or employees are
24 entitled under this act shall be payable from such other fund or funds
25 in the same manner as such other compensation. If the amounts appropri-
26 ated or allocable from such other fund or funds are insufficient to
27 accomplish the purposes of this act, the director of the budget is here-
28 by authorized to allocate such additional sums from such other fund or
29 funds as may be necessary therefor.

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

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

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

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

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

9 ALL STATE DEPARTMENTS AND AGENCIES

10 General Fund / State Operations
 11 State Purposes Account 003

12 PERSONAL SERVICE

13 Personal service - regular 4,714,000

14 NONPERSONAL SERVICES

15 Fringe Benefits 580,000

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

18 PERSONAL SERVICE

19 Personal service - regular 254,000

20 NONPERSONAL SERVICE

21 Fringe Benefits 28,000

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

24 PERSONAL SERVICE

25 Personal service - regular 2,612,000

26 NONPERSONAL SERVICE

27 Fringe Benefits 269,000

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

STATE OF NEW YORK

5799

2013-2014 Regular Sessions

IN SENATE

June 14, 2013

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

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

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

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

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

LBD12033-01-3

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

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

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

41 4. Notwithstanding the provisions of subdivisions 1 or 2 of this
42 section, an employee in service during a portion of the twelve-month
43 period commencing on July 1 of 2014 or 2015, for at least one semester
44 or the equivalent, but whose employment expired prior to July 1 of the
45 following year, shall be eligible for the salary increase provided for
46 such year in subdivision 1 or 2 of this section if the employee is reem-
47 ployed in an equivalent position for at least one semester or the equiv-
48 alent of the twelve-month period commencing on July 1 of such following
49 year.

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

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

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

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

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

40 (b) Pursuant to the terms of the agreement, effective July 1, 2014,
41 there shall be a chancellor's power of SUNY performance incentive
42 payment in the amount of 250 dollars added to the basic annual salary of
43 eligible incumbents as of June 30, 2014 at the discretion of the chan-
44 cellor. Such payment shall occur not later than December 31, 2014 and
45 shall be retroactive to incumbents on the payroll effective July 1, 2014
46 or September 1, 2014, as appropriate to professional obligation, and who
47 are active on the payroll at the time of payment. Incumbents who worked
48 at least one semester during the twelve-month period commencing July 1,
49 2013 and whose employment expires prior to July 1, 2014 shall be eligi-
50 ble for the payment if they are reemployed and active on the payroll on
51 the effective date of the payment. In addition, pursuant to the terms of
52 the agreement, this payment shall be pro-rated for eligible part-time
53 employees based on a formula to be agreed to by the state and the
54 employee organization representing members of the professional services
55 unit.

1 (c) Pursuant to the terms of the agreement, effective July 1, 2015,
2 there shall be a chancellor's power of SUNY performance incentive
3 payment in the amount of 500 dollars added to the basic annual salary of
4 eligible incumbents as of June 30, 2015 at the discretion of the chan-
5 cellor. Such payment shall occur not later than December 31, 2015 and
6 shall be retroactive to incumbents on the payroll effective July 1, 2015
7 or September 1, 2015, as appropriate to professional obligation, and who
8 are active on the payroll at the time of payment. Incumbents who worked
9 at least one semester during the twelve-month period commencing July 1,
10 2014 and whose employment expires prior to July 1, 2015 shall be eligi-
11 ble for the payment if they are reemployed and active on the payroll on
12 the effective date of the payment. In addition, pursuant to the terms of
13 the agreement, this payment shall be pro-rated for eligible part-time
14 employees based on a formula to be agreed to by the state and the
15 employee organization representing members of the professional services
16 unit.

17 7. Location compensation of certain incumbents in positions in the
18 professional service of the state university. (a) Employees in positions
19 in the professional services unit who are full-time employees and whose
20 work station is: (i) in the city of New York, or in the county of
21 Suffolk, Nassau, Rockland or Westchester, shall continue to be entitled
22 to location pay at the annual rate of 3,026 dollars effective January 1,
23 2009, or (ii) in the county of Dutchess, Putnam or Orange shall continue
24 to be entitled to location pay at the annual rate of 1,513 dollars
25 effective January 1, 2009.

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

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

39 8. (a) Pursuant to the terms of the agreement, full-time employees in
40 the professional services unit who have been granted permanent or
41 continuing appointment at the campus at which they currently are
42 employed, effective on or after July 2, 2011 and on or before January 1,
43 2013, or full-time employees who have been granted a second five-year
44 term appointment at the campus at which they are currently employed
45 under Article XI, Title A of the policies of the board of trustees of
46 the state university of New York, effective on or after July 2, 2011 and
47 on or before January 1, 2013, or employees who have completed seven
48 consecutive years of full-time service in Appendix C of the agreement,
49 Lecturer, or Appendix B of the agreement, Section 4 - Division III
50 Sports, effective on or before January 1, 2013, shall receive a one-time
51 advance to basic annual salary of 500 dollars. Such advance shall be
52 effective on January 1, 2013, shall be made as soon as practicable, and
53 shall be added to and become part of such employee's basic annual sala-
54 ry. Eligible employees who receive such appointments after January 1,
55 2013 shall also receive such advance to basic annual salary of 500
56 dollars, to occur as soon as practicable thereafter.

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

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

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

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

25 (d) A part-time employee who is paid on the basis of a pro-rated basic
26 annual salary and who, if employed on a full-time basis, would be eligi-
27 ble to be paid a minimum basic annual salary, shall be paid a minimum
28 basic annual salary which shall be the appropriately pro-rated amount of
29 the minimum basic annual salary that would have been paid to the employ-
30 ee had the employee been employed on a full-time basis.

31 (e) Notwithstanding the provisions of subdivision 1 of this section,
32 incumbents to whom the provisions of subdivisions 1 and 2 of this
33 section apply and who are in employment status on July 1, 2014, shall
34 receive not less than the minimum basic annual salary in force on July
35 1, 2014, as provided for in the agreement, for the rank or grade in
36 which such incumbent serves.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (c) Subject to the approval of the chancellor, effective July 1, 2015,
31 there shall be a chancellor's power of SUNY performance incentive
32 payment in the amount of 500 dollars added to the basic annual salary of
33 eligible incumbents as of June 30, 2015 and who are on the payroll at
34 the time of payment. Such payment shall occur not later than December
35 31, 2015. Subject to the approval of the chancellor, this payment shall
36 be pro-rated for eligible part-time employees based on a formula estab-
37 lished by the chancellor.

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

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

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

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

22 2. In addition to eligible full-time professional employees as set
23 forth in subdivision 1 of this section, notwithstanding any provision of
24 law to the contrary and to the extent that the agreement so provides,
25 employees in positions at the campus specifically designated by the
26 college president, in accordance with the terms of the agreement, as
27 eligible for recall compensation, shall be considered to have worked a
28 minimum of 4 hours each time they are recalled to work overtime after
29 having completed their scheduled work period and left their scheduled
30 work station. In the event any such eligible employee works in excess of
31 4 hours upon such recall, such employee shall receive overtime compen-
32 sation for the hours actually worked.

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

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

54 § 6. Health insurance coverage for part-time employees in the profes-
55 sional services negotiating unit of the state university. Notwithstand-
56 ing any provision of law to the contrary, any employee serving in a

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

6 § 7. Statewide joint labor-management committees for certain state
7 officers and employees. 1. During the period July 2, 2013 through July
8 1, 2016, there shall be a statewide joint labor-management committee
9 continued and administered pursuant to the terms of the agreement, which
10 shall have the responsibility for studying and making recommendations
11 concerning the major issues of professional development and implementing
12 such agreements which may be entered into between the state and the
13 employee organization concerning such matters.

14 2. During the period July 2, 2013 through July 1, 2016, there shall be
15 a statewide joint labor-management committee continued and administered
16 pursuant to the terms of the agreement, which shall have the responsi-
17 bility for studying and making recommendations concerning employment
18 related issues as required by provisions of the agreement and adminis-
19 tering the continuity of employment fund subject to the approval of the
20 state and the employee organization.

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

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

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

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

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

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

1 tered pursuant to the terms of the agreement, which shall have the
2 responsibility for studying, making recommendations and approving campus
3 grants that would benefit groups of employees at one or more campuses
4 and implementing such agreements which may be entered into between the
5 state and the employee organization concerning such matters.

6 § 8. Notwithstanding any provision of law to the contrary, the appro-
7 priations contained in this act shall be available to the state for the
8 payment of grievance and arbitration settlements and awards pursuant to
9 article 7 of the agreement.

10 § 9. The salary increases and benefit modifications, and any other
11 modifications to the terms and conditions of employment provided for by
12 this act for state employees in the professional services unit, shall
13 not be implemented until the director of employee relations has deliv-
14 ered, to the director of the budget and the comptroller, a certificate
15 that there is in effect with respect to such negotiating unit a collec-
16 tively negotiated agreement which provides for such increases and
17 modifications and which is fully executed in writing with the state
18 pursuant to article 14 of the civil service law, and ratified pursuant
19 to the ratification procedure of the employee organization.

20 § 10. Notwithstanding any other provision of law to the contrary,
21 where, and to the extent that, the agreement so provides, an employee is
22 affected as a result of the state's exercise of its right to contract
23 out, and in the event that such affected employee obtains employment
24 with the contractor, the employee shall not be barred from accepting
25 such employment as provided for in the agreement.

26 § 11. Notwithstanding any inconsistent provision of law, where and to
27 the extent that any agreement between the state and the employee organ-
28 ization entered into pursuant to article 14 of the civil service law so
29 provides on behalf of employees in the professional services unit,
30 effective January 1, 2014, the state shall contribute an amount desig-
31 nated in such agreement and for the period covered by such agreement to
32 the accounts of such employees enrolled for dependent care deductions
33 pursuant to subdivision 7 of section 201-a of the state finance law.
34 Such amounts shall be from funds appropriated herein and shall not be
35 part of basic annual salary for overtime or retirement purposes.

36 § 12. Date of entitlement to salary increase. Notwithstanding the
37 provisions of this act or of any other law, the increase in salary or
38 compensation of any officer or employee provided by this act shall be
39 added to the salary or compensation of such officer or employee at the
40 beginning of that payroll period the first day of which is nearest to
41 the effective date of such increase as provided in this act, or at the
42 beginning of the earlier of two payroll periods the first days of which
43 are nearest but equally near to the effective date of such increase as
44 provided in this act, provided, however, that for the purposes of deter-
45 mining the salary of such officer or employee upon reclassification,
46 reallocation, appointment, promotion, transfer, demotion, reinstatement
47 or other change of status, such salary increase shall be deemed to be
48 effective on the date thereof as prescribed in this act, and the payment
49 thereof pursuant to this section on a date prior thereto, instead of on
50 such effective date, and shall not operate to confer any additional
51 salary rights or benefits on such officer or employee. Payment of such
52 salary increase may be deferred pursuant to section thirteen of this
53 act.

54 § 13. Deferred payment of salary increase. Notwithstanding the
55 provisions of any other section of this act or of any other law, pending
56 payment pursuant to this act of the basic annual salaries of incumbents

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

20 § 14. Use of appropriations. The comptroller is authorized to pay any
21 amounts required during the fiscal year commencing April 1, 2013, by the
22 provisions of this act for any state department or agency from any
23 appropriation or other funds available to such state department or agen-
24 cy for personal service or for other related employee benefits during
25 such fiscal year. To the extent that such appropriations are insuffi-
26 cient in any fund to accomplish the purposes herein set forth, the
27 director of the budget is authorized to allocate to the various depart-
28 ments and agencies, from any appropriations available in any fund, the
29 amounts necessary to pay such amounts. The aforementioned appropriations
30 shall be available for payment of any liabilities or obligations
31 incurred prior to April 1, 2013 in addition to current liabilities.

32 § 15. Payment from special or administrative funds. If the compen-
33 sation to which officers and employees of the state are otherwise enti-
34 tled is payable from a special or administrative fund or funds of the
35 state, other than the general fund or the capital projects fund of the
36 state, the increase in compensation to which such officers or employees
37 are entitled under this act shall be payable from such other fund or
38 funds in the same manner as such other compensation. If the amounts
39 appropriated or allocable from such other fund or funds are insufficient
40 to accomplish the purposes of this act, the director of the budget is
41 hereby authorized to allocate such additional sums from such other fund
42 or funds as may be necessary therefor.

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

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

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

13

NONPERSONAL SERVICE

14 For services and expenses to carry out the
 15 provisions of this act, including, but not
 16 limited to: adjustments to compensation,
 17 funding for professional development,
 18 safety and health, employee assistance
 19 programs, the employment committee, the
 20 affirmative action committee and the tech-
 21 nology committee, the tripartite redeploy-
 22 ment committee and the campus grants
 23 committee and for family benefit programs,
 24 including but not limited to the employ-
 25 er's share of dependent care, for employ-
 26 ees of the state university of New York in
 27 the collective negotiating unit designated
 28 as the professional services negotiating
 29 unit \$3,182,000
 30 For the joint committee on health benefits \$175,000

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

STATE OF NEW YORK

7500--A

2013-2014 Regular Sessions

IN ASSEMBLY

May 22, 2013

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

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

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

1 Section 1. The public health law is amended by adding a new section
2 4148 to read as follows:
3 § 4148. Electronic death registration system. 1. The department is
4 hereby authorized and directed to design, implement and maintain an
5 electronic death registration system for collecting, storing, recording,
6 transmitting, amending, correcting and authenticating information, as
7 necessary and appropriate to complete a death registration, and to
8 generate such documents as determined by the department in relation to a
9 death occurring in this state. As part of the design and implementation
10 of the system established by this section, the department shall consult
11 with all persons authorized to use such system to the extent practicable
12 and feasible. The payment referenced in subdivision five of this
13 section shall be collected for each burial or removal permit issued on
14 or after the effective date of this section from the licensed funeral
15 director or undertaker to whom such permit is issued, in the manner
16 specified by the department and shall be used solely for the purpose set
17 forth in subdivision five of this section. Except as specifically
18 provided in this section, the existing general duties of, and remunera-
19 tion received by, local registrars in accepting and filing certificates
20 of death and issuing burial and removal permits pursuant to any statute
21 or regulation shall be maintained, and not altered or abridged in any
22 way by this section.

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

LBD10525-02-3

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

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

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

27 5. Licensed funeral directors and undertakers shall support the estab-
 28 lishment and maintenance of the electronic death registration system
 29 through a payment, tendered for each burial and removal permit issued to
 30 a licensed funeral director or undertaker, in the amount of twenty
 31 dollars, provided that such payment shall be considered a cost of opera-
 32 tion and the funeral director or undertaker shall not charge any addi-
 33 tional fee related to such payment for funeral or other services.

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

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

44 5. The term "electronic death registration system" means the data
 45 system created and maintained by the department for collecting, storing,
 46 recording, transmitting, amending, correcting and authenticating infor-
 47 mation, as necessary and appropriate to complete a death registration,
 48 and to generate such documents as determined by the department, includ-
 49 ing permits or certificates, relating to a death occurring in this
 50 state.

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

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

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

5 § 4. Section 4141-a of the public health law, as amended by chapter
 6 153 of the laws of 2011, is amended to read as follows:

7 § 4141-a. Death certificate; duties of hospital administrator. When a
 8 death occurs in a hospital, except in those cases where certificates are
 9 issued by coroners or medical examiners, the person in charge of such
 10 hospital or his or her designated representative shall promptly present
 11 the certificate to the physician or nurse practitioner in attendance, or
 12 a physician or nurse practitioner acting in his or her behalf, who shall
 13 promptly certify to the facts of death, provide the medical information
 14 required by the certificate, sign the medical certificate of death, and
 15 thereupon return such certificate to such person, so that the seventy-
 16 two hour registration time limit prescribed in section four thousand one
 17 hundred forty of this title can be met; provided, however that commencing
 18 on or after the implementation date under section forty-one hundred
 19 forty-eight of this title, information and signatures required by this
 20 section shall be obtained and made in accordance with section forty-one
 21 hundred forty-eight of this title.

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

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

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

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

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

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

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

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

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

27 4. When a fetal death occurs in a hospital, except in those cases
 28 where certificates are issued by coroners or medical examiners, the
 29 person in charge of such hospital or his or her designated represen-
 30 tative shall promptly present the certificate to the physician or nurse
 31 practitioner in attendance, or a physician or nurse practitioner acting
 32 in his or her behalf, who shall promptly certify to the facts of birth
 33 and of fetal death, provide the medical information required by the
 34 certificate, sign the medical certificate of birth and death, and there-
 35 upon return such certificate to such person, so that the seventy-two
 36 hour registration time limit prescribed in section four thousand one
 37 hundred sixty of this title can be met; provided, however that commenc-
 38 ing on or after the implementation date under section forty-one hundred
 39 forty-eight of this article, information and signatures required by this
 40 subdivision shall be obtained and made in accordance with section
 41 forty-one hundred forty-eight of this article.

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

44 3. All certificates, either of birth or death, shall be written legi-
 45 bly, in durable black ink, ~~[and no]~~ provided, however, that commencing
 46 on or after the implementation date under section forty-one hundred
 47 forty-eight of this article, death certificates shall be completed in
 48 accordance with section forty-one hundred forty-eight of this article.
 49 No certificate, whether filed in paper form or death certificate filed
 50 electronically in accordance with section forty-one hundred forty-eight
 51 of this article, shall be held to be complete and correct that does not
 52 supply all of the items of information called for therein, or satisfac-
 53 torily account for their omission.

54 § 9. This act shall take effect immediately, provided that the commis-
 55 sioner of health is authorized to make regulations as necessary to
 56 implement this act.

STATE OF NEW YORK

5669

2013-2014 Regular Sessions

IN SENATE

June 3, 2013

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to providing accidental disability retirement benefits for chief fire marshals, assistant fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees in Nassau county

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

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

3 § 605-d. Accidental disability retirement for chief fire marshals,
4 assistant fire marshals, division supervising fire marshals, supervising
5 fire marshals, fire marshals and fire marshal trainees in Nassau county.

6 a. A member employed as a chief fire marshal, assistant fire marshal,
7 division supervising fire marshal, supervising fire marshal, fire
8 marshal or fire marshal trainee in Nassau county shall be entitled to an
9 accidental disability retirement allowance if, at the time application
10 therefor is filed, such member is:

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

16 2. Actually in service upon which his or her membership is based.
17 However, in a case where a member is discontinued from service subse-
18 quent to the accident, either voluntarily or involuntarily, and provided
19 that the member meets the requirements of paragraph one of this subdivi-
20 sion, application may be made not later than two years after the member
21 is first discontinued from service.

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

LBD10443-03-3

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

3 1. Such member; or

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

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

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

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

12 (b) The particulars thereof; and

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

14 (d) His or her alleged incapacity.

15 2. The notice herein required need not be given:

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

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

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

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

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

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

41 g. Notwithstanding any other provision of law, this section shall
42 apply to chief fire marshals, assistant fire marshals, division super-
43 vising fire marshals, supervising fire marshals, fire marshals and fire
44 marshal trainees in Nassau county who were hired on or after July twen-
45 ty-seventh, nineteen hundred seventy-six.

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

48 § 3. This act shall take effect immediately.

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

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

7586

2013-2014 Regular Sessions

IN ASSEMBLY

May 23, 2013

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

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

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

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

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

LBD11206-01-3

1 ship in the New York state employees' retirement system. The office of
2 general services shall provide written notice of this election to the
3 New York state employees' retirement system no less than thirty days
4 after the notice was received.

5 § 6. Payment of employer contribution rate. The state of New York
6 shall make the required employer contributions for such employees who
7 elect to reinstate their membership in the optional retirement program
8 pursuant to this special act and the state university of New York shall
9 administer such employee's membership in the optional retirement
10 program. The New York state employees' retirement system shall be
11 authorized to reimburse the state of New York for any employer contribu-
12 tion made on behalf of any employee electing to be reinstated into the
13 optional retirement plan.

14 § 7. This act shall take effect thirty days after it shall become law.
FISCAL NOTE: Pursuant to Legislative law, Section 50:

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

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

Summary of relevant resources:

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

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

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

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

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

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

STATE OF NEW YORK

7735--A

2013-2014 Regular Sessions

IN ASSEMBLY

May 31, 2013

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

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

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

- 1 Section 1. Section 2 of chapter 362 of the laws of 2012, amending the
- 2 insurance law relating to a health insurance demonstration program for
- 3 early retirees, is amended to read as follows:
- 4 § 2. This act shall take effect immediately and shall expire December
- 5 31, ~~[2013]~~ 2014 when upon such date the provisions of this act shall be
- 6 deemed repealed.
- 7 § 2. Paragraph 3 of subsection (c) of section 1123 of the insurance
- 8 law, as amended by chapter 453 of the laws of 2010, is amended to read
- 9 as follows:
- 10 (3) Any eligible insurer seeking the superintendent's approval under
- 11 paragraph two of this subsection shall submit a written request to the
- 12 superintendent ~~[within thirty days of the effective date of this~~
- 13 ~~section]~~ pursuant to regulations promulgated by the superintendent. The
- 14 eligible insurer's application shall: specify the identity and composi-
- 15 tion of the eligible association, the eligible association's membership
- 16 rules, and the terms under which the eligible insurer shall provide
- 17 group health insurance to the eligible association; demonstrate that the
- 18 eligible insurer and the eligible association meet the requirements set
- 19 forth in this section; and identify the group health insurance policy
- 20 forms that the eligible insurer will issue to the eligible association.

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

LBD11347-02-3

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

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

STATE OF NEW YORK

7803--A

2013-2014 Regular Sessions

IN ASSEMBLY

June 4, 2013

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

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

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

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

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

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

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

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

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

LBD11304-02-3

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

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

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

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

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

29 g. Notwithstanding any other provision of this chapter or of any
30 general, special or local law, charter, administrative code or rule or
31 regulation to the contrary, if a retiree or vestee who: (1) has met the
32 criteria of subdivision f of this section and retired on a service or
33 disability retirement, would have met the criteria if not already
34 retired on an accidental disability, or was separated from service with
35 a vested right to deferred payability of a retirement allowance; and (2)
36 has not been retired for more than twenty-five years; and (3) dies from
37 a qualifying World Trade Center condition, as defined in section two of
38 the retirement and social security law, as determined by the applicable
39 head of the retirement system or applicable medical board, then unless
40 the contrary be proven by competent evidence, such retiree or vestee
41 shall be deemed to have died as a natural and proximate result of an
42 accident sustained in the performance of duty and not as a result of
43 willful negligence on his or her part. Such retiree's or vestee's eligi-
44 ble beneficiary, as set forth in section 13-544 of this chapter, shall
45 be entitled to an accidental death benefit as provided by section 13-544
46 of this chapter, however, for the purposes of determining the salary
47 base upon which the accidental death benefit is calculated, the retiree
48 or vestee shall be deemed to have died on the date of his or her retire-
49 ment or separation from service with vested rights. Upon the retiree's
50 or vestee's death, the eligible beneficiary shall make a written appli-
51 cation to the head of the retirement system within the time for filing
52 an application for an accidental death benefit as set forth in section
53 13-544 of this chapter requesting conversion of such retiree's service,
54 vested right or disability retirement benefit to an accidental death
55 benefit. At the time of such conversion, the eligible beneficiary shall
56 relinquish all rights to the prospective benefits payable under the

1 service or disability retirement benefit, or vested right to such bene-
2 fit, including any post-retirement death benefits, since the retiree's
3 or vestee's death. If the eligible beneficiary is not the only benefici-
4 ary receiving or entitled to receive a benefit under the service or
5 disability retirement benefit (including, but not limited to, post-re-
6 irement death benefits or benefits paid or payable pursuant to the
7 retiree's option selection), or that will be eligible under the vested
8 right, the accidental death benefit payments to the eligible beneficiary
9 will be reduced by any amounts paid or payable to any other beneficiary.

10 h. Notwithstanding any other provision of this code or of any general,
11 special or local law, charter, or rule or regulation to the contrary, if
12 a member who: (1) has met the criteria of subdivision f of this section;
13 (2) dies in active service or after separating from service with a vest-
14 ed right to deferred payability of a retirement allowance, but prior to
15 the payability of that retirement allowance; and (3) dies from a quali-
16 fying World Trade Center condition, as defined in section two of the
17 retirement and social security law, as determined by the applicable head
18 of the retirement system or applicable medical board, then unless the
19 contrary be proven by competent evidence, such member shall be deemed to
20 have died as a natural and proximate result of an accident sustained in
21 the performance of duty and not as a result of willful negligence on his
22 or her part. Such member's eligible beneficiary, as set forth in section
23 13-544 of this chapter, shall be entitled to an accidental death benefit
24 provided he or she makes written application to the head of the retire-
25 ment system within the time for filing an application for an accidental
26 death benefit as set forth in section 13-544 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (2) The NYCERS board of trustees shall consider a reclassification of
52 the member's retirement or vesting as an accidental disability retire-
53 ment effective as of the date of such reclassification.

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

1 (4) The member's former employer at the time of the member's retire-
2 ment shall have an opportunity to be heard on the member's application
3 for reclassification by the NYCERS board of trustees according to proce-
4 dures developed by the retirement system.

5 c. Notwithstanding any other provision of this chapter or of any
6 general, special or local law, charter, administrative code or rule or
7 regulation to the contrary, if a retiree or vestee who: (1) has met the
8 criteria of subdivision b of this section and retired on a service or
9 disability retirement, [~~or~~] would have met the criteria if not already
10 retired on an accidental disability, or was separated from service with
11 a vested right to deferred payability of a retirement allowance; and (2)
12 has not been retired for more than twenty-five years; and (3) dies from
13 a qualifying World Trade Center condition as defined in section two of
14 the retirement and social security law, as determined by the applicable
15 head of the retirement system or applicable medical board, then unless
16 the contrary be proven by competent evidence, such retiree or vestee
17 shall be deemed to have died as a natural and proximate result of an
18 accident sustained in the performance of duty and not as a result of
19 willful negligence on his or her part. Such retiree's or vestee's
20 eligible beneficiary, as set forth in section 13-149 of this chapter,
21 shall be entitled to an accidental death benefit as provided by section
22 13-149 of this chapter, however, for the purposes of determining the
23 salary base upon which the accidental death benefit is calculated, the
24 retiree or vestee shall be deemed to have died on the date of his or her
25 retirement or separation from service with vested rights. Upon the
26 retiree's or vestee's death, the eligible beneficiary shall make a writ-
27 ten application to the head of the retirement system within the time for
28 filing an application for an accidental death benefit as set forth in
29 section 13-149 of this chapter requesting conversion of such retiree's
30 service, vested right or disability retirement benefit to an accidental
31 death benefit. At the time of such conversion, the eligible beneficiary
32 shall relinquish all rights to the prospective benefits payable under
33 the service or disability retirement benefit, or vested right to such
34 benefit, including any post-retirement death benefits, since the
35 retiree's or vestee's death. If the eligible beneficiary is not the
36 only beneficiary receiving or entitled to receive a benefit under the
37 service or disability retirement benefit (including, but not limited to,
38 post-retirement death benefits or benefits paid or payable pursuant to
39 the retiree's option selection), or that will be eligible under the
40 vested right, the accidental death benefit payments to the eligible
41 beneficiary will be reduced by any amounts paid or payable to any other
42 beneficiary.

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

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

4 § 4. Subdivisions 2, 3 and 4 of section 13-252.1 of the administrative
5 code of the city of New York, as amended by chapter 489 of the laws of
6 2008, are amended to read as follows:

7 2. (a) Notwithstanding the provisions of this chapter or of any gener-
8 al, special or local law, charter, administrative code or rule or regu-
9 lation to the contrary, if a member who participated in World Trade
10 Center rescue, recovery or cleanup operations as defined in section two
11 of the retirement and social security law, and subsequently retired on a
12 service retirement, an ordinary disability retirement, an accidental
13 disability retirement, [~~or~~] a performance of duty disability retirement,
14 **or was separated from service with a vested right to deferred payability**
15 **of a retirement allowance** and subsequent to such retirement **or sepa-**
16 **ration** is determined by the [~~NYCFDPF~~] **NYCPPF** board of trustees to have a
17 qualifying World Trade Center condition, as defined in section two of
18 the retirement and social security law, upon such determination by the
19 [~~NYCFDPF~~] **NYCPPF** board of trustees, it shall be presumed that such disa-
20 bility was incurred in the performance and discharge of duty as the
21 natural and proximate result of an accident not caused by such member's
22 own willful negligence, and that the member would have been physically
23 or mentally incapacitated for the performance and discharge of duty of
24 the position from which he or she retired **or vested** had the condition
25 been known and fully developed at the time of the member's retirement **or**
26 **separation from service with vested rights**, unless the contrary is prov-
27 en by competent evidence.

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

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

33 (d) The member's former employer at the time of the member's retire-
34 ment shall have an opportunity to be heard on the member's application
35 for reclassification by the NYCPPF board of trustees according to proce-
36 dures developed by the NYCPPF board of trustees.

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

39 3. Notwithstanding any other provision of this chapter or of any
40 general, special or local law, charter, administrative code or rule or
41 regulation to the contrary, if a retiree **or vestee** who: (1) has met the
42 criteria of subdivision one of this section and retired on a service or
43 disability retirement, [~~or~~] would have met the criteria if not already
44 retired on an accidental disability, **or was separated from service with**
45 **a vested right to deferred payability of a retirement allowance**; and (2)
46 has not been retired for more than twenty-five years; and (3) dies from
47 a qualifying World Trade Center condition, as defined in section two of
48 the retirement and social security law, as determined by the applicable
49 head of the retirement system or applicable medical board, then unless
50 the contrary be proven by competent evidence, such retiree **or vestee**
51 shall be deemed to have died as a natural and proximate result of an
52 accident sustained in the performance of duty and not as a result of
53 willful negligence on his or her part. Such retiree's **or vestee's**
54 eligible beneficiary, as set forth in section 13-244 of this subchapter,
55 shall be entitled to an accidental death benefit as provided by section
56 13-244 of this subchapter, however, for the purposes of determining the

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

21 4. Notwithstanding any other provision of this code or of any general,
 22 special or local law, charter, or rule or regulation to the contrary, if
 23 a member who: (1) has met the criteria of subdivision one of this
 24 section; ~~and~~ (2) dies in active service or after separating from
 25 service with a vested right to deferred payability of a retirement
 26 allowance, but prior to the payability of that retirement allowance; and
 27 (3) dies from a qualifying World Trade Center condition, as defined in
 28 section two of the retirement and social security law, as determined by
 29 the applicable head of the retirement system or applicable medical board
 30 to have been caused by such member's participation in the World Trade
 31 Center rescue, recovery or cleanup operations, as defined in section two
 32 of the retirement and social security law, then unless the contrary be
 33 proven by competent evidence, such member shall be deemed to have died
 34 as a natural and proximate result of an accident sustained in the
 35 performance of duty and not as a result of willful negligence on his or
 36 her part. Such member's eligible beneficiary, as set forth in section
 37 13-244 of this subchapter, shall be entitled to an accidental death
 38 benefit provided he or she makes written application to the head of the
 39 retirement system within the time for filing an application for an acci-
 40 dental death benefit as set forth in section 13-244 of this subchapter.

41 § 5. Subdivisions 2, 3 and 4 of section 13-353.1 of the administrative
 42 code of the city of New York, as amended by chapter 489 of the laws of
 43 2008, are amended to read as follows:

44 2. (a) Notwithstanding the provisions of this chapter or of any gener-
 45 al, special or local law, charter, administrative code or rule or regu-
 46 lation to the contrary, if a member who participated in World Trade
 47 Center rescue, recovery or cleanup operations as defined in section two
 48 of the retirement and social security law, and subsequently retired on a
 49 service retirement, an ordinary disability retirement, an accidental
 50 disability retirement, ~~or~~ a performance of duty disability retirement,
 51 or was separated from service with a vested right to deferred payability
 52 of a retirement allowance and subsequent to such retirement or sepa-
 53 ration is determined by the head of the retirement system to have a
 54 qualifying World Trade Center condition, as defined in section two of
 55 the retirement and social security law, upon such determination by the
 56 NYCFDPF board of trustees, it shall be presumed that such disability was

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

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

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

14 (d) The member's former employer at the time of the member's retire-
15 ment shall have an opportunity to be heard on the member's application
16 for reclassification by the NYCDFDPF board of trustees according to
17 procedures developed by the NYCDFDPF.

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

20 3. Notwithstanding any other provision of this chapter or of any
21 general, special or local law, charter, administrative code or rule or
22 regulation to the contrary, if a retiree or vestee who: (1) has met the
23 criteria of subdivision one of this section and retired on a service or
24 disability retirement, ~~[or]~~ would have met the criteria if not already
25 retired on an accidental disability, or was separated from service with
26 a vested right to deferred payability of a retirement allowance; and (2)
27 has not been retired for more than twenty-five years; and (3) dies from
28 a qualifying World Trade Center condition, as defined in section two of
29 the retirement and social security law, as determined by the applicable
30 head of the retirement system or applicable medical board, then unless
31 the contrary be proven by competent evidence, such retiree or vestee
32 shall be deemed to have died as a natural and proximate result of an
33 accident sustained in the performance of duty and not as a result of
34 willful negligence on his or her part. Such retiree's or vestee's
35 eligible beneficiary, as set forth in section 13-347 of this subchapter,
36 shall be entitled to an accidental death benefit as provided by sections
37 13-347 and 13-348 of this subchapter, however, for the purposes of
38 determining the salary base upon which the accidental death benefit is
39 calculated, the retiree or vestee shall be deemed to have died on the
40 date of his or her retirement or separation from service with vested
41 rights. Upon the retiree's or vestee's death, the eligible beneficiary
42 shall make a written application to the head of the retirement system
43 within the time for filing an application for an accidental death bene-
44 fit as set forth in sections 13-347 and 13-348 of this subchapter
45 requesting conversion of such retiree's service, vested right or disa-
46 bility retirement benefit to an accidental death benefit. At the time of
47 such conversion, the eligible beneficiary shall relinquish all rights to
48 the prospective benefits payable under the service or disability retire-
49 ment benefit or vested right to such benefit, including any post-retire-
50 ment death benefits, since the retiree's or vestee's death. If the
51 eligible beneficiary is not the only beneficiary receiving or entitled
52 to receive a benefit under the service or disability retirement benefit
53 (including, but not limited to, post-retirement death benefits or bene-
54 fits paid or payable pursuant to the retiree's option selection), or
55 that will be eligible under the vested right the accidental death bene-

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

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

21 § 6. Paragraph 2 of subdivision c and subdivisions d and e of section
22 507-c of the retirement and social security law, as amended by chapter
23 489 of the laws of 2008, are amended to read as follows:

24 2. (a) Notwithstanding the provisions of this chapter or of any gener-
25 al, special or local law, charter, administrative code or rule or regu-
26 lation to the contrary, if a member who participated in World Trade
27 Center rescue, recovery or cleanup operations, as defined in section two
28 of this chapter, and subsequently retired on a service retirement, an
29 ordinary disability retirement ~~or~~, a performance of duty disability
30 retirement, or was separated from service with a vested right to
31 deferred payability of a retirement allowance and subsequent to such
32 retirement or separation which is determined by the head of the retire-
33 ment system to have been a qualifying World Trade Center condition, as
34 defined in section two of this chapter, upon such determination by the
35 head of the retirement system, it shall be presumed that such disability
36 was incurred in the performance and discharge of duty as the natural and
37 proximate result of an accident not caused by such member's own willful
38 negligence, and that the member would have been physically or mentally
39 incapacitated for the performance and discharge of duty of the position
40 from which he or she retired or vested had the condition been known and
41 fully developed at the time of the member's retirement or separation
42 from service with vested rights, unless the contrary is proved by compe-
43 tent evidence.

44 (b) The head of the retirement system shall consider a reclassifica-
45 tion of the member's retirement or vesting as an accidental disability
46 retirement effective as of the date of such reclassification.

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

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

53 (e) The head of the retirement system is hereby authorized to promul-
54 gate rules and regulations to implement the provisions of this para-
55 graph.

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

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

1 § 7. Paragraph 2 of subdivision d and subdivisions e and f of section
2 605-b of the retirement and social security law, as amended by chapter
3 489 of the laws of 2008, are amended to read as follows:

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

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

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

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

32 (e) The head of the retirement system is hereby authorized to promul-
33 gate rules and regulations to implement the provisions of this para-
34 graph.

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

1 tion to the head of the retirement system within the time for filing an
2 application for an accidental death benefit as set forth in section six
3 hundred seven of this article requesting conversion of such retiree's or
4 vestee's service or disability retirement benefit to an accidental death
5 benefit. At the time of such conversion, the eligible beneficiary shall
6 relinquish all rights to the prospective benefits payable under the
7 service or disability retirement benefit, or vested right to such bene-
8 fit, including any post-retirement death benefits, since the retiree's
9 or vestee's death. If the eligible beneficiary is not the only benefi-
10 ciary receiving or entitled to receive a benefit under the service or
11 disability retirement benefit (including, but not limited to, post-re-
12 tirement death benefits or benefits paid or payable pursuant to the
13 retiree's option selection), or that will be eligible under the vested
14 right, the accidental death benefit payments to the eligible beneficiary
15 will be reduced by any amounts paid or payable to any other beneficiary.

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

36 § 8. Paragraph 2 of subdivision b and subdivisions c and d of section
37 605-c of the retirement and social security law, as amended by chapter
38 489 of the laws of 2008, are amended to read as follows:

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

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

3 (b) The head of the retirement system shall consider a reclassifica-
4 tion of the member's retirement or vesting as an accidental disability
5 retirement effective as of the date of such reclassification.

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

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

12 (e) The head of the retirement system is hereby authorized to promul-
13 gate rules and regulations to implement the provisions of this para-
14 graph.

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

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

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

17 § 9. Paragraph 2 of subdivision c and subdivisions d and e of section
18 607-b of the retirement and social security law, as amended by chapter
19 489 of the laws of 2008, are amended to read as follows:

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

39 (b) The head of the retirement system shall consider a reclassifica-
40 tion of the member's retirement or vesting as an accidental disability
41 retirement effective as of the date of such reclassification.

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

44 (d) The member's former employer at the time of the member's retire-
45 ment shall have an opportunity to be heard on the member's application
46 for reclassification by the NYCERS board of trustees according to proce-
47 dures developed by the NYCERS board of trustees.

48 (e) The head of each retirement system is hereby authorized to promul-
49 gate rules and regulations to implement the provisions of this para-
50 graph.

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

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

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

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

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

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

9 (b) Diseases of the lower respiratory tract, including but not limited
10 to bronchitis, asthma, reactive airway dysfunction syndrome, and differ-
11 ent types of pneumonitis, such as hypersensitivity, granulomatous, or
12 eosinophilic;

13 (c) Diseases of the gastroesophageal tract, including esophagitis and
14 reflux disease, either acute or chronic, caused by exposure or aggra-
15 vated by exposure;

16 (d) Diseases of the psychological axis, including post-traumatic
17 stress disorder, anxiety, depression, or any combination of such condi-
18 tions; or

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

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

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

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

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

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

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

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

7 **2. A claim by a participant in the World Trade Center rescue, recovery**
8 **or cleanup operations whose disablement occurred between September**
9 **twelfth, two thousand eight, and September eleventh, two thousand**
10 **twelve, shall not be disallowed as barred by section eighteen or section**
11 **twenty-eight of this chapter if such claim is filed on or before Septem-**
12 **ber eleventh, two thousand fourteen. Any such claim by a participant in**
13 **the World Trade Center rescue, recovery or cleanup operations whose**
14 **disablement occurred between September eleventh, two thousand eight, and**
15 **September eleventh, two thousand twelve, and was disallowed by section**
16 **eighteen or twenty-eight of this chapter shall be reconsidered by the**
17 **board.**

18 § 14. Paragraph (a) of subdivision 36 of section 2 of the retirement
19 and social security law, as added by chapter 489 of the laws of 2008, is
20 amended to read as follows:

21 (a) "Qualifying World Trade Center condition" shall mean a qualifying
22 condition or impairment of health resulting in disability to a member
23 who participated in World Trade Center rescue, recovery or cleanup oper-
24 ations for a qualifying period, as those terms are defined below,
25 provided the following conditions have been met: (i) such member, or
26 eligible beneficiary in the case of the member's death, must have filed
27 a written and sworn statement with the member's retirement system on a
28 form provided by such system indicating the underlying dates and
29 locations of employment not later than September eleventh, two thousand
30 ten, **or any later date as hereinafter provided in this paragraph;** and
31 (ii) such member has either successfully passed a physical examination
32 for entry into public service, or authorized release of all relevant
33 medical records, if the member did not undergo a physical examination
34 for entry into public service; and (iii) there is no evidence of the
35 qualifying condition or impairment of health that formed the basis for
36 the disability in such physical examination for entry into public
37 service or in the relevant medical records, prior to September eleventh,
38 two thousand one. **The deadline for filing a written and sworn statement**
39 **required by subparagraph (i) of this paragraph is hereby extended to**
40 **September eleventh, two thousand fourteen for such member, or eligible**
41 **beneficiary in the case of the member's death, of a local retirement**
42 **system of a city with a population of one million or more that is**
43 **covered by section 13-551 of the administrative code of the city of New**
44 **York, or by section twenty-five hundred seventy-five of the education**
45 **law and for such member who separated from service with vested rights,**
46 **or eligible beneficiary of such member who separated from service with**
47 **vested rights in the case of the member's death, of local retirement**
48 **systems of a city with a population of one million or more who are**
49 **covered by sections 13-168, 13-252.1 and 13-353.1 of the administrative**
50 **code of the city of New York and sections five hundred seven-c, six**
51 **hundred five-b, six hundred five-c, and six hundred seven-b of this**
52 **chapter. Every retirement system shall keep a copy of every written and**
53 **sworn statement that is presented for filing not later than September**
54 **eleventh, two thousand fourteen, including those that are rejected for**
55 **filing as untimely.**

1 § 15. This act shall take effect immediately and shall be deemed to
 2 have been in full force and effect on and after September 11, 2001;
 3 provided, however, that the amendments to sections 161, 162, 165 and 168
 4 of the workers' compensation law made by sections ten, eleven, twelve
 5 and thirteen of this act, respectively, shall apply to all open and
 6 closed claims coming within its purview.

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

PROVISIONS OF PROPOSED LEGISLATION: With respect to the the New York city Retirement Systems ("NYCRS"), the proposed legislation would amend Administrative Code of the City of New York ("ACNY") Sections 13-551, 13-168, 13-525.1 and 13-353.1, Education Law Section 2575, Retirement and Social Security Law ("RSSL") Sections 2, 507-c, 605-b, 605-c and 607-b, and Workers' Compensation Law Sections 161,162, 165 and 168 to extend the provisions of the World Trade Center ("WTC") Disability Law to certain members who participated in the Rescue, Recovery or Clean-up operations related to the WTC attack on September 11, 2001 and expand certain provisions of the Workers' Compensation Law relating to the deadline for filing a registration of participation in the WTC Rescue, Recovery or Clean-up operations, the additional period for filing certain WTC-related claims and the reconsideration of certain disallowed WTC-related claims.

The NYCRS include: New York City Employees' Retirement System ("NYCERS"), New York City Teachers' Retirement System ("NYCTRS"), New York City Board of Education Retirement System ("BERS"), New York City Police Pension Fund ("POLICE") and New York Fire Department Pension Fund ("FIRE").

The WTC Disability Law was enacted under Chapter 104 of the Laws of 2005, and was amended by Chapter 93 of the laws of 2005, Chapter 102 of the Laws of 2006, Chapter 444 of the Laws of 2006, Chapter 445 of the Laws of 2006, Chapter 5 of the Laws of 2007, Chapter 214 of the Laws of 2007, Chapter 495 of the Laws of 2007, Chapter 489 of the Laws of 2008 and Chapter 361 of the Laws of 2010.

The Effective Date of this proposed Legislation would be retroactive to September 11, 2001.

BENEFITS UNDER EXISTING WTC-RELATED PROVISIONS

Accidental Disability Retirement Benefits

With respect to the NYCRS, under current law, active, retired and vested groups covered by the WTC Disability Law could potentially be eligible for WTC-related benefits ("WTC Potential Recipients").

If an active, retired or vested WTC Potential Recipient becomes partially or totally disabled due to a WTC-Related Malady, such condition or impairment of health incurred by the member would be considered presumptive evidence that it was sustained in the line-of-duty as the result of an accident unless the contrary can be proven by competent evidence.

Once such member's application is approved by the respective NYCRS Medical Board and the respective NYCRS Board of Trustees ("BOT"), then such member would be entitled to the applicable Accidental Disability Retirement ("ADR") Benefit ("ACCDIS") that is payable for a member in such NYCRS at such tier and based upon a respective job title, if applicable. Such ACCDIS are generally subject to the offset from any Workers' Compensation benefits payable.

Under current law, if an active WTC Potential Recipient who retires initially for Service Retirement ("SERV"), Ordinary Disability Retirement ("ODR"), Accidental Disability Retirement ("ADR") or Performance of Duty Disability Retirement ("PODR") becomes partially or totally disa-

bled due to a WTC-Related Malady, then such WTC-Related Malady would be considered presumptive evidence that it was incurred in the line-of-duty as the result of an accident.

Such retiree would be permitted to apply with the respective NYCERS for a reclassification of his retirement to a World Trade Center Accidental Disability Retirement ("WTC-ADR"). Upon the approval of the respective NYCERS Medical Board and the respective NYCERS BOT, such retiree would be entitled to receive an ACCDIS, based on the salaries and service at the initial retirement date and determined under the respective NYCERS, payable from the date of reclassification. There would be no change in the optional form of payment elected at the initial retirement date.

Accidental Death Benefits

With respect to the NYCERS under current law, beneficiaries of those WTC Potential Recipients who die either while actively employed or while on an approved leave of absence and whose cause of death originated from a WTC qualifying condition or impairment of health may apply with the respective NYCERS within the applicable filing window for Accidental Death Benefits ("ACCDTH").

In addition, if such deceased NYCERS members are in any of the following groups:

- * POLICE,
- * FIRE,
- * NYCERS in certain Triborough Bridge and Tunnel Authority job titles,
- * NYCERS in certain Uniformed Department of Corrections job titles, or
- * NYCERS in certain Emergency Medical Technician ("EMT") job titles

then such deceased member's beneficiaries could also be entitled to a Special Accidental Death Benefit ("SADB") provided under General Municipal Law ("GML") Section 208-f. Such SADB is generally based on the member's salary at the date of death, reduced by the ACCDTH benefits payable and any Social Security and Workers' Compensation death benefits. SADB is subject to annual cost-of-living increases.

Under current law, the beneficiaries of those active WTC Potential Recipients who retire for Service, Ordinary Disability Retirement or Accidental Disability Retirement and die, whose cause of death originated from a WTC qualified condition or impairment of health and who have not been retired for more than 25 years, may apply with the respective NYCERS within the applicable filing period for receipt of an ACCDTH and SADB, if eligible. Once such application is approved by the respective NYCERS Medical Board and respective NYCERS BOT, such beneficiaries would be entitled to the applicable benefits from the date of death.

To receive the ACCDTH, beneficiaries must relinquish their rights to any death benefits that would have otherwise been payable under the retiree's initial form of payment election.

These ACCDTH would replace the existent death benefits that are available for active, inactive and retired NYCERS members based on NYCERS, Tier and job title, if applicable.

IMPACT OF PROPOSED LEGISLATION ON WTC ELIGIBILITY PROVISIONS: Under current law, a WTC Potential Recipient must have registered by September 11, 2010 in order to ever become eligible to qualify for WTC ACCDIS or WTC ACCDTH.

Under the proposed legislation, if enacted, the deadline for registering for WTC ACCDIS or WTC ACCDTH would be extended to September 11, 2014 only for the Covered Groups, later defined.

IMPACT OF PROPOSED LEGISLATION ON WORKERS' COMPENSATION BENEFITS: The proposed legislation, if enacted, would:

1. Extend the period for filing statements of participation in the WTC Rescue, Recovery or Clean-up operations from September 11, 2010 to September 11, 2014 under the Workers' Compensation Law

2. Extend the deadline for filing claims for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 to September 11, 2014

3. Provide that any such claim for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered

COVERED GROUPS UNDER PROPOSED LEGISLATION: With respect to the NYCRS, the proposed legislation would expand coverage under the WTC Disability Law to certain groups ("Covered Groups"), provided they satisfy certain qualifying WTC conditions.

These Covered Groups are as follows:

- * Active, vested and retired members in NYCTRS in Tiers I and II
- * Active, vested and retired members in BERS in Tiers I and II
- * Vested members in NYCERS in Tiers I and II
- * Vested members in POLICE in Tiers I and II
- * Vested members in FIRE in Tiers I and II
- * Vested Uniformed Corrections members in NYCERS in Tier III
- * Vested Uniformed Sanitation members in NYCERS in Tier IV
- * Vested Deputy Sheriff members in NYCERS in Tier IV and Tier VI
- * Vested EMT members in NYCERS in Tier IV and Tier VI

WTC DISABILITY LAW PROVISIONS APPLYING TO THE COVERED GROUP: All of the WTC Disability Law provisions would apply to the Covered Group. However, the Special Accidental Death Benefits provided under GML Section 208-f to certain groups would not apply.

ESTIMATED FINANCIAL IMPACT OF PRIOR FISCAL NOTE 2008-09: Fiscal Note 2008-09, dated June 18, 2008, which estimated the financial impact of proposed legislation LBDC #12080-02-8, enacted as Chapter 489 of the Laws of 2008 to expand the coverage of the WTC Disability Law, included the estimated financial impact attributed to the Covered Groups described above based upon the Actuary's understanding of the intent of the recommendations of the September 11 Worker Protection Task Force, rather than adhering to the strict draft wording of proposed legislation LBDC #120870-02-8.

Accordingly, the estimated financial impact of the proposed legislation (denoted by Verison date (6/7/12) was based on the financial impact of these Covered Groups that was previously determined in Fiscal Note 2008-09, adjusted for the passage of time using actuarial principles and to reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3 of the Laws of 2013 ("Chapter 3/13").

It is assumed that the estimated financial impact would be de minimis for:

(1) Extending the deadline for registering for WTC ACCDIS and WTC ACCDTH to September 11, 2014 only for the Covered Groups as described under COVERED GROUPS UNDER PROPOSED LEGISLATION section of this Fiscal Note,

(2) Extending the deadline from September 11, 2010 to September 11, 2014 for filing a registration of participation in the WTC Rescue, Recovery and Clean-up operations under the Workers' Compensation Law,

(3) Extending the deadline for filing claims for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 to September 11, 2014, and

(4) Providing that any such claim for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered.

ADDITIONAL ACTUARIAL PRESENT VALUE OF BENEFITS AND EMPLOYER COSTS: Under the proposed legislation, the estimated additional Actuarial Present Value of Benefits ("APVB") and employer costs for each of the NYCERS are shown in the following table.

INCREASES IN APVB AND ANNUAL EMPLOYER COST
OF INCLUDING CERTAIN RECOMMENDATIONS OF THE
SEPTEMBER 11 WORKER PROTECTION TASK FORCE
FOR CERTAIN MEMBERS OF
NYCERS, NYCTRS, BERS, POLICE AND FIRE*

(\$ Millions)

ITEM	NYCERS	NYCTRS	BERS	POLICE	FIRE	TOTAL
Increase in APVB	\$1.8	\$2.1	**	\$0.6	\$0.1	\$4.6
Increase in Annual Employer Costs***	\$0.6	\$0.7	**	\$0.2	**	\$1.5

*The increase in APVB and in Annual Employer Costs for these Covered Groups was included in the financial impact of Fiscal Note 2008-09. The results included in Fiscal Note 2008-09 have been adjusted using actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCERS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13 to arrive at the results shown above.

It is assumed that the estimated financial impact would be de minimis for:

1. Extending the deadline for registering for WTC ACCDIS and WTC ACCDTH to September 11, 2014 only for Covered Groups under the proposed legislation,
2. Extending the deadline from September 11, 2010 to September 11, 2014 for filing a registration of participation in the WTC Rescue, Recovery and Clean-up operations under the Workers' Compensation Law,
3. Extending the deadline to September 11, 2014 for filing claims for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012, and
4. Providing that any such claim for Workers' Compensation benefits for a WTC-related disablement that occurred between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered.

For purposes of this Fiscal Note, the Actuary has assumed that reclassification of certain retired members to WTC-Related Accidental Disability Retirement from Service Retirement or Ordinary Disability Retirement

would result in changes in benefits, prospectively only from the date of reclassification.

** Less than \$50,000.

*** Assumes that Net Increases in APV of Future Employer Normal Costs are financed over the average remaining working lifetimes of members impacted by the benefit changes which has been estimated to be five years.

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

However, the timing and amount of additional employer contributions attributable to the enactment of this proposed legislation will depend primarily upon five factors:

* The point in time when the Actuary revises actuarial assumptions to reflect whether certain active members who now would be expected to receive Service Retirement benefits, Ordinary Disability Retirement benefits, or Accidental Disability Retirement benefits would in the future be eligible for World Trade Center Accidental Disability Retirement and/or Accidental Death benefits.

* The point in time at which the Actuary revises actuarial assumptions to reflect possible, further, increased expectations for Accidental Disability Retirements.

* The points in time after retirement when diseases deemed to be disabling and attributable to WTC-related activities could result in reclassification of Service Retirements, Ordinary Disability Retirements, or Accidental Disability Retirements to World Trade Center Accidental Disability Retirements.

* The points in time after retirement subsequent to reclassification, or in the application process, to a WTC-Related Accidental Disability Retirement which could result in Accidental Death from a WTC-Related Malady.

* The impact on employer contributions of any actuarial gains or losses attributable to additional Accidental Disability Retirements and Accidental Deaths.

ADDITIONAL EMPLOYER CONTRIBUTIONS - FISCAL YEARS 2013 AND LATER: Assuming that this proposed legislation is enacted during the current Legislative Session on or before June 30, 2013 or after June 30, 2013 and on or before June 30, 2014, then the enactment of this proposed legislation would increase annual employer contributions beginning Fiscal Year 2014 as follows:

* To NYCERS by approximately \$0.6 million and by a comparable percentage of payroll thereafter,

* To NYCTRS by approximately \$0.7 million and by a comparable percentage of payroll thereafter,

* To BERS by approximately less than \$50,000 and by a comparable percentage of payroll thereafter,

* To POLICE by approximately \$0.2 million and by a comparable percentage of payroll thereafter, and

* To FIRE by approximately less than \$50,000 and by a comparable percentage of payroll thereafter.

These employer contributions were included in the financial impact of Fiscal Note 2008-09 and have been adjusted using actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCERS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by

the New York State Legislature and Governor as Chapter 3/13 to arrive at the results shown above.

In accordance with ACNY Section 13.638.2(k-2), new Unfunded Actuarial Accrued Liability ("UAAL") attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetimes of those impacted by the benefit changes. For this proposed legislation, the Actuary has estimated that the remaining working lifetime of those impacted to be five years. Using this approach, the additional UAAL would be amortized over a five-year period (four payments under One-Year Lag Methodology) using level dollar payments.

UNMEASURED ADDITIONAL COSTS: The additional APVB and employer costs and contributions attributable to additional World Trade Center Accidental Disability Retirements and World Trade Center Accidental Deaths shown herein are based only upon using the actuarial assumptions and methods described herein.

1. The protections afforded under the provisions of the WTC Disability Law to the Covered Groups described in the COVERED GROUPS UNDER PROPOSED LEGISLATION section of this Fiscal Note,

2. The extension of the deadline for registering for WTC ACCDIS, and WTC ACCDTH benefits from September 11, 2010 to September 11, 2014 only for the Covered Groups under the proposed legislation,

3. The extension of the deadline from September 11, 2010 to September 11, 2014 for filing a registration of participation in the WTC Rescue, Recovery and Clean-up operations under the Worker's Compensation Law,

4. The extension of the deadline to September 11, 2014 for filing claims for Workers' Compensation benefits for a disablement that occurred between September 12, 2008 and September 11, 2012, and

5. Providing that any such claim for Workers' Compensation benefits for a disablement that occurred between September 12, 2008 and September 11, 2012 that was previously disallowed for failure to register timely would be reconsidered.

As noted earlier, the estimated financial impact for the preceding items 2, 3, 4 and 5 is assumed to be de minimis.

Additional APVB and employer costs attributable to any benefits other than those described herein have not been estimated.

No estimate has been made for non-vested, terminated members or for other possible WTC Potential Recipients who are not currently participants in the NYCERS.

No estimate has been made for the possible, initial reduction in payroll costs due to Additional Disability Retirements or Additional Deaths.

No estimate has been made for additional administrative expenses, for possible increases in Workers' Compensation costs or for expected, increased medical and insurance related costs.

CENSUS DATA: With respect to the NYCERS, the calculation of estimated changes in APVB and changes in employer costs are in part based on the active census data used in the June 30, 2007 (Lag) actuarial valuation, adjusted to June 30, 2012 in accordance with the actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCERS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13. Such census was adjusted for employees who were hired on or after September 13, 2002 and, in general, are unlikely to be WTC Potential Recipients.

In addition, the calculation of estimated changes in the APVB and changes in employer costs are in part based on the census data of

retired members used in the June 30, 2007 (Lag) actuarial valuation, adjusted to June 30, 2012 in accordance with actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCERS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13, to determine the Fiscal Year 2012 and later employer contributions. Such census data includes post-September 11, 2001 retirees.

Furthermore, based on the June 30, 2007 census information, terminated vested members between September 11, 2001 and June 30, 2007, adjusted to June 30, 2012 in accordance with actuarial principles and to reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCERS during Fiscal Year 2012 and the Actuarial Interest Rate assumption on %7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13, were included to the extent that they were WTC Potential Recipients, could become incapacitated due to a WTC-Related Malady and reclassify as WTC-ADR.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional APVB and employer costs and contributions have been determined based on the actuarial assumptions and methods used in June 30, 2012 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE and FIRE.

In order to develop an estimate of the increase in APVB for NYCTRS members, the following probabilities of reclassification to WTC-ADR were used at the ages shown:

NYCRS			
AGE	Reclassification to WTC-ADR FROM		
	SERV	ODR	ADR
60	2%	4%	4%
70	2%	4%	4%
80	2%	4%	4%
90	2%	4%	4%

In addition, the following probabilities of reclassification were assumed at the date of SER, ODR and ADR, respectively, for active members:

SERV 2%
 ODR 4%
 ADR 4%

In order to develop an estimate of the increase in APVB for BERS members, the following probabilities or reclassifications to WTC-ADR were used at the ages shown:

BERS			
AGE	RECLASSIFICATION TO WTC-ADR FROM		
	SERV	ODR	ADR
60	2%	4%	4%
70	2%	4%	4%
80	2%	4%	4%
90	2%	4%	4%

In addition, the following probabilities of reclassification were assumed at the date of SER, ODR and ADR, respectively, for active members:

SERV 2%
 ODR 4%

ADR 4%

It has also been assumed that Accidental Disability Retirees who die within 25 years of the initial retirement date would die from a WTC-Related Malady.

Due to limitations of time, resources and expected, limited impact on overall results, the following estimates were made relative to the June 30, 2007 (Lag) actuarial valuation, adjusted to June 30, 2012 in accordance with actuarial principles and reflect the demographic actuarial assumptions that were adopted by the Board of Trustees of each NYCERS during Fiscal Year 2012 and the Actuarial Interest Rate assumption of 7.0% per annum that was enacted by the New York State Legislature and Governor as Chapter 3/13 to determine the Fiscal Year 2012 and later employer contributions. In addition, for Terminated Vesteds,

* APVB was developed as the ratio of the respective liability to the total liability of all active members.

* APVB was adjusted to reflect both the difference in the magnitude of a WTC-ACCDIS relative to the SERV benefit otherwise payable and in the payability date of such benefits.

In developing estimates of additional APVB upon reclassification after retirement, the increases in WTC-ADR benefits are assumed to be prospective from the date of reclassification.

Additionally, because the mortality expectation for an individual does not change just because that individual receives a different type of benefit, the measurement of the increase in APVB for Service Retirees who reclassify as WTC-ADR has been calculated based on post-disablement retirement mortality.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and determining annual employer contributions to the 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 2013 Legislative Session. It is Fiscal Note 2013-13, dated June 5, 2013, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New York City Police Pension Fund and the New York Fire Department Pension Fund.

STATE OF NEW YORK

4983--A

2013-2014 Regular Sessions

IN ASSEMBLY

February 13, 2013

Introduced by M. of A. ABBATE -- (at request of the New York State Teachers' Retirement System) -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to clarifying the maximum salary which may be used to calculate the ordinary death benefit of members of the public retirement systems of the state

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

1 Section 1. Subdivision c of section 448 of the retirement and social
2 security law, as amended by chapter 510 of the laws of 1974, is amended
3 to read as follows:
4 c. For the purpose of this section, salary shall be the regular
5 compensation earned during the member's last twelve months of service in
6 full pay status as a member or, if he or she had not completed twelve
7 months of service prior to the date of death, but was subject to the
8 provisions of subdivision b of this section, the compensation he or she
9 would have earned had he or she worked for the twelve months prior to
10 such date; provided, however, for the purpose of this section salary
11 shall exclude any form of termination pay (which shall include any
12 compensation in anticipation of retirement), or any lump sum payment for
13 deferred compensation sick leave, or accumulated vacation credit or any
14 other payment for time not worked (other than compensation received
15 while on sick leave or authorized leave of absence) and in no event
16 shall it exceed the maximum salary specified in section one hundred
17 thirty of the civil service law, as added by part B of chapter ten of
18 the laws of two thousand eight, or the maximum salary specified in
19 section one hundred thirty of the civil service law, as hereafter
20 amended, whichever is greater.

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

LBD08981-10-3

1 § 2. Subdivision c of section 508 of the retirement and social securi-
2 ty law, as added by chapter 617 of the laws of 1986, is amended to read
3 as follows:

4 c. For the purpose of this section, salary shall be the regular
5 compensation earned during the member's last twelve months of service in
6 full pay status as a member or, if he or she had not completed twelve
7 months of service prior to the date of death, but was subject to the
8 provisions of subdivision b of this section, the compensation he or she
9 would have earned had he or she worked for the twelve months prior to
10 such date; provided, however, for the purpose of this section salary
11 shall exclude any form of termination pay (which shall include any
12 compensation in anticipation of retirement), or any lump sum payment for
13 deferred compensation sick leave, or accumulated vacation credit or any
14 other payment for time not worked (other than compensation received
15 while on sick leave or authorized leave of absence) and in no event
16 shall it exceed the maximum salary specified in section one hundred
17 thirty of the civil service law, as added by part B of chapter ten of
18 the laws of two thousand eight, or the maximum salary specified in
19 section one hundred thirty of the civil service law, as hereafter
20 amended, whichever is greater.

21 § 3. Subdivision c of section 606 of the retirement and social securi-
22 ty law, as added by chapter 617 of the laws of 1986, is amended to read
23 as follows:

24 c. For the purpose of this section, salary shall be the regular
25 compensation earned during the member's last twelve months of service in
26 full pay status as a member or, if he or she had not completed twelve
27 months of service prior to the date of death, but was subject to the
28 provisions of subdivision b of this section, the compensation he or she
29 would have earned had he or she worked for the twelve months prior to
30 such date; provided, however, for the purpose of this section salary
31 shall exclude any form of termination pay (which shall include any
32 compensation in anticipation of retirement), or any lump sum payment for
33 deferred compensation sick leave, or accumulated vacation credit or any
34 other payment for time not worked (other than compensation received
35 while on sick leave or authorized leave of absence) and in no event
36 shall it exceed the maximum salary specified in section one hundred
37 thirty of the civil service law, as added by part B of chapter ten of
38 the laws of two thousand eight, or the maximum salary specified in
39 section one hundred thirty of the civil service law, as hereafter
40 amended, whichever is greater.

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

44 § 5. This act shall take effect immediately and shall be deemed to
45 have been in full force and effect on and after April 1, 2011.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: This bill
would clarify the maximum salary used for ordinary death benefit calcu-
lations for Tiers 2, 3, 4, 5 and 6 members who joined certain public
retirement systems after the effective date of Chapter 491 of the Laws
of 2011. The maximum salary used to calculate the ordinary death benefit
would be the greater of the maximum salary currently specified in
Section 130 of the Civil Service Law or such maximum salary specified in
Section 130 prior to the changes to Section 130 enacted pursuant to
Chapter 491. This bill would ensure that no members who first join a
retirement system on or after the effective date of Chapter 491 of the
Laws of 2011 would receive a reduced ordinary death benefit due to the

provisions of that enactment. This bill also states that none of the provisions of this act shall be subject to Section 25 of the Retirement and Social Security Law.

If this bill is enacted, insofar as this bill affects the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, we anticipate that very few members would be affected, and the costs would be negligible. These costs would be borne by the state of New York and the participating employers in the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated May 6, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-139 prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

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

This bill would amend Sections 448, 508 and 606 of the Retirement and Social Security Law to clarify the maximum salary used to calculate the paragraph 2 death benefit for Tier 2, 3, 4, 5 and 6 members of the New York State Teachers' Retirement System. The maximum salary used to calculate the paragraph 2 death benefit shall not be less than the maximum salary specified in Section 130 of the Civil Service Law, as it was added by part B of Chapter 10 of the Laws of 2008, or the maximum salary specified in Section 130 of the Civil Service Law, as thereafter amended, whichever is greater. Chapter 491 of the Laws of 2011 slightly lowered the salary limit for death benefit calculation purposes, yet the current limit in constitutionally protected for current members.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

The source of this estimate is Fiscal Note 2013-2 dated September 19, 2012 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

STATE OF NEW YORK

6942

2013-2014 Regular Sessions

IN ASSEMBLY

April 25, 2013

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

AN ACT to amend the retirement and social security law, in relation to partial lump sum payments for certain members of the New York state and local police and fire retirement system

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

1 Section 1. Subdivision 2 of section 1100 of the retirement and social
2 security law is amended by adding two new paragraphs d and e to read as
3 follows:

4 **d. Any member who files for retirement after being eligible to retire**
5 **for four years may elect to receive a twenty percent lump sum payment of**
6 **the actuarial equivalent of his or her retirement allowance at the time**
7 **of retirement.**

8 **e. Any member who files for retirement after being eligible to retire**
9 **for five years may elect to receive a twenty-five percent lump sum**
10 **payment of the actuarial equivalent of his or her retirement allowance**
11 **at the time of retirement.**

12 § 2. This act shall take effect immediately.

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

This bill would allow larger lump sum payments to be made under the Partial Lump Sum (PLS) program for certain members of the New York State and Local Police and Fire Retirement System (PFRS). Currently, PFRS members who are eligible for the PLS program may elect to receive a partial lump sum payment of up to 15% of the present value of their actuarially determined retirement allowance at retirement, and a smaller annual retirement allowance thereafter. This proposal would allow a member who files for service retirement after being eligible to retire for 4 or 5 or more years to be eligible to receive a partial lump sum of up to 20% or 25%, respectively, of the present value of their actuarial-

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

LBD10253-01-3

ly determined retirement allowance, and a smaller annual retirement allowance thereafter.

If this bill is enacted, there would be administrative costs associated with redesigned estimate and option forms. There would not be costs associated with the lump sum payment options since payments would be determined on an actuarially equivalent basis. Should future proposals exceed 25%, further analysis will be necessary to determine whether there may be costs due to adverse selection.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated March 18, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-104, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

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Section II

**Vetoed Legislation Affecting the
New York State and Local Retirement System**

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STATE OF NEW YORK

5012

2013-2014 Regular Sessions

IN ASSEMBLY

February 14, 2013

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

AN ACT to authorize Jaime Laczko to elect to participate in the optional twenty-five year retirement plan for forest rangers in the service of the department of environmental conservation

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

1 Section 1. Notwithstanding any other provision of law, Jaime Laczko, a
2 member of the New York state and local police and fire retirement
3 system, who is employed by the department of environmental conservation
4 as a full-time forest ranger I, who upon commencing such employment
5 became a member of such retirement system subject to the provisions of
6 section 375-h of the retirement and social security law, who was eligi-
7 ble, at such time, to elect to join the New York state and local police
8 and fire retirement system subject to the optional twenty-five year
9 retirement plan for forest rangers in the service of the department of
10 environmental conservation pursuant to section 383-c of the retirement
11 and social security law, and who, for reasons not ascribable to his own
12 negligence, failed to elect to participate in such twenty-five year
13 retirement plan, shall be deemed to have elected to participate in the
14 retirement plan, established by section 383-c of the retirement and
15 social security law, upon commencement of his employment as a forest
16 ranger I, if, within 1 year of the effective date of this act, he shall
17 file an application therefor with the state comptroller.

18 § 2. All past costs associated with implementing the provisions of
19 this act shall be borne by the state of New York. Jaime Laczko shall
20 bear no costs associated with the implementation of the provisions of
21 this act.

22 § 3. This act shall take effect immediately.

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

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

LBD01149-03-3

This bill will deem Jaime Laczko, a Forest Ranger currently covered under an age 55 retirement plan, to have elected to participate in the 25 year retirement plan established by Section 383-c of the Retirement and Social Security Law.

If this bill is enacted, we anticipate that there will be an increase of approximately \$4,700 in the annual contributions of the State of New York for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$68,500 which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2014.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated January 25, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-49, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

VETO MESSAGE - No. 204

TO THE ASSEMBLY:

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

Assembly Bill Number 5012, entitled:

"AN ACT to authorize Jaime Laczko to elect to participate in the optional twenty-five year retirement plan for forest rangers in the service of the department of environmental conservation"

NOT APPROVED

This bill would enhance the retirement benefits for a single public employee and obligate the State to make a one-time payment of \$68,700 in 2014, and incur an ongoing obligation of \$4,700 a year for every year thereafter. As this new State obligation has not been accounted for, I am compelled to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

2953

2013-2014 Regular Sessions

IN SENATE

January 25, 2013

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

AN ACT in relation to establishing a special commission on compensation for state employees designated managerial or confidential, and providing for its powers and duties

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

1 Section 1. (a) On the first of April of every fourth year, commencing
2 April 1, 2013, there shall be established for such year a commission on
3 managerial or confidential state employee compensation to examine, eval-
4 uate and make recommendations with respect to adequate levels of compen-
5 sation and non-salary benefits for managerial or confidential state
6 employees. In accordance with the provisions of this section, the
7 commission shall:
8 (i) examine the prevailing adequacy of pay levels and non-salary bene-
9 fits received by managerial or confidential employees of the state and
10 determine whether any of such pay levels warrant adjustment; and
11 (ii) determine whether, for any of the four years commencing on the
12 first of April of such years, following the year in which the commission
13 is established, the annual salaries for the managerial or confidential
14 employees of the state warrant adjustment.
15 In discharging its responsibilities under paragraphs (i) and (ii) of
16 this subdivision, the commission shall take into account all appropriate
17 factors including, but not limited to: the administrative withholding of
18 managerial or confidential employee salary increases pursuant to chapter
19 10 of the laws of 2008; the overall economic climate; rates of
20 inflation; changes in public-sector spending; the levels of compensation
21 and non-salary benefits received by unionized state employees; the main-
22 tenance of or attainment of proper salary differential between supervi-
23 sors and their subordinates; the levels of compensation and non-salary

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

LBD03094-01-3

1 benefits received by professionals in government, and academia and
2 private and nonprofit enterprise.

3 (b) The commission shall consist of seven members to be appointed as
4 follows: three shall be appointed by the governor; one shall be
5 appointed by the temporary president of the senate; one shall be
6 appointed by the speaker of the assembly; one shall be appointed by the
7 comptroller; and one shall be appointed by the Organization of NYS
8 Management Confidential Employees. The governor shall designate the
9 chair of the commission from among the members so appointed. Vacancies
10 in the commission shall be filled in the same manner as original
11 appointments. To the extent practicable, members of the commission shall
12 have experience in one or more of the following: determination of execu-
13 tive compensation, human resource administration and financial manage-
14 ment.

15 (c) The commission may meet, hold public hearings and shall have all
16 the powers of a legislative committee pursuant to the legislative law.

17 (d) The members of the commission shall receive no compensation for
18 their services but shall be allowed their actual and necessary expenses
19 incurred in the performance of their duties hereunder.

20 (e) No member of the commission shall be disqualified from holding any
21 other public office or employment, nor shall he or she forfeit any such
22 office or employment by reason of his or her appointment pursuant to
23 this section, notwithstanding the provisions of any general, special or
24 local law, regulation, ordinance or city charter.

25 (f) To the maximum extent feasible, the commission shall be entitled
26 to request and receive and shall utilize and be provided with such
27 facilities, resources and data of any court, department, division,
28 board, bureau, commission, agency, office or public authority of the
29 state or any political subdivision thereof as it may reasonably request
30 to carry out properly its powers and duties pursuant to this section.

31 (g) The commission may request, and shall receive, reasonable assist-
32 ance from state agency personnel as necessary for the performance of its
33 functions.

34 (h) The commission shall make a report to the governor and the legis-
35 lature of its findings, conclusions, determinations and recommendations,
36 if any, not later than one hundred fifty days after its establishment.
37 Each recommendation made to implement a determination pursuant to para-
38 graph (ii) of subdivision (a) of this section shall have the force of
39 law, and shall supersede inconsistent provisions of article 8 of the
40 civil service law, unless modified or abrogated by statute prior to
41 April first of the year as to which such determination applies.

42 (i) Upon the making of its report as provided in subdivision (h) of
43 this section, each commission established pursuant to this section shall
44 be deemed dissolved.

45 § 2. Notwithstanding the provisions of this act or of any other law,
46 each increase in salary or compensation of any officer or employee
47 provided by this act shall be added to the salary or compensation of
48 such officer or employee at the beginning of that payroll period the
49 first day of which is nearest to the effective date of such increase as
50 provided in this act, or at the beginning of the earlier of two payroll
51 periods the first days of which are nearest but equally near to the
52 effective date of such increase as provided in this act; provided,
53 however, the payment of such salary increase pursuant to this section on
54 a date prior thereto instead of on such effective date, shall not oper-
55 ate to confer any additional salary rights or benefits on such officer
56 or employee.

1 § 3. The annual salaries as prescribed pursuant to this act for state
2 employees designated managerial or confidential whenever adjusted pursu-
3 ant to the provisions of this act, shall be rounded up to the nearest
4 multiple of one hundred dollars.
5 § 4. This act shall take effect immediately.

VETO MESSAGE - No. 211

TO THE ASSEMBLY:

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

Assembly Bill Number 246, entitled:

"AN ACT in relation to establishing a special commission on compen-
sation for state employees designated managerial or confidential,
and providing for its powers and duties"

NOT APPROVED

This bill would create a commission to examine, evaluate and make binding recommendations with respect to levels of compensation and non-salary benefits for managerial or confidential state employees.

Unquestionably, managerial and confidential state employees provide valuable services to the State. The overall salary structure for employees and public officers warrants a review and analysis to make it more fair for all State workers. This should be done within the context of the State budget.

Since taking office, this administration has implemented for various grades of managerial or confidential employees performance, longevity and merit increases and has planned for other increases in the near future. But given the State's traditional managerial role, I am compelled to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

3976

2013-2014 Regular Sessions

IN SENATE

March 4, 2013

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

AN ACT to amend the executive law, in relation to requiring all state agencies and departments to accept certain methods of payment

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

1 Section 1. The executive law is amended by adding a new section 164-e
2 to read as follows:

3 § 164-e. Forms of payment accepted by state agencies and departments.
4 All state agencies and departments accepting or collecting fees, fines,
5 penalties, rents, rates, taxes, charges, revenue, financial obligations
6 or other amounts, from the public shall provide for the acceptance of
7 credit cards, debit cards, pre-paid cards, money orders, and personal
8 and business checks as a method of payment for any amount accepted or
9 collected by such agency or department.

10 § 2. This act shall take effect on the sixtieth day after it shall
11 have become a law.

VETO MESSAGE - No. 223

TO THE SENATE:

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

Senate Bill Number 3976, entitled:

"AN ACT to amend the executive law, in relation to requiring all state agencies and departments to accept certain methods of payment"

NOT APPROVED

This legislation would require State agencies to accept all payments in a variety of forms for services rendered. However, as proposed, it would impose an impracticable burden on all State agencies by imposing a "one size fits all" model on the State. Although the purpose of this bill, expanding the methods of payment people can use to make payments to the State, is laudable, any expansion must be applied in a practical manner. For example, it would require the Department of Environmental Conservation to accept checks at campgrounds; by the time a check is processed and returned for insufficient funds, the State would be denied its fees and be subject to returned check fees. Moreover, certain State parks have no phone service or electricity. Clearly, this legislation, in its current form, is not workable.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

S. 5564--A

A. 7458--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 21, 2013

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

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

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

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

1 Section 1. Notwithstanding any other provision of law, Brian Stebbins,
2 a member of the New York state and local employees' retirement system,
3 who was employed on August 1, 2003, by the village of Green Island, and
4 who filed a membership application in such system on August 1, 2003,
5 which should have given him Tier IV status but for reasons not ascribable
6 to his own negligence and due to an administrative error, the application
7 was not processed in the usual manner and therefore not processed
8 until March 15, 2012, may be deemed to have become a member of the New
9 York state and local employees' retirement system on August 1, 2003, if
10 on or before December 31, 2013 he shall file an application therefor
11 with the state comptroller. Upon the receipt of such application, Brian
12 Stebbins shall be granted Tier IV status in the New York state and local
13 employees' retirement system and be eligible for all the rights and
14 benefits thereof. No contributions made to the New York state and local
15 employees' retirement system by Brian Stebbins shall be returned to him
16 pursuant to this act.

17 § 2. Any past service costs incurred in implementing the provisions of
18 this act shall be borne by the village of Green Island.

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

LBD01956-04-3

1 § 3. This act shall take effect immediately.

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

This bill will grant Tier 4 status in the New York State and Local Employees' Retirement System to Brian M. Stebbins, a current Tier 5 member employed by the State of New York, by changing his date of membership to August 1, 2003, the first date he was employed by the Village of Green Island.

If this legislation is enacted during the 2013 legislative session, we anticipate that there will be an increase of approximately \$2,100 in the annual contributions of the State of New York for the fiscal year ending March 31, 2014.

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

Summary of relevant resources:

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

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

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

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

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

This estimate, dated May 9, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-136, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 230

TO THE SENATE:

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

Senate Bill Number 5564, entitled:

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

Senate Bill Number 5565-A, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward"

Senate Bill Number 5566-A, entitled:

"AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton"

NOT APPROVED

S.5564 would enhance the retirement benefits for a single public employee and obligate the State to incur an ongoing obligation of \$2,100 a year. As this new State obligation has not been accounted for, I am compelled to veto this bill.

With respect to all three bills, closer examination and explanation is warranted before granting the benefits sought.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

S. 5565--A

A. 7459--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 21, 2013

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

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

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward

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

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, 2013 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.

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

LBD10734-04-3

1 § 2. Notwithstanding any other provision of law, Chris Karwiel, a
2 member of the New York state and local employees' retirement system, who
3 was employed on July 19, 2002, by the village of Green Island as a
4 recreation assistant and office assistant, and who filed membership
5 applications in such system on September 13, 2011 which should have
6 given her Tier IV status but for reasons not ascribable to her own
7 negligence and due to an administrative error, the application was not
8 processed in the usual manner and therefore not processed until Septem-
9 ber 13, 2011, may be deemed to have become a member of the New York
10 state and local employees' retirement system on July 19, 2002, if on or
11 before December 31, 2013 she shall file an application therefor with the
12 state comptroller. Upon the receipt of such application, Chris Karwiel
13 shall be granted Tier IV status in the New York state and local employ-
14 ees' retirement system and be eligible for all the rights and benefits
15 thereof. No contributions made to the New York state and local employ-
16 ees' retirement system by Chris Karwiel shall be returned to her pursu-
17 ant to this act.

18 § 3. Notwithstanding any other provision of law, Jessica Strizzi, a
19 member of the New York state and local employees' retirement system, who
20 was employed on June 28, 2007, by the village of Green Island as a
21 recreation assistant, and who filed membership applications in such
22 system on June 28, 2007 which should have given her Tier IV status but
23 for reasons not ascribable to her own negligence and due to an adminis-
24 trative error, the application was not processed in the usual manner and
25 therefore not processed until July 9, 2012, may be deemed to have become
26 a member of the New York state and local employees' retirement system on
27 June 28, 2007, if on or before December 31, 2013 she shall file an
28 application therefor with the state comptroller. Upon the receipt of
29 such application, Jessica Strizzi shall be granted Tier IV status in the
30 New York state and local employees' retirement system and be eligible
31 for all the rights and benefits thereof. No contributions made to the
32 New York state and local employees' retirement system by Jessica Strizzi
33 shall be returned to her pursuant to this act.

34 § 4. Notwithstanding any other provision of law, Taryn Ward, a member
35 of the New York state and local employees' retirement system, who was
36 employed on May 27, 2008, by the village of Green Island as an office
37 assistant and member of the park staff, and who filed membership appli-
38 cations in such system on July 19, 2012 which should have given her Tier
39 IV status but for reasons not ascribable to her own negligence and due
40 to an administrative error, the application was not processed in the
41 usual manner and therefore not processed until July 19, 2012, may be
42 deemed to have become a member of the New York state and local employ-
43 ees' retirement system on May 27, 2008, if on or before December 31,
44 2013 she shall file an application therefor with the state comptroller.
45 Upon the receipt of such application, Taryn Ward shall be granted Tier
46 IV status in the New York state and local employees' retirement system
47 and be eligible for all the rights and benefits thereof. No contrib-
48 utions made to the New York state and local employees' retirement system
49 by Taryn Ward shall be returned to her pursuant to this act.

50 § 5. Any past service costs incurred in implementing the provisions of
51 this act shall be borne by the village of Green Island.

52 § 6. This act shall take effect immediately.

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

This bill will deem Jill Alix, Chris Karwiel, Jessica Strizzi, and
Taryn Ward, employees of the Village of Green Island, to become Tier 4
members of the New York State and Local Employees' Retirement System by

changing their dates of membership in the System to be the dates they first were employed by the Village of Green Island.

If this bill is enacted, we anticipate that there will be an increase in the annual contributions of the Village of Green Island of 4.1% of the annual salary of Chris Karwiel (currently a tier 5 member) and 9.5% of the salaries of Jill Alix, Jessica Strizzi, and Taryn Ward (currently tier 6 members) for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$2,000 which would be borne by the Village of Green Island as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2014.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated May 14, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-137, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VE TO MESSAGE - No. 231

TO THE SENATE:

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

Senate Bill Number 5564, entitled:

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

Senate Bill Number 5565-A, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward"

Senate Bill Number 5566-A, entitled:

"AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton"

NOT APPROVED

S.5564 would enhance the retirement benefits for a single public employee and obligate the State to incur an ongoing obligation of \$2,100 a year. As this new State obligation has not been accounted for, I am compelled to veto this bill.

With respect to all three bills, closer examination and explanation is warranted before granting the benefits sought.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

S. 5566--A

A. 7457--A

2013-2014 Regular Sessions

SENATE - ASSEMBLY

May 21, 2013

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

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

AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton

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

1 Section 1. Notwithstanding any other provision of law, Kirsten Mason,
2 a member of the New York state and local employees' retirement system,
3 who was employed on July 1, 2010, by the village of Green Island as a
4 recreation assistant, and who filed membership applications in such
5 system on July 7, 2010 which should have given her Tier V status but for
6 reasons not ascribable to her own negligence and due to an administra-
7 tive error, the application was not processed in the usual manner and
8 therefore not processed until August 16, 2012, may be deemed to have
9 become a member of the New York state and local employees' retirement
10 system on July 1, 2010, if on or before December 31, 2013 she shall file
11 an application therefor with the state comptroller. Upon the receipt of
12 such application, Kirsten Mason shall be granted Tier V status in the
13 New York state and local employees' retirement system and be eligible
14 for all the rights and benefits thereof. No contributions made to the
15 New York state and local employees' retirement system by Kirsten Mason
16 shall be returned to her pursuant to this act.

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

LBD10732-04-3

1 § 2. Notwithstanding any other provision of law, Laura Strizzi, a
2 member of the New York state and local employees' retirement system, who
3 was employed on July 1, 2010, by the village of Green Island as a recre-
4 ation assistant, and who filed membership applications in such system on
5 July 13, 2010 which should have given her Tier V status but for reasons
6 not ascribable to her own negligence and due to an administrative error,
7 the application was not processed in the usual manner and therefore not
8 processed until July 5, 2012, may be deemed to have become a member of
9 the New York state and local employees' retirement system on July 1,
10 2010, if on or before December 31, 2013 she shall file an application
11 therefor with the state comptroller. Upon the receipt of such applica-
12 tion, Laura Strizzi shall be granted Tier V status in the New York state
13 and local employees' retirement system and be eligible for all the
14 rights and benefits thereof. No contributions made to the New York state
15 and local employees' retirement system by Laura Strizzi shall be
16 returned to her pursuant to this act.

17 § 3. Notwithstanding any other provision of law, Christian Ward, a
18 member of the New York state and local employees' retirement system, who
19 was employed on July 1, 2010, by the village of Green Island as a recre-
20 ation assistant, and who filed membership applications in such system on
21 July 14, 2010 which should have given him Tier V status but for reasons
22 not ascribable to his own negligence and due to an administrative error,
23 the application was not processed in the usual manner and therefore not
24 processed until July 5, 2012, may be deemed to have become a member of
25 the New York state and local employees' retirement system on July 1,
26 2010, if on or before December 31, 2013 he shall file an application
27 therefor with the state comptroller. Upon the receipt of such applica-
28 tion, Christian Ward shall be granted Tier V status in the New York
29 state and local employees' retirement system and be eligible for all the
30 rights and benefits thereof. No contributions made to the New York state
31 and local employees' retirement system by Christian Ward shall be
32 returned to him pursuant to this act.

33 § 4. Notwithstanding any other provision of law, Austin Horton, a
34 member of the New York state and local employees' retirement system, who
35 was employed on July 5, 2011, by the village of Green Island as a recre-
36 ation assistant, and who filed membership applications in such system on
37 July 5, 2011 which should have given him Tier V status but for reasons
38 not ascribable to his own negligence and due to an administrative error,
39 the application was not processed in the usual manner and therefore not
40 processed until July 19, 2012, may be deemed to have become a member of
41 the New York state and local employees' retirement system on July 5,
42 2011, if on or before December 31, 2013 he shall file an application
43 therefor with the state comptroller. Upon the receipt of such applica-
44 tion, Austin Horton shall be granted Tier V status in the New York state
45 and local employees' retirement system and be eligible for all the
46 rights and benefits thereof. No contributions made to the New York state
47 and local employees' retirement system by Austin Horton shall be
48 returned to him pursuant to this act.

49 § 5. Any past service costs incurred in implementing the provisions of
50 this act shall be borne by the village of Green Island.

51 § 6. This act shall take effect immediately.

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

This bill will deem Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton, employees of the Village of Green Island, to become Tier 5 members of the New York State and Local Employees' Retirement System

by changing their dates of membership in the System to be the dates they first were employed by the Village of Green Island.

If this bill is enacted, we anticipate that there will be an increase in the annual contributions of the Village of Green Island of 5.4% of the annual salaries of these members for the fiscal year ending March 31, 2014.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$230 which would be borne by the Village of Green Island as a one-time payment. This estimate is based on the assumption that payment would be made on February 1, 2014.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated May 14, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-135, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 232

TO THE SENATE:

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

Senate Bill Number 5564, entitled:

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

Senate Bill Number 5565-A, entitled:

"AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward"

Senate Bill Number 5566-A, entitled:

"AN ACT granting retroactive tier V membership in the New York state and local employees' retirement system to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton"

NOT APPROVED

S.5564 would enhance the retirement benefits for a single public employee and obligate the State to incur an ongoing obligation of \$2,100 a year. As this new State obligation has not been accounted for, I am compelled to veto this bill.

With respect to all three bills, closer examination and explanation is warranted before granting the benefits sought.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

7630--A

2013-2014 Regular Sessions

IN ASSEMBLY

May 29, 2013

Introduced by M. of A. ABBATE, WEISENBERG, McDONOUGH, CURRAN -- Multi-Sponsored by -- M. of A. RA -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers

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

1 Section 1. Section 607-c of the retirement and social security law is
2 amended by adding a new subdivision f to read as follows:
3 **f. Any sheriff, deputy sheriff, undersheriff, or correction officer as**
4 **defined in subdivision a of section sixty-three-b of this chapter, and**
5 **who are employed in a county which makes an election pursuant to subdi-**
6 **vision d of such section sixty-three-b, who becomes physically or**
7 **mentally incapacitated for the performance of duties as the natural and**
8 **proximate result of an injury, sustained in the performance or discharge**
9 **of his or her duties by, or as the natural and proximate result of an**
10 **intentional or reckless act of any civilian visiting, or otherwise pres-**
11 **ent at, an institution under the jurisdiction of such county, shall be**
12 **paid a performance of duty disability retirement allowance equal to that**
13 **which is provided in section sixty-three of this chapter, subject to the**
14 **provisions of section sixty-four of this chapter.**

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

18 § 3. This act shall take effect immediately.

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

This bill will allow any sheriff, undersheriff, deputy sheriff or correction officer whose employer has elected to provide the performance of duty benefits of Section 607-c of the Retirement and Social Security

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

LBD11204-02-3

Law to become eligible to receive such performance of duty benefit due to the intentional or reckless act of a civilian visiting an institution under the jurisdiction of such county. The benefit will be 75% of final average salary less worker's compensation. Currently, to be eligible for such improved benefit, it is required that such injuries were sustained as the result of an "act of an inmate".

If this bill is enacted, it is estimated that very few members will be affected. For every such affected member, we estimate that there will be an average one-time cost of approximately 4 times the member's annual salary.

Pursuant to Section 25 of the Retirement and Social Security Law, these per person one-time costs would be borne by the State of New York and would require an itemized appropriation by the State of New York sufficient to pay the cost of the provision. The State may amortize these per person one-time costs over a period of 5 years.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated March 7, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-92, prepared by the Actuary for the New York State and Local Employees' Retirement System.

VETO MESSAGE - No. 268

TO THE ASSEMBLY:

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

Assembly Bill Number 7630, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers"

NOT APPROVED

This bill provides a disability benefit to sheriffs, deputy sheriffs, undersheriffs, and correction officers who become physically or mentally incapacitated as the result of an action of a civilian visiting a county institution.

Retirement and Social Security Law Section 25, enacted as part of pension reform in 2012, mandates that there be an appropriation for any such amendment to the retirement system. This bill attempts to circumvent that requirement. As a result, I am compelled to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

5091

2013-2014 Regular Sessions

IN SENATE

May 8, 2013

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

AN ACT to amend the retirement and social security law, relating to an optional twenty-year retirement plan for members of the New York state and local police and fire retirement system and to amend chapter 504 of the laws of 2009, amending the retirement and social security law relating to police and fire retirement provisions

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

- 1 Section 1. The retirement and social security law is amended by adding
- 2 a new section 384-f to read as follows:
- 3 § 384-f. Optional twenty-year retirement plan for members of the New
- 4 York state police and fire retirement system. a. Notwithstanding the
- 5 provisions of any general, special or local law or code to the contrary,
- 6 any member of the New York state police and fire retirement system whose
- 7 membership in such retirement system commenced between July first, two
- 8 thousand nine and March thirty-first two thousand twelve and is not
- 9 subject to the terms of an agreement as defined by subdivision twelve of
- 10 section two hundred one of the civil service law, may elect to contrib-
- 11 ute to such retirement system pursuant to section three hundred eighty-
- 12 four-d of this title, if his or her employer has previously elected to
- 13 make the benefits of section three hundred eighty-four-d of this title
- 14 available to its members.
- 15 b. Any member who elects to contribute pursuant to this section shall
- 16 not be required to make contributions pursuant to article fourteen of
- 17 this chapter or section twelve hundred four of this chapter.
- 18 c. Notwithstanding the provisions of subdivision a of section three
- 19 hundred eighty-four-d of this title any member who seeks to elect to
- 20 contribute pursuant to this section may do so within six months after
- 21 the member becomes a member of such retirement system, or within six
- 22 months after his or her employer elects to make the benefits of section

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

LBD10850-01-3

1 three hundred eighty-four-d of this title available to its members; or
 2 within six months of the effective date of this section.

3 § 2. Part A of chapter 504 of the laws of 2009, amending the retire-
 4 ment and social security law relating to establishing police and fire
 5 retirement provisions, is amended by adding a new section 8-a to read as
 6 follows:

7 § 8-a. Notwithstanding any other provision of law to the contrary any
 8 member of the New York state police and fire retirement system who
 9 became a member on or after July 1, 2009 and before January 10, 2010 may
 10 join a special retirement plan open to him or her pursuant to a collec-
 11 tively negotiated agreement with any state or local government employer,
 12 where such agreement was unexpired or expired but continued pursuant to
 13 section two hundred nine of the civil service law on or after July 1,
 14 2009 and before January 10, 2010.

15 § 3. This act shall take effect immediately.

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

This bill would grant that an individual who became a Tier 3 or a Tier 5 member of the New York State and Local Police and Fire Retirement System (PFRS) and whose employer has elected to provide the provisions of Section 384-d, and who is not subject to a collective bargaining agreement, would no longer be required to make mandatory employee contributions.

This bill would also allow a small number of individuals who became members of the PFRS on or after July 1, 2009 and before January 9, 2010 and who did not timely file an application to become covered under the provisions of Section 384-d within the one year required filing period to file for such coverage.

Further, this bill would amend Chapter 604 of the Laws of 2009 to allow an individual who became a member of PFRS on or after July 1, 2009 and before January 10, 2010 to join a special retirement plan open to him or her pursuant to a collective bargaining agreement in effect on or after July 1, 2009 and before January 10, 2010. Such members who elect coverage under Article 22 of the Retirement and Social Security Law will not be required to make employee contributions.

If this bill is enacted, we anticipate that the employers of such members who are covered under PFRS special retirement contributory plans would see an increase in their annual contributions for the fiscal year ending March 31, 2014 of approximately 4.4% of the annual salaries.

In addition to these costs, there would be future annual costs which would be borne by any employer of a member who would become eligible to file for Section 384-d coverage. These costs would depend on the current plan coverage and salaries of affected members. There would also be a past service cost for each such member, which would depend on the age, service, salary and plan coverage of the member. These past service costs would be borne by all the employers in the PFRS.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated January 7, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-44, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

VETO MESSAGE - No. 280

TO THE SENATE:

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

Senate Bill Number 5091, entitled:

"AN ACT to amend to amend the retirement and social security law, relating to an optional twenty-year retirement plan for members of the New York state and local police and fire retirement system and to amend chapter 504 of the laws of 2009, amending the retirement and social security law relating to police and fire retirement provisions"

NOT APPROVED

This bill allows certain members of the New York State Police and Fire Retirement Fund the option of electing into a non-contributory retirement plan. But because this is a statewide bill, it fails to take into account the different needs of localities. It does not distinguish between municipalities that consent to the imposition of this mandate and those that do not consent and cannot afford its unfunded costs. In this instance, at least one major municipality has opposed this bill's enactment because of its cost.

Moreover, Retirement and Social Security Law section 25, part of pension reform enacted in 2012, mandates that the Legislature provide an appropriation for any such statewide changes to the retirement system, which the Legislature did not include in this instance. The possible expenditure of such funds is more appropriately discussed in the context of the upcoming State budget. I am sympathetic to employees who are impacted by the failure to enact this legislation, but I am ready to work with municipalities that want and are otherwise willing to pay for the benefits this would produce. But as this legislation is presented, I must disapprove this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO



Section III

**Legislation Affecting Other
New York Public Retirement Systems**

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STATE OF NEW YORK

S. 2145

A. 2296

2013-2014 Regular Sessions

SENATE - ASSEMBLY

January 11, 2013

IN SENATE -- Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

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

AN ACT to amend the administrative code of city of New York, in relation to the rate of regular interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, subchapter two, the fire department pension fund, subchapter two and the board of education retirement system of such city by public employers and other obligors required to make employer contributions to such retirement systems, the establishment of the entry age actuarial cost method of determining employer contributions to such retirement systems, the making of contributions to such retirement systems by such public employers and such other obligors, and the crediting of special interest and additional interest to members of such retirement systems, and the allowance of interest on the funds of such retirement systems; and to amend the education law, in relation to employer contributions to the board of education retirement system of such city

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

- 1 Section 1. Subparagraph (a) of paragraph 1 of subdivision b of section
- 2 13-127 of the administrative code of the city of New York is amended by
- 3 adding two new items (i-a) and (i-b) to read as follows:
- 4 (i-a) all unfunded accrued liability installments as required by
- 5 section 13-638.2 of this title or any other provision of law; and
- 6 (i-b) any other payments to the contingent reserve fund as required by
- 7 applicable law; and

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

LBD06653-01-3

1 § 2. Subparagraph (c) of paragraph 1 of subdivision b of section
2 13-127 of the administrative code of the city of New York is amended by
3 adding a new item (iv) to read as follows:

4 **(iv) The city and all other responsible obligors (as defined in para-**
5 **graph ten of subdivision a of section 13-638.2 of this title) shall make**
6 **all payments to the retirement system required by applicable law in**
7 **accordance with the time of payment requirements set forth in subdivi-**
8 **sion c of section 13-133 of this chapter. Any responsible obligor which**
9 **does not make all or any portion of such required payments to the**
10 **retirement system in a timely manner in fiscal year two thousand**
11 **twelve--two thousand thirteen, or in any fiscal year thereafter, shall**
12 **be required to pay interest to the retirement system on such overdue**
13 **amounts, as determined by the actuary. The actuary shall determine, at**
14 **such time as he or she deems appropriate, interest payments on such**
15 **overdue amounts using a rate of interest equivalent to the valuation**
16 **rate of interest (as defined in paragraph eleven of subdivision a of**
17 **section 13-638.2 of this title). Responsible obligors shall make such**
18 **interest payments on overdue amounts to the retirement system in the**
19 **manner and at such time as the actuary deems appropriate.**

20 § 3. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of
21 section 13-127 of the administrative code of the city of New York, as
22 amended by chapter 85 of the laws of 2000, is amended to read as
23 follows:

24 **(i) Notwithstanding the succeeding provisions of this subparagraph or**
25 **the provisions of subparagraph (a-one), (b) or (c) of this paragraph,**
26 **for fiscal year two thousand eleven--two thousand twelve, and for each**
27 **fiscal year thereafter, the amount of the normal contribution payable to**
28 **the contingent reserve fund shall be determined pursuant to the**
29 **provisions of subparagraph (d) of this paragraph.** Upon the basis of the
30 latest mortality and other tables herein authorized and regular inter-
31 est, the actuary shall determine as of June thirtieth, nineteen hundred
32 eighty and as of each succeeding June thirtieth, the amount of the total
33 liability for all benefits provided in this title, in articles eleven
34 and fourteen of the retirement and social security law and in any other
35 law prescribing benefits payable by the retirement system on account of
36 all members and beneficiaries, excluding the liability on account of
37 future increased-take-home-pay contributions, if any, and the liability
38 for benefits attributable to the annuity savings fund, provided, howev-
39 er, that in determining such total liability as of June thirtieth, nine-
40 teen hundred ninety-five and as of each succeeding June thirtieth, the
41 actuary shall include (A) the liability on account of future increased-
42 take-home-pay contributions, if any, (B) the liability on account of
43 future public employer obligations under the provisions of subdivision
44 twenty of section two hundred forty-three of the military law, to pay in
45 behalf of members qualifying for such benefit, member contributions with
46 respect to certain periods of the military service of such members and
47 (C) the liability for benefits attributable to the annuity savings fund.

48 § 4. Paragraph 2 of subdivision b of section 13-127 of the administra-
49 tive code of the city of New York is amended by adding a new subpara-
50 graph (d) to read as follows:

51 **(d) (i) Notwithstanding the preceding subparagraphs of this paragraph**
52 **or any other provision of law to the contrary, the normal contribution**
53 **payable to the contingent reserve fund in fiscal year two thousand**
54 **eleven--two thousand twelve, and in each fiscal year thereafter, shall**
55 **be the entry age normal contribution, as determined by the actuary**
56 **pursuant to this subparagraph in a manner consistent with the entry age**

1 actuarial cost method. The actuary shall determine the entry age normal
2 contribution for each such fiscal year as of June thirtieth of the
3 second fiscal year preceding the fiscal year in which such normal
4 contribution is payable, based on the latest mortality and other tables
5 applicable at the time he or she performs such calculations, and the
6 valuation rate of interest as provided for the retirement system in
7 paragraph two of subdivision b of section 13-638.2 of this title.

8 (ii) In calculating the entry age normal contribution payable in any
9 such fiscal year pursuant to this subparagraph, the actuary, in his or
10 her discretion, may make certain adjustments in the calculation method-
11 ology, provided that such adjustments are generally accepted as consist-
12 ent with the entry age actuarial cost method, and are designed, in
13 general, to fund, on a level basis over the working lifetimes of members
14 from their ages at entry, the actuarial present value of benefits to
15 which such members are expected to become entitled, as determined by the
16 actuary. Such generally accepted adjustments in the calculation method-
17 ology, in the discretion of the actuary, may include, but are not limit-
18 ed to, the calculation of the entry age normal contribution (A) on an
19 individual member basis by calculating the amount of the entry age
20 normal contribution attributable to each individual member, and then
21 adding together such individual member amounts, (B) on an aggregate
22 basis for all members or (C) on any combination of an individual member
23 basis and an aggregate basis which is consistent with the entry age
24 actuarial cost method, and the preceding provisions of this item.

25 (iii) For each such fiscal year, the actuary, in his or her
26 discretion, shall determine, in accordance with the provisions of item
27 (ii) of this subparagraph, the methodology for calculating the entry age
28 normal contribution payable for that particular fiscal year.

29 (iv) The methodology determined by the actuary in accordance with item
30 (iii) of this subparagraph may provide for the actuary to calculate the
31 entry age normal contribution on an individual member basis by (A)
32 multiplying the entry age normal contribution rate for each individual
33 member, as determined by the actuary, by the salary expected to be paid
34 to that member during the fiscal year in which such normal contribution
35 is payable, and (B) calculating the sum of the individual entry age
36 normal contributions attributable to all such members. The actuary, in
37 his or her discretion, may make any adjustments to such methodology for
38 determining the entry age normal contribution on an individual basis
39 which he or she deems appropriate, and which are consistent with the
40 provisions of item (ii) of this subparagraph.

41 (v) In the alternative, the methodology determined by the actuary in
42 accordance with item (iii) of this subparagraph may provide for the
43 actuary to calculate the entry age normal contribution on an aggregate
44 basis by multiplying the entry age normal contribution rate for all
45 members in the aggregate, as determined by the actuary, by the aggregate
46 amount of the salaries expected to be paid to all members during the
47 fiscal year in which the normal contribution is payable. The actuary, in
48 his or her discretion, may make any adjustments to such methodology for
49 determining the entry age normal contribution on an aggregate basis
50 which he or she deems appropriate, and which are consistent with the
51 provisions of item (ii) of this subparagraph.

52 (vi) In the alternative, the methodology determined by the actuary in
53 accordance with item (iii) of this subparagraph may provide for the
54 calculation of the entry age normal contribution on any other basis
55 which the actuary deems appropriate, and which is consistent with the

1 entry age actuarial cost method and the provisions of item (ii) of this
2 subparagraph.

3 (vii) (A) Where the methodology determined by the actuary in accord-
4 ance with item (iii) of this subparagraph requires the determination of
5 an entry age normal contribution rate for each individual member in
6 order to calculate the entry age normal contribution for each individual
7 member, the actuary shall determine such rate for each such member in
8 accordance with the entry age actuarial cost method, and such rate, as
9 determined by the actuary for each such member, shall be consistent with
10 a method designed, in general, to fund, on a level basis over the work-
11 ing lifetime of that particular member from his or her age at entry, the
12 actuarial present value of benefits to which such member is expected to
13 become entitled, as determined by the actuary.

14 (B) Where the methodology determined by the actuary in accordance with
15 item (iii) of this subparagraph requires the determination of an entry
16 age normal contribution rate for all members in the aggregate in order
17 to calculate the entry age normal contribution for all members in the
18 aggregate, the actuary shall determine such rate in accordance with the
19 entry age actuarial cost method, and such rate, as determined by the
20 actuary, shall be consistent with a method designed, in general, to
21 fund, on a level basis over the working lifetimes of members from their
22 ages at entry, the actuarial present value of benefits to which such
23 members are expected to become entitled, as determined by the actuary.

24 § 5. Paragraph 1 of subdivision c of section 13-133 of the administra-
25 tive code of the city of New York is amended by adding a new subpara-
26 graph (G) to read as follows:

27 (G) Where a responsible obligor (as defined in paragraph ten of subdivi-
28 vision a of section 13-638.2 of this title) is required to make payments
29 to the retirement system pursuant to applicable provisions of law in
30 fiscal year two thousand twelve--two thousand thirteen, and in any
31 fiscal year thereafter, and the provisions of this subdivision or the
32 provisions of any other applicable law do not otherwise specifically
33 require such responsible obligor to make such payments by a particular
34 date or dates during such fiscal year, such responsible obligor shall
35 make such payments either (i) in total on or before January first of
36 such fiscal year, or (ii) in twelve equal monthly installments, as
37 determined by the actuary, with each monthly installment to be paid on
38 or before the last day of each month.

39 § 6. Subparagraph 3 of paragraph (e) of subdivision 4 of section
40 13-194 of the administrative code of the city of New York, as amended by
41 chapter 255 of the laws of 2000, is amended to read as follows:

42 (3) Except as otherwise provided in subdivision eleven of this section
43 and in sections 13-195 and 13-195.1 of this chapter, nothing contained
44 in this section shall create or impose any obligation on the part of the
45 retirement system, or the funds or monies thereof, or authorize such
46 funds or monies to be appropriated or used for any payment under this
47 section or for any purpose thereof.

48 § 7. Section 13-194 of the administrative code of the city of New York
49 is amended by adding a new subdivision 11 to read as follows:

50 11. In the event that, for any calendar year covered by a payment
51 guarantee, the assets of the variable supplements fund are not suffi-
52 cient to pay benefits under this section for such year, an amount suffi-
53 cient to pay such benefits shall be appropriated from the contingent
54 reserve fund of the retirement system and transferred to the correction
55 officers' variable supplements fund.

1 § 8. Subparagraph (a) of paragraph 1 of subdivision b of section
2 13-228 of the administrative code of the city of New York is amended by
3 adding two new items (i-a) and (i-b) to read as follows:

4 **(i-a) all unfunded accrued liability installments as required by**
5 **section 13-638.2 of this title or any other provision of law; and**

6 **(i-b) any other payments to the contingent reserve fund as required by**
7 **applicable law; and**

8 § 9. Subparagraph (c) of paragraph 1 of subdivision b of section
9 13-228 of the administrative code of the city of New York is amended by
10 adding a new item (iv) to read as follows:

11 **(iv) The city shall make all payments to the pension fund required by**
12 **applicable law in accordance with the time of payment requirements set**
13 **forth in subdivision c of section 13-231 of this chapter. Commencing**
14 **with payments due in fiscal year two thousand twelve--two thousand thir-**
15 **teen, in any fiscal year in which the city does not make all or any**
16 **portion of such required payments to the pension fund in a timely**
17 **manner, the city shall be required to pay interest to the pension fund**
18 **on such overdue amounts, as determined by the actuary. The actuary shall**
19 **determine, at such time as he or she deems appropriate, interest**
20 **payments on such overdue amounts using a rate of interest equivalent to**
21 **the valuation rate of interest (as defined in paragraph eleven of subdi-**
22 **vision a of section 13-638.2 of this title). The city shall make such**
23 **interest payments on overdue amounts to the pension fund in the manner**
24 **and at such time as the actuary deems appropriate.**

25 § 10. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of
26 section 13-228 of the administrative code of the city of New York, as
27 amended by chapter 598 of the laws of 1996, is amended to read as
28 follows:

29 **(i) Notwithstanding the succeeding provisions of this subparagraph or**
30 **the provisions of subparagraph (a-one), (b), (c) or (d) of this para-**
31 **graph, for fiscal year two thousand eleven--two thousand twelve, and for**
32 **each fiscal year thereafter, the amount of the normal contribution paya-**
33 **ble to the contingent reserve fund shall be determined pursuant to the**
34 **provisions of subparagraph (e) of this paragraph.** Upon the basis of the
35 latest mortality and other tables herein authorized and regular inter-
36 est, the actuary shall determine, as of June thirtieth, nineteen hundred
37 eighty and as of each succeeding June thirtieth, the amount of the total
38 liability for all benefits provided in this subchapter, in article elev-
39 en of the retirement and social security law, article fourteen of such
40 law (if and when applicable) and in any other law prescribing benefits
41 payable by the pension fund on account of all members and beneficiaries,
42 excluding the liability on account of future increased-take-home-pay
43 contributions, if any, and the liability for benefits attributable to
44 the annuity savings fund, provided, however, that in determining such
45 total liability for all benefits as of June thirtieth, nineteen hundred
46 ninety-five and as of each succeeding June thirtieth, the actuary shall
47 include (A) the liability on account of future increased-take-home-pay
48 contributions, if any, (B) the liability on account of future public
49 employer obligations under the provisions of subdivision twenty of
50 section two hundred forty-three of the military law, to pay in behalf of
51 members qualifying for such benefit, member contributions with respect
52 to certain periods of the military service of such members and (C) the
53 liability for benefits attributable to the annuity savings fund.

54 § 11. Paragraph 2 of subdivision b of section 13-228 of the adminis-
55 trative code of the city of New York is amended by adding a new subpara-
56 graph (e) to read as follows:

1 (e) (i) Notwithstanding the preceding subparagraphs of this paragraph
2 or any other provision of law to the contrary, the normal contribution
3 payable to the contingent reserve fund in fiscal year two thousand
4 eleven--two thousand twelve, and in each fiscal year thereafter, shall
5 be the entry age normal contribution, as determined by the actuary
6 pursuant to this subparagraph in a manner consistent with the entry age
7 actuarial cost method. The actuary shall determine the entry age normal
8 contribution for each such fiscal year as of June thirtieth of the
9 second fiscal year preceding the fiscal year in which such normal
10 contribution is payable, based on the latest mortality and other tables
11 applicable at the time he or she performs such calculations, and the
12 valuation rate of interest as provided for the pension fund in paragraph
13 two of subdivision b of section 13-638.2 of this title.

14 (ii) In calculating the entry age normal contribution payable in any
15 such fiscal year pursuant to this subparagraph, the actuary, in his or
16 her discretion, may make certain adjustments in the calculation method-
17 ology, provided that such adjustments are generally accepted as consist-
18 ent with the entry age actuarial cost method, and are designed, in
19 general, to fund, on a level basis over the working lifetimes of members
20 from their ages at entry, the actuarial present value of benefits to
21 which such members are expected to become entitled, as determined by the
22 actuary. Such generally accepted adjustments in the calculation method-
23 ology, in the discretion of the actuary, may include, but are not limit-
24 ed to, the calculation of the entry age normal contribution (A) on an
25 individual member basis by calculating the amount of the entry age
26 normal contribution attributable to each individual member, and then
27 adding together such individual member amounts, (B) on an aggregate
28 basis for all members or (C) on any combination of an individual member
29 basis and an aggregate basis which is consistent with the entry age
30 actuarial cost method, and the preceding provisions of this item.

31 (iii) For each such fiscal year, the actuary, in his or her
32 discretion, shall determine, in accordance with the provisions of item
33 (ii) of this subparagraph, the methodology for calculating the entry age
34 normal contribution payable for that particular fiscal year.

35 (iv) The methodology determined by the actuary in accordance with item
36 (iii) of this subparagraph may provide for the actuary to calculate the
37 entry age normal contribution on an individual member basis by (A)
38 multiplying the entry age normal contribution rate for each individual
39 member, as determined by the actuary, by the salary expected to be paid
40 to that member during the fiscal year in which such normal contribution
41 is payable, and (B) calculating the sum of the individual entry age
42 normal contributions attributable to all such members. The actuary, in
43 his or her discretion, may make any adjustments to such methodology for
44 determining the entry age normal contribution on an individual basis
45 which he or she deems appropriate, and which are consistent with the
46 provisions of item (ii) of this subparagraph.

47 (v) In the alternative, the methodology determined by the actuary in
48 accordance with item (iii) of this subparagraph may provide for the
49 actuary to calculate the entry age normal contribution on an aggregate
50 basis by multiplying the entry age normal contribution rate for all
51 members in the aggregate, as determined by the actuary, by the aggregate
52 amount of the salaries expected to be paid to all members during the
53 fiscal year in which the normal contribution is payable. The actuary, in
54 his or her discretion, may make any adjustments to such methodology for
55 determining the entry age normal contribution on an aggregate basis

1 which he or she deems appropriate, and which are consistent with the
2 provisions of item (ii) of this subparagraph.

3 (vi) In the alternative, the methodology determined by the actuary in
4 accordance with item (iii) of this subparagraph may provide for the
5 calculation of the entry age normal contribution on any other basis
6 which the actuary deems appropriate, and which is consistent with the
7 entry age actuarial cost method and the provisions of item (ii) of this
8 subparagraph.

9 (vii) (A) Where the methodology determined by the actuary in accord-
10 ance with item (iii) of this subparagraph requires the determination of
11 an entry age normal contribution rate for each individual member in
12 order to calculate the entry age normal contribution for each individual
13 member, the actuary shall determine such rate for each such member in
14 accordance with the entry age actuarial cost method, and such rate, as
15 determined by the actuary for each such member, shall be consistent with
16 a method designed, in general, to fund, on a level basis over the work-
17 ing lifetime of that particular member from his or her age at entry, the
18 actuarial present value of benefits to which such member is expected to
19 become entitled, as determined by the actuary.

20 (B) Where the methodology determined by the actuary in accordance with
21 item (iii) of this subparagraph requires the determination of an entry
22 age normal contribution rate for all members in the aggregate in order
23 to calculate the entry age normal contribution for all members in the
24 aggregate, the actuary shall determine such rate in accordance with the
25 entry age actuarial cost method, and such rate, as determined by the
26 actuary, shall be consistent with a method designed, in general, to
27 fund, on a level basis over the working lifetimes of members from their
28 ages at entry, the actuarial present value of benefits to which such
29 members are expected to become entitled, as determined by the actuary.

30 § 12. Paragraph 3 of subdivision b of section 13-271 of the adminis-
31 trative code of the city of New York, as amended by chapter 247 of the
32 laws of 1988, is amended to read as follows:

33 (3) Except as otherwise provided in subdivision f of this section and
34 in sections 13-232 and 13-232.1 of this chapter, nothing contained in
35 this subchapter shall create or impose any obligation on the part of
36 pension fund, subchapter one or pension fund, subchapter two or the
37 funds or monies thereof, or authorize such funds or monies to be appro-
38 priated or used for any payment under this subchapter or for any purpose
39 thereof.

40 § 13. Section 13-271 of the administrative code of the city of New
41 York is amended by adding a new subdivision f to read as follows:

42 f. In the event that the assets of the variable supplements fund are
43 not sufficient to pay benefits under this section for any calendar year,
44 an amount sufficient to pay such benefits shall be appropriated from the
45 contingent reserve fund of pension fund, subchapter two and transferred
46 to the police officers' variable supplements fund.

47 § 14. Paragraph 3 of subdivision b of section 13-281 of the adminis-
48 trative code of the city of New York, as amended by chapter 479 of the
49 laws of 1993, is amended to read as follows:

50 (3) Except as otherwise provided in subdivision f of this section and
51 in sections 13-232, 13-232.2 and 13-232.3 of this chapter, nothing
52 contained in this subchapter shall create or impose any obligation on
53 the part of pension fund, subchapter one or pension fund, subchapter two
54 or the funds or monies thereof, or authorize such funds or monies to be
55 appropriated or used for any payment under this subchapter or for any
56 purpose thereof.

1 § 15. Section 13-281 of the administrative code of the city of New
2 York is amended by adding a new subdivision f to read as follows:

3 **f. In the event that the assets of the variable supplements fund are**
4 **not sufficient to pay benefits under this section for any calendar year,**
5 **an amount sufficient to pay such benefits shall be appropriated from the**
6 **contingent reserve fund of pension fund, subchapter two and transferred**
7 **to the police superior officers' variable supplements fund.**

8 § 16. Subparagraph (a) of paragraph 1 of subdivision b of section
9 13-331 of the administrative code of the city of New York is amended by
10 adding two new items (i-a) and (i-b) to read as follows:

11 **(i-a) all unfunded accrued liability installments as required by**
12 **section 13-638.2 of this title or any other provision of law; and**

13 **(i-b) any other payments to the contingent reserve fund as required by**
14 **applicable law; and**

15 § 17. Subparagraph (c) of paragraph 1 of subdivision b of section
16 13-331 of the administrative code of the city of New York is amended by
17 adding a new item (iv) to read as follows:

18 **(iv) The city shall make all payments to the pension fund required by**
19 **applicable law in accordance with the time of payment requirements set**
20 **forth in subdivision c of section 13-334 of this chapter. Commencing**
21 **with payments due in fiscal year two thousand twelve--two thousand thir-**
22 **teen, in any fiscal year in which the city does not make all or any**
23 **portion of such required payments to the pension fund in a timely**
24 **manner, the city shall be required to pay interest to the pension fund**
25 **on such overdue amounts, as determined by the actuary. The actuary shall**
26 **determine, at such time as he or she deems appropriate, interest**
27 **payments on such overdue amounts using a rate of interest equivalent to**
28 **the valuation rate of interest (as defined in paragraph eleven of subdivi-**
29 **vision a of section 13-638.2 of this title). The city shall make such**
30 **interest payments on overdue amounts to the pension fund in the manner**
31 **and at such time as the actuary deems appropriate.**

32 § 18. Item (i) of subparagraph (a) of paragraph 2 of subdivision b of
33 section 13-331 of the administrative code of the city of New York, as
34 amended by chapter 249 of the laws of 1996, is amended to read as
35 follows:

36 **(i) Notwithstanding the succeeding provisions of this subparagraph or**
37 **the provisions of subparagraph (a-one), (b), (c) or (d) of this para-**
38 **graph, for fiscal year two thousand eleven--two thousand twelve, and for**
39 **each fiscal year thereafter, the amount of the normal contribution paya-**
40 **ble to the contingent reserve fund shall be determined pursuant to the**
41 **provisions of subparagraph (e) of this paragraph.** Upon the basis of the
42 latest mortality and other tables herein authorized and regular inter-
43 est, the actuary shall determine, as of June thirtieth, nineteen hundred
44 eighty and as of each succeeding June thirtieth, the amount of the total
45 liability for all benefits provided in this subchapter, in article elev-
46 en of the retirement and social security law and in any other law
47 prescribing benefits payable by the pension fund, on account of all
48 members and beneficiaries, excluding the liability on account of future
49 increased-take-home-pay contributions, if any, and the liability for
50 benefits attributable to the annuity savings fund, provided, however,
51 that in determining such total liability for all benefits as of June
52 thirtieth, nineteen hundred ninety-five and as of each succeeding June
53 thirtieth, the actuary shall include (A) the liability on account of
54 future increased-take-home-pay contributions, if any, (B) the liability
55 on account of future public employer obligations under the provisions of
56 subdivision twenty of section two hundred forty-three of the military

1 law, to pay in behalf of members qualifying for such benefit, member
2 contributions with respect to certain periods of the military service of
3 such members and (C) the liability for benefits attributable to the
4 annuity savings fund.

5 § 19. Paragraph 2 of subdivision b of section 13-331 of the adminis-
6 trative code of the city of New York is amended by adding a new subpara-
7 graph (e) to read as follows:

8 (e) (i) Notwithstanding the preceding subparagraphs of this paragraph
9 or any other provision of law to the contrary, the normal contribution
10 payable to the contingent reserve fund in fiscal year two thousand
11 eleven--two thousand twelve, and in each fiscal year thereafter, shall
12 be the entry age normal contribution, as determined by the actuary
13 pursuant to this subparagraph in a manner consistent with the entry age
14 actuarial cost method. The actuary shall determine the entry age normal
15 contribution for each such fiscal year as of June thirtieth of the
16 second fiscal year preceding the fiscal year in which such normal
17 contribution is payable, based on the latest mortality and other tables
18 applicable at the time he or she performs such calculations, and the
19 valuation rate of interest as provided for the pension fund in paragraph
20 two of subdivision b of section 13-638.2 of this title.

21 (ii) In calculating the entry age normal contribution payable in any
22 such fiscal year pursuant to this subparagraph, the actuary, in his or
23 her discretion, may make certain adjustments in the calculation method-
24 ology, provided that such adjustments are generally accepted as consist-
25 ent with the entry age actuarial cost method, and are designed, in
26 general, to fund, on a level basis over the working lifetimes of members
27 from their ages at entry, the actuarial present value of benefits to
28 which such members are expected to become entitled, as determined by the
29 actuary. Such generally accepted adjustments in the calculation method-
30 ology, in the discretion of the actuary, may include, but are not limit-
31 ed to, the calculation of the entry age normal contribution (A) on an
32 individual member basis by calculating the amount of the entry age
33 normal contribution attributable to each individual member, and then
34 adding together such individual member amounts, (B) on an aggregate
35 basis for all members or (C) on any combination of an individual member
36 basis and an aggregate basis which is consistent with the entry age
37 actuarial cost method, and the preceding provisions of this item.

38 (iii) For each such fiscal year, the actuary, in his or her
39 discretion, shall determine, in accordance with the provisions of item
40 (ii) of this subparagraph, the methodology for calculating the entry age
41 normal contribution payable for that particular fiscal year.

42 (iv) The methodology determined by the actuary in accordance with item
43 (iii) of this subparagraph may provide for the actuary to calculate the
44 entry age normal contribution on an individual member basis by (A)
45 multiplying the entry age normal contribution rate for each individual
46 member, as determined by the actuary, by the salary expected to be paid
47 to that member during the fiscal year in which such normal contribution
48 is payable, and (B) calculating the sum of the individual entry age
49 normal contributions attributable to all such members. The actuary, in
50 his or her discretion, may make any adjustments to such methodology for
51 determining the entry age normal contribution on an individual basis
52 which he or she deems appropriate, and which are consistent with the
53 provisions of item (ii) of this subparagraph.

54 (v) In the alternative, the methodology determined by the actuary in
55 accordance with item (iii) of this subparagraph may provide for the
56 actuary to calculate the entry age normal contribution on an aggregate

1 basis by multiplying the entry age normal contribution rate for all
2 members in the aggregate, as determined by the actuary, by the aggregate
3 amount of the salaries expected to be paid to all members during the
4 fiscal year in which the normal contribution is payable. The actuary, in
5 his or her discretion, may make any adjustments to such methodology for
6 determining the entry age normal contribution on an aggregate basis
7 which he or she deems appropriate, and which are consistent with the
8 provisions of item (ii) of this subparagraph.

9 (vi) In the alternative, the methodology determined by the actuary in
10 accordance with item (iii) of this subparagraph may provide for the
11 calculation of the entry age normal contribution on any other basis
12 which the actuary deems appropriate, and which is consistent with the
13 entry age actuarial cost method and the provisions of item (ii) of this
14 subparagraph.

15 (vii) (A) Where the methodology determined by the actuary in accord-
16 ance with item (iii) of this subparagraph requires the determination of
17 an entry age normal contribution rate for each individual member in
18 order to calculate the entry age normal contribution for each individual
19 member, the actuary shall determine such rate for each such member in
20 accordance with the entry age actuarial cost method, and such rate, as
21 determined by the actuary for each such member, shall be consistent with
22 a method designed, in general, to fund, on a level basis over the work-
23 ing lifetime of that particular member from his or her age at entry, the
24 actuarial present value of benefits to which such member is expected to
25 become entitled, as determined by the actuary.

26 (B) Where the methodology determined by the actuary in accordance with
27 item (iii) of this subparagraph requires the determination of an entry
28 age normal contribution rate for all members in the aggregate in order
29 to calculate the entry age normal contribution for all members in the
30 aggregate, the actuary shall determine such rate in accordance with the
31 entry age actuarial cost method, and such rate, as determined by the
32 actuary, shall be consistent with a method designed, in general, to
33 fund, on a level basis over the working lifetimes of members from their
34 ages at entry, the actuarial present value of benefits to which such
35 members are expected to become entitled, as determined by the actuary.

36 § 20. Paragraph 1 of subdivision a of section 13-527 of the adminis-
37 trative code of the city of New York is amended by adding two new
38 subparagraphs (a-1) and (a-2) to read as follows:

39 (a-1) all unfunded accrued liability installments as required by
40 section 13-638.2 of this title or any other provision of law; and

41 (a-2) any other payments to the contingent reserve fund as required by
42 applicable law; and

43 § 21. Paragraph 3 of subdivision a of section 13-527 of the adminis-
44 trative code of the city of New York is amended by adding a new subpara-
45 graph (iv) to read as follows:

46 (iv) The city and all other responsible obligors (as defined in para-
47 graph ten of subdivision a of section 13-638.2 of this title) shall make
48 all payments to the retirement system required by applicable law in
49 accordance with the time of payment requirements set forth in subdivi-
50 sion (c) of section 13-533 of this chapter. Any responsible obligor
51 which does not make all or any portion of such required payments to the
52 retirement system in a timely manner in fiscal year two thousand
53 twelve--two thousand thirteen, or in any fiscal year thereafter, shall
54 be required to pay interest to the retirement system on such overdue
55 amounts, as determined by the actuary. The actuary shall determine, at
56 such time as he or she deems appropriate, interest payments on such

1 overdue amounts using a rate of interest equivalent to the valuation
 2 rate of interest (as defined in paragraph eleven of subdivision a of
 3 section 13-638.2 of this title). Responsible obligors shall make such
 4 interest payments on overdue amounts to the retirement system in the
 5 manner and at such time as the actuary deems appropriate.

6 § 22. Paragraph 1 of subdivision b of section 13-527 of the adminis-
 7 trative code of the city of New York, as amended by chapter 85 of the
 8 laws of 2000, is amended to read as follows:

9 (1) Notwithstanding the succeeding provisions of this paragraph or the
 10 provisions of paragraph one-a, two, three or four of this subdivision,
 11 for fiscal year two thousand eleven--two thousand twelve, and for each
 12 fiscal year thereafter, the amount of the normal contribution payable to
 13 the contingent reserve fund shall be determined pursuant to the

14 provisions of paragraph five of this subdivision. Upon the basis of the
 15 latest mortality and other tables herein authorized and regular inter-
 16 est, the actuary shall determine as of June thirtieth, nineteen hundred
 17 eighty and as of each succeeding June thirtieth, the amount of the total
 18 liability for all benefits provided in this chapter, in articles eleven
 19 and fourteen of the retirement and social security law and in any other
 20 law prescribing benefits payable by the retirement system on account of
 21 all contributors and beneficiaries, excluding the liability on account
 22 of future increased-take-home-pay contributions, if any, and the liabil-
 23 ity for benefits attributable to the annuity savings fund and to the
 24 variable annuity savings fund, provided, however, that in determining
 25 such total liability as of June thirtieth, nineteen hundred ninety-five
 26 and as of each succeeding June thirtieth, the actuary shall include (a)
 27 the liability on account of future reserve-for-increased-take-home-pay
 28 contributions, if any, (b) the liability on account of future city obli-
 29 gations under the provisions of subdivision twenty of section two
 30 hundred forty-three of the military law, to pay in behalf of contribu-
 31 tors qualifying for such benefit, member contributions with respect to
 32 certain periods of the military service of such contributors, and (c)
 33 the liability for benefits attributable to the annuity savings fund and
 34 to the variable annuity savings fund, and provided further that in
 35 determining such total liability as of June thirtieth, nineteen hundred
 36 ninety-nine and as of each succeeding June thirtieth, the actuary shall
 37 include any other liability, as determined by the actuary, for benefits
 38 attributable to the variable annuity programs, and provided further that
 39 in determining such total liability as of June thirtieth, two thousand
 40 and as of each succeeding June thirtieth, the actuary shall include the
 41 amount, if any, as estimated by the actuary, of the total liability of
 42 the retirement system on account of payments which the retirement system
 43 may be required to make to any other fund without a corresponding offset
 44 in the liabilities of the retirement system.

45 § 23. Subdivision b of section 13-527 of the administrative code of
 46 the city of New York is amended by adding a new paragraph 5 to read as
 47 follows:

48 (5) (a) Notwithstanding the preceding paragraphs of this subdivision
 49 or any other provision of law to the contrary, the normal contribution
 50 payable to the contingent reserve fund in fiscal year two thousand
 51 eleven--two thousand twelve, and in each fiscal year thereafter, shall
 52 be the entry age normal contribution, as determined by the actuary
 53 pursuant to this paragraph in a manner consistent with the entry age
 54 actuarial cost method. The actuary shall determine the entry age normal
 55 contribution for each such fiscal year as of June thirtieth of the
 56 second fiscal year preceding the fiscal year in which such normal

1 contribution is payable, based on the latest mortality and other tables
2 applicable at the time he or she performs such calculations, and the
3 valuation rate of interest as provided for the retirement system in
4 paragraph two of subdivision b of section 13-638.2 of this title.

5 (b) In calculating the entry age normal contribution payable in any
6 such fiscal year pursuant to this paragraph, the actuary, in his or her
7 discretion, may make certain adjustments in the calculation methodology,
8 provided that such adjustments are generally accepted as consistent with
9 the entry age actuarial cost method, and are designed, in general, to
10 fund, on a level basis over the working lifetimes of members from their
11 ages at entry, the actuarial present value of benefits to which such
12 members are expected to become entitled, as determined by the actuary.
13 Such generally accepted adjustments in the calculation methodology, in
14 the discretion of the actuary, may include, but are not limited to, the
15 calculation of the entry age normal contribution (i) on an individual
16 member basis by calculating the amount of the entry age normal contrib-
17 ution attributable to each individual member, and then adding together
18 such individual member amounts, (ii) on an aggregate basis for all
19 members or (iii) on any combination of an individual member basis and an
20 aggregate basis which is consistent with the entry age actuarial cost
21 method, and the preceding provisions of this subparagraph.

22 (c) For each such fiscal year, the actuary, in his or her discretion,
23 shall determine, in accordance with the provisions of subparagraph (b)
24 of this paragraph, the methodology for calculating the entry age normal
25 contribution payable for that particular fiscal year.

26 (d) The methodology determined by the actuary in accordance with
27 subparagraph (c) of this paragraph may provide for the actuary to calcu-
28 late the entry age normal contribution on an individual member basis by
29 (i) multiplying the entry age normal contribution rate for each individ-
30 ual member, as determined by the actuary, by the salary expected to be
31 paid to that member during the fiscal year in which such normal contrib-
32 ution is payable, and (ii) calculating the sum of the individual entry
33 age normal contributions attributable to all such members. The actuary,
34 in his or her discretion, may make any adjustments to such methodology
35 for determining the entry age normal contribution on an individual basis
36 which he or she deems appropriate, and which are consistent with the
37 provisions of subparagraph (b) of this paragraph.

38 (e) In the alternative, the methodology determined by the actuary in
39 accordance with subparagraph (c) of this paragraph may provide for the
40 actuary to calculate the entry age normal contribution on an aggregate
41 basis by multiplying the entry age normal contribution rate for all
42 members in the aggregate, as determined by the actuary, by the aggregate
43 amount of the salaries expected to be paid to all members during the
44 fiscal year in which the normal contribution is payable. The actuary, in
45 his or her discretion, may make any adjustments to such methodology for
46 determining the entry age normal contribution on an aggregate basis
47 which he or she deems appropriate, and which are consistent with the
48 provisions of subparagraph (b) of this paragraph.

49 (f) In the alternative, the methodology determined by the actuary in
50 accordance with subparagraph (c) of this paragraph may provide for the
51 calculation of the entry age normal contribution on any other basis
52 which the actuary deems appropriate, and which is consistent with the
53 entry age actuarial cost method and the provisions of subparagraph (b)
54 of this paragraph.

55 (g) (i) Where the methodology determined by the actuary in accordance
56 with subparagraph (c) of this paragraph requires the determination of an

1 June 30, [~~2012~~] 2016

2 § 26. Paragraph 2 of subdivision f of section 13-638.2 of the adminis-
3 trative code of the city of New York, as amended by chapter 180 of the
4 laws of 2011, is amended to read as follows:

5 (2) Such special interest shall be allowed at the rates and for the
6 periods set forth below in this paragraph:

	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
NYCERS	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
NYCTRS	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
PPF	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
FPF	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
BERS	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>

24 § 27. Paragraph 2 of subdivision g of section 13-638.2 of the adminis-
25 trative code of the city of New York, as amended by chapter 180 of the
26 laws of 2011, is amended to read as follows:

27 (2) Such additional interest shall be included at the rates and for
28 the periods set forth below in this paragraph:

	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
NYCERS	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
NYCTRS	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
PPF	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
FPF	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
BERS	1 1/4%	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>

46 § 28. Paragraph 2 of subdivision i of section 13-638.2 of the adminis-
47 trative code of the city of New York, as amended by chapter 180 of the
48 laws of 2011, is amended to read as follows:

49 (2) Such supplementary interest shall be allowed at the rates and for
50 the periods set forth below in this paragraph:

	Rate of interest per centum per annum, compounded annually	First day and last day of fiscal year or series of fiscal years for which rate is effective
1 2 3 4 5 Retirement 6 System		
7		
8 NYCERS	[1] <u>0</u> %	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
9 10 NYCTRS	[1] <u>0</u> %	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
11 12 PPF	[1] <u>0</u> %	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
13 14 FPF	[1] <u>0</u> %	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
15 16 BERS	[1] <u>0</u> %	July 1, [2004] <u>2011</u> to June 30, [2012] <u>2016</u>
17		

18 § 29. Subparagraph (i) of paragraph 1 of subdivision k of section
19 13-638.2 of the administrative code of the city of New York, as added by
20 chapter 85 of the laws of 2000, is amended to read as follows:

21 (i) Subject to the provisions of subparagraphs (iii) and (iv) of this
22 paragraph, in any case where the valuation rate of interest for a
23 retirement system is changed by law for any period beginning on or after
24 July first, two thousand four, or where the board of trustees of a
25 retirement system, for any period beginning on or after July first,
26 nineteen hundred ninety-nine, adopts changed actuarial tables used in
27 valuing the liabilities of such retirement system, or where a signif-
28 icant change in an actuarial valuation method (as defined in paragraph
29 sixteen of subdivision a of this section) is made for any period begin-
30 ning on or after July first, nineteen hundred ninety-nine in relation to
31 a retirement system, the actuary thereof shall calculate, as of June
32 thirtieth next preceding the first day of the fiscal year for which such
33 changed rate or changed tables or significant change in an actuarial
34 valuation method first becomes or became effective, an unfunded accrued
35 liability adjustment applicable to each responsible obligor in relation
36 to such retirement system, **provided, however, that no unfunded accrued**
37 **liability adjustment shall be established under this subdivision for any**
38 **retirement system with respect to any change in the valuation rate of**
39 **interest, change in actuarial tables or significant change in an actuar-**
40 **ial valuation method where such changed valuation rate of interest,**
41 **actuarial tables or actuarial valuation method applies to such retire-**
42 **ment system with respect to any actuarial valuation performed by the**
43 **actuary as of June thirtieth, two thousand ten or as of any date there-**
44 **after.**

45 § 30. Section 13-638.2 of the administrative code of the city of New
46 York is amended by adding a new subdivision k-1 to read as follows:

47 **k-1. All installments of contribution resulting from any unfunded**
48 **accrued liability established for any retirement system prior to the**
49 **establishment of the unfunded accrued liability as of June thirtieth,**
50 **two thousand ten for the retirement systems pursuant to the provisions**
51 **of paragraph one of subdivision k-2 of this section which are payable to**
52 **any retirement system on or after July first, two thousand eleven are**
53 **hereby canceled and shall not be due and payable on or after such July**
54 **first.**

1 § 31. Section 13-638.2 of the administrative code of the city of New
2 York is amended by adding a new subdivision k-2 to read as follows:

3 k-2. (1) (i) The actuary for each of the retirement systems (as
4 defined in paragraph one of subdivision a of this section), upon the
5 basis of the latest mortality and other tables applicable at the time he
6 or she performs the calculations, and the valuation rate of interest (as
7 defined in paragraph eleven of subdivision a of this section), shall
8 calculate separately for each of the retirement systems, as of June
9 thirtieth, two thousand ten and as of each succeeding June thirtieth, an
10 unfunded accrued liability for each of the retirement systems in accord-
11 ance with the succeeding subparagraphs of this paragraph.

12 (ii) The actuary shall calculate, as of the applicable June thirtieth,
13 an amount equal to the sum of (A) the total actuarial present value of
14 all benefits payable by the retirement system pursuant to applicable
15 law, as determined by the actuary, and (B) the liability of the retire-
16 ment system, as determined by the actuary, for amounts which the retire-
17 ment system may be required by applicable law to pay to any other fund
18 on account of related benefits financed through the retirement system,
19 without a corresponding offset in the liabilities of the retirement
20 system.

21 (iii) The unfunded accrued liability of the retirement system as of
22 the applicable June thirtieth shall be the amount obtained by deducting
23 from the amount of such total liability of the retirement system on
24 account of benefits, as determined by the actuary pursuant to subpara-
25 graph (ii) of this paragraph, the sum of:

26 (A) the actuarial present value of entry age normal contributions
27 payable to the retirement system, as determined by the actuary as of the
28 applicable June thirtieth in a manner consistent with the entry age
29 actuarial cost method, and with the applicable methodologies set forth
30 for NYCERS in subparagraph (d) of paragraph two of subdivision b of
31 section 13-127 of this title, for the PPF in subparagraph (e) of para-
32 graph two of subdivision b of section 13-228 of this title, for the FPF
33 in subparagraph (e) of paragraph two of subdivision b of section 13-331
34 of this title, for the NYCTRS in paragraph five of subdivision b of
35 section 13-527 of this title or for BERS in item (v) of subparagraph
36 four of paragraph (c) of subdivision sixteen of section twenty-five
37 hundred seventy-five of the education law;

38 (B) the present value of future member contributions of all members of
39 the retirement system, as determined by the actuary as of the applicable
40 June thirtieth;

41 (C) the total funds on hand of the retirement system, as determined by
42 the actuary as of the applicable June thirtieth; and

43 (D) the present value of future installments of unfunded accrued
44 liability contributions to the retirement system.

45 (iv) The actuary, in determining the unfunded accrued liability pursu-
46 ant to this paragraph, may make any adjustments which he or she deems
47 appropriate due to the calculation of the unfunded accrued liability as
48 of the second June thirtieth preceding the fiscal year in which the
49 first installment of such unfunded accrued liability becomes payable or
50 creditable.

51 (2) (i) The unfunded accrued liability calculated by the actuary as of
52 June thirtieth, two thousand ten for each retirement system pursuant to
53 paragraph one of this subdivision shall be known as the "2010 UAL" or,
54 with respect to NYCERS as the "NYCERS 2010 UAL", with respect to NYCTRS
55 as the "NYCTRS 2010 UAL", with respect to the PPF as the "PPF 2010 UAL",

1 with respect to the FPF as the "FPF 2010 UAL" and with respect to BERS
2 as the "BERS 2010 UAL".

3 (ii) The 2010 UAL for each retirement system shall be amortized in
4 twenty-one annual installments, as determined by the actuary, payable
5 over a period of twenty-two fiscal years following its establishment as
6 of June thirtieth, two thousand ten, with payments commencing with the
7 two thousand eleven--two thousand twelve fiscal year. The actuary for
8 each of the retirement systems shall determine the schedule of contrib-
9 ution installments so that each installment after the first shall equal
10 one hundred three per centum of the next preceding installment.

11 (3) (i) The unfunded accrued liability calculated pursuant to para-
12 graph one of this subdivision by the actuary as of June thirtieth, two
13 thousand eleven, and as of each succeeding June thirtieth, shall be
14 known as a "post-2010 UAL adjustment". With respect to each retirement
15 system, such unfunded accrued liability shall be known by the name
16 consisting of the applicable abbreviation for the retirement system, as
17 defined in paragraph three, four, five, six or seven of subdivision a of
18 this section, followed by the calendar year as of which the unfunded
19 accrued liability was established, followed by the term "UAL adjust-
20 ment".

21 (ii) Each post-2010 UAL adjustment for each retirement system shall be
22 amortized in equal installments payable or creditable, as determined by
23 the actuary, as follows:

24 (A) that portion of a post-2010 UAL adjustment which is attributable
25 to actuarial gains or losses, as determined by the actuary, shall be
26 amortized in fourteen annual installments, as determined by the actuary,
27 payable or creditable over a period of fifteen fiscal years following
28 the June thirtieth as of which the unfunded accrued liability was estab-
29 lished, with payments or credits commencing with the second fiscal year
30 succeeding the June thirtieth as of which the unfunded accrued liability
31 was established, provided, however, that the portion of a post-2010 UAL
32 adjustment which is attributable to actuarial gains and losses shall be
33 an amount equal to the total amount of such post-2010 UAL adjustment
34 minus an amount equal to the sum of the portions of such post-2010 UAL
35 adjustment, if any, which are attributable to (1) changes in the valu-
36 ation rate of interest, changes in actuarial tables and changes in actu-
37 arial methods, as determined by the actuary pursuant to item (B) of this
38 subparagraph, and (2) recently enacted changes in benefits which were
39 not incorporated in the unfunded accrued liability established as of the
40 preceding June thirtieth, as determined by the actuary pursuant to item
41 (C) of this subparagraph;

42 (B) that portion of a post-2010 UAL adjustment which is attributable
43 to changes in the valuation rate of interest, changes in actuarial
44 tables or changes in actuarial methods, as determined by the actuary,
45 shall be amortized in nineteen annual installments, as determined by the
46 actuary, payable or creditable over a period of twenty fiscal years
47 following the June thirtieth as of which the unfunded accrued liability
48 was established, with payments or credits commencing with the second
49 fiscal year succeeding the June thirtieth as of which the unfunded
50 accrued liability was established; or

51 (C) that portion of a post-2010 UAL adjustment which is attributable
52 to recently enacted changes in benefits which were not incorporated in
53 the unfunded accrued liability established as of the preceding June
54 thirtieth, as determined by the actuary, shall, unless an amortization
55 period of a different length is specified by the law enacting such bene-
56 fit changes, be payable or creditable in annual installments over a

1 period of fiscal years comparable in length to the number of years which
2 is one less than the number of years of the remaining working lifetimes
3 of members covered by the benefit changes, as determined by the actuary,
4 with the payment or credit of such annual installments commencing with
5 the second fiscal year succeeding the June thirtieth as of which the
6 unfunded accrued liability was established, provided, however, that
7 where the length of the amortization period for the benefit changes is
8 not specified in the law enacting the benefit changes, the actuary, in
9 his or her discretion, and in lieu of amortizing the portion of the
10 unfunded accrued liability attributable to the benefit changes over a
11 period of fiscal years comparable in length to the number of years which
12 is one less than the number of years of the remaining working lifetimes
13 of members covered by the benefit changes, may select an amortization
14 period that is reasonably consistent with past practice for amortizing
15 unfunded accrued liability attributable to the particular type of bene-
16 fit changes.

17 (4) Notwithstanding any other provision of law to the contrary, with
18 respect to any installment of an unfunded accrued liability or an
19 unfunded accrued liability adjustment, in the event that such retirement
20 system has more than one responsible obligor, the actuary for that
21 retirement system shall determine and shall allocate to each such
22 responsible obligor its share of that installment, as determined to be
23 appropriate by the actuary. Each responsible obligor's share of each
24 such installment shall be either a charge or a credit with respect to
25 such responsible obligor for the applicable fiscal year.

26 (5) For each fiscal year, commencing with the two thousand eleven--two
27 thousand twelve fiscal year, the actuary shall determine whether the sum
28 of the charges and credits applicable to each responsible obligor for
29 such fiscal year with respect to the applicable retirement system shall
30 constitute a total charge or a total credit. Where such amount for such
31 responsible obligor for such fiscal year with respect to such retirement
32 system is a total charge, the responsible obligor shall pay an amount
33 equal to such total charge to the retirement system in a timely manner,
34 as required by paragraph six of this subdivision. Where such amount for
35 such responsible obligor for such fiscal year with respect to such
36 retirement system is a total credit, the amount of employer contrib-
37 utions otherwise payable by such responsible obligor to such retirement
38 system for such fiscal year pursuant to applicable provisions of law, as
39 determined by the actuary, shall be reduced by the amount of such total
40 credit, provided, however, that such total amount of employer contrib-
41 utions otherwise payable by such responsible obligor to such retirement
42 system for such fiscal year shall not be reduced below an amount equiv-
43 alent to the amount payable by such responsible obligor for such fiscal
44 year for administrative expenses, as determined by the actuary in
45 accordance with the provisions of subdivision f of section 13-103 of
46 this title for NYCERS, subdivision h of section 13-216 of this title for
47 the PPF, subdivision d of section 13-518 of this title for the NYCTRS or
48 paragraph (e) of subdivision twenty-three of section twenty-five hundred
49 seventy-five of the education law for BERS, and shall not be reduced
50 below zero for the FPF, provided further, that where a total credit for
51 a responsible obligor with respect to a retirement system has been
52 offset against employer contributions otherwise payable by such obligor
53 to such retirement system for such fiscal year by the maximum amount
54 permissible pursuant to the preceding provisions of this paragraph, and
55 all or a portion of such credit remains after such offset, the remaining
56 credit shall be carried forward, together with interest calculated on

1 such amount at the valuation rate of interest, as a credit for such
2 obligor for the following fiscal year, as determined by the actuary.

3 (6) All responsible obligors shall make all unfunded accrued liability
4 payments to a retirement system required pursuant to the provisions of
5 this subdivision in accordance with the time of payment requirements set
6 forth in subdivision c of section 13-133 of this title for NYCERS,
7 subdivision c of section 13-231 of this title for the PPF, subdivision c
8 of section 13-334 of this title for the FPF, subdivision (c) of section
9 13-533 of this title for the NYCTRS or paragraph (j) of subdivision
10 sixteen of section twenty-five hundred seventy-five of the education law
11 for BERS.

12 § 32. Subdivision d of section 13-705 of the administrative code of
13 the city of New York, as amended by chapter 152 of the laws of 2006, is
14 amended to read as follows:

15 d. In each city fiscal year, beginning with investment expenses paid
16 during the nineteen hundred ninety-eight--nineteen hundred ninety-nine
17 fiscal year, whenever the income, interest or dividends derived from
18 deposits or investments of the funds of a retirement system are used
19 pursuant to subdivision b of this section to pay the expenses incurred
20 by such retirement system in acquiring, managing or protecting invest-
21 ments of its funds, the monies so paid shall be made a charge to be paid
22 by each participating employer otherwise required to make contributions
23 to such retirement system no later than the end of the fiscal year next
24 succeeding the fiscal year during which such monies were drawn upon,
25 provided, however, that where such charge is for such investment
26 expenses paid during fiscal year two thousand four--two thousand five or
27 during any subsequent fiscal year, such charge shall be paid by each
28 such participating employer no later than the end of the second fiscal
29 year succeeding the fiscal year during which such monies were drawn
30 upon, provided further that the provisions of this subdivision shall not
31 apply to investment expenses paid during the two thousand nine--two
32 thousand ten fiscal year or during any subsequent fiscal year. In the
33 event that such retirement system has more than one participating
34 employer, the actuary shall calculate and allocate to each such partic-
35 ipating employer its share of such charge. All charges to be paid pursu-
36 ant to this subdivision shall be paid at the regular rate of interest
37 utilized by the actuary in determining employer contributions to the
38 retirement system pursuant to the provisions of paragraph two of subdivi-
39 sion b of section 13-638.2 of this title.

40 § 33. Subparagraph 2 of paragraph (c) of subdivision 16 of section
41 2575 of the education law is amended by adding two new items (i-A) and
42 (i-B) to read as follows:

43 (i-A) all unfunded accrued liability installments as required by
44 section 13-638.2 of the administrative code of the city of New York or
45 any other provision of law; and

46 (i-B) any other payments to the contingent reserve fund as required by
47 applicable law; and

48 § 34. Subparagraph 3 of paragraph (c) of subdivision 16 of section
49 2575 of the education law is amended by adding a new item (vii) to read
50 as follows:

51 (vii) The board of education and all other responsible obligors (as
52 defined in paragraph ten of subdivision a of section 13-638.2 of the
53 administrative code of the city of New York) shall make all payments to
54 the retirement system required by applicable law in accordance with the
55 time of payment requirements set forth in paragraph (j) of this subdivi-
56 sion. Any responsible obligor which does not make all or any portion of

1 such required payments to the retirement system in a timely manner in
2 fiscal year two thousand twelve--two thousand thirteen, or in any fiscal
3 year thereafter, shall be required to pay interest to the retirement
4 system on such overdue amounts, as determined by the actuary. The actu-
5 ary shall determine, at such time as he or she deems appropriate, inter-
6 est payments on such overdue amounts using a rate of interest equivalent
7 to the valuation rate of interest (as defined in paragraph eleven of
8 subdivision a of section 13-638.2 of the administrative code of the city
9 of New York). Responsible obligors shall make such interest payments on
10 overdue amounts to the retirement system in the manner and at such time
11 as the actuary deems appropriate.

12 § 35. Item (i) of subparagraph 4 of paragraph (c) of subdivision 16 of
13 section 2575 of the education law, as amended by chapter 85 of the laws
14 of 2000, is amended to read as follows:

15 (i) Notwithstanding the succeeding provisions of this item or the
16 provisions of item (i-A), (ii), (iii) or (iv) of this subparagraph, for
17 fiscal year two thousand eleven--two thousand twelve, and for each
18 fiscal year thereafter, the amount of the normal contribution payable to
19 the contingent reserve fund shall be determined pursuant to the
20 provisions of item (v) of this subparagraph. Upon the basis of the
21 latest mortality and other tables authorized by the applicable
22 provisions of the rules and regulations and regular interest, the actu-
23 ary shall determine, as of June thirtieth, nineteen hundred eighty and
24 as of each succeeding June thirtieth, the amount of the total liability
25 for all benefits provided in the rules and regulations, in articles
26 eleven and fourteen of the retirement and social security law and in any
27 other law prescribing benefits payable by the retirement system on
28 account of all members and beneficiaries, excluding the liability on
29 account of future increased-take-home-pay contributions, if any, and the
30 liability for benefits attributable to the annuity savings fund and to
31 the variable annuity savings fund, provided, however, that in determin-
32 ing such total liability as of June thirtieth, nineteen hundred ninety-
33 five and as of each succeeding June thirtieth, the actuary shall include
34 (A) the liability on account of future increased-take-home-pay contrib-
35 utions, if any, (B) the liability on account of future public employer
36 obligations under the provisions of subdivision twenty of section two
37 hundred forty-three of the military law, to pay in behalf of members
38 qualifying for such benefit, member contributions with respect to
39 certain periods of the military service of such members and (C) the
40 liability for benefits attributable to the annuity savings fund and to
41 the variable annuity savings fund, and provided further that in deter-
42 mining such total liability as of June thirtieth, nineteen hundred nine-
43 ty-nine and as of each succeeding June thirtieth, the actuary shall
44 include any other liability, as determined by the actuary, for benefits
45 attributable to the variable annuity programs, and provided further that
46 in determining such total liability as of June thirtieth, two thousand
47 and as of each succeeding June thirtieth, the actuary shall include the
48 amount, if any, as estimated by the actuary, of the total liability of
49 the retirement system on account of payments which the retirement system
50 may be required to make to any other fund without a corresponding offset
51 in the liabilities of the retirement system.

52 § 36. Subparagraph 4 of paragraph (c) of subdivision 16 of section
53 2575 of the education law is amended by adding a new item (v) to read as
54 follows:

55 (v) (A) Notwithstanding the preceding items of this subparagraph or
56 any other provision of law to the contrary, the normal contribution

1 payable to the contingent reserve fund in fiscal year two thousand
2 eleven--two thousand twelve, and in each fiscal year thereafter, shall
3 be the entry age normal contribution, as determined by the actuary
4 pursuant to this item in a manner consistent with the entry age actuari-
5 al cost method. The actuary shall determine the entry age normal
6 contribution for each such fiscal year as of June thirtieth of the
7 second fiscal year preceding the fiscal year in which such normal
8 contribution is payable, based on the latest mortality and other tables
9 applicable at the time he or she performs such calculations, and the
10 valuation rate of interest as provided for the retirement system in
11 paragraph two of subdivision b of section 13-638.2 of the administrative
12 code of the city of New York.

13 (B) In calculating the entry age normal contribution payable in any
14 such fiscal year pursuant to this item, the actuary, in his or her
15 discretion, may make certain adjustments in the calculation methodology,
16 provided that such adjustments are generally accepted as consistent with
17 the entry age actuarial cost method, and are designed, in general, to
18 fund, on a level basis over the working lifetimes of members from their
19 ages at entry, the actuarial present value of benefits to which such
20 members are expected to become entitled, as determined by the actuary.
21 Such generally accepted adjustments in the calculation methodology, in
22 the discretion of the actuary, may include, but are not limited to, the
23 calculation of the entry age normal contribution (1) on an individual
24 member basis by calculating the amount of the entry age normal contrib-
25 ution attributable to each individual member, and then adding together
26 such individual member amounts, (2) on an aggregate basis for all
27 members or (3) on any combination of an individual member basis and an
28 aggregate basis which is consistent with the entry age actuarial cost
29 method, and the preceding provisions of this sub-item.

30 (C) For each such fiscal year, the actuary, in his or her discretion,
31 shall determine, in accordance with the provisions of sub-item (B) of
32 this item, the methodology for calculating the entry age normal contrib-
33 ution payable for that particular fiscal year.

34 (D) The methodology determined by the actuary in accordance with sub-
35 item (C) of this item may provide for the actuary to calculate the entry
36 age normal contribution on an individual member basis by (1) multiplying
37 the entry age normal contribution rate for each individual member, as
38 determined by the actuary, by the salary expected to be paid to that
39 member during the fiscal year in which such normal contribution is paya-
40 ble, and (2) calculating the sum of the individual entry age normal
41 contributions attributable to all such members. The actuary, in his or
42 her discretion, may make any adjustments to such methodology for deter-
43 mining the entry age normal contribution on an individual basis which he
44 or she deems appropriate, and which are consistent with the provisions
45 of sub-item (B) of this item.

46 (E) In the alternative, the methodology determined by the actuary in
47 accordance with sub-item (C) of this item may provide for the actuary to
48 calculate the entry age normal contribution on an aggregate basis by
49 multiplying the entry age normal contribution rate for all members in
50 the aggregate, as determined by the actuary, by the aggregate amount of
51 the salaries expected to be paid to all members during the fiscal year
52 in which the normal contribution is payable. The actuary, in his or her
53 discretion, may make any adjustments to such methodology for determining
54 the entry age normal contribution on an aggregate basis which he or she
55 deems appropriate, and which are consistent with the provisions of sub-
56 item (B) of this item.

1 (F) In the alternative, the methodology determined by the actuary in
 2 accordance with sub-item (C) of this item may provide for the calcu-
 3 lation of the entry age normal contribution on any other basis which the
 4 actuary deems appropriate, and which is consistent with the entry age
 5 actuarial cost method and the provisions of sub-item (B) of this item.

6 (G) (1) Where the methodology determined by the actuary in accordance
 7 with sub-item (C) of this item requires the determination of an entry
 8 age normal contribution rate for each individual member in order to
 9 calculate the entry age normal contribution for each individual member,
 10 the actuary shall determine such rate for each such member in accordance
 11 with the entry age actuarial cost method, and such rate, as determined
 12 by the actuary for each such member, shall be consistent with a method
 13 designed, in general, to fund, on a level basis over the working life-
 14 time of that particular member from his or her age at entry, the actuar-
 15 ial present value of benefits to which such member is expected to become
 16 entitled, as determined by the actuary.

17 (2) Where the methodology determined by the actuary in accordance with
 18 sub-item (C) of this item requires the determination of an entry age
 19 normal contribution rate for all members in the aggregate in order to
 20 calculate the entry age normal contribution for all members in the
 21 aggregate, the actuary shall determine such rate in accordance with the
 22 entry age actuarial cost method, and such rate, as determined by the
 23 actuary, shall be consistent with a method designed, in general, to
 24 fund, on a level basis over the working lifetimes of members from their
 25 ages at entry, the actuarial present value of benefits to which such
 26 members are expected to become entitled, as determined by the actuary.

27 § 37. Paragraph (j) of subdivision 16 of section 2575 of the education
 28 law is amended by adding a new subparagraph 2-a to read as follows:

29 (2-a) Where a responsible obligor (as defined in paragraph ten of
 30 subdivision a of section 13-638.2 of the administrative code of the city
 31 of New York) is required to make payments to the retirement system
 32 pursuant to applicable provisions of law in fiscal year two thousand
 33 twelve--two thousand thirteen, and in any fiscal year thereafter, and
 34 the provisions of this paragraph or the provisions of any other applica-
 35 ble law do not otherwise specifically require such responsible obligor
 36 to make such payments by a particular date or dates during such fiscal
 37 year, such responsible obligor shall make such payments either (i) in
 38 total on or before January first of such fiscal year, or (ii) in twelve
 39 equal monthly installments, as determined by the actuary, with each
 40 monthly installment to be paid on or before the last day of each month.

41 § 38. This act shall take effect immediately and shall be deemed to
 42 have been in full force and effect on and after July 1, 2011. Notwith-
 43 standing any other provision of law, for the purposes of calculating an
 44 actuarial reserve pursuant to the provisions of section 13-557 of the
 45 administrative code of the city of New York, the valuation rate of
 46 interest and mortality tables in effect on June 30, 1988 shall be
 47 utilized by the actuary.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: BACKGROUND: In
 reports dated February 10, 2012, the Actuary presented proposed changes
 in actuarial assumptions and methods for determining employer contrib-
 utions for Fiscal Years beginning on and after July 1, 2011 (i.e., the
 "Silver Books") to each of the Boards of Trustees of the following five
 actuarially-funded New York City Retirement Systems ("NYCRS"):

- * New York City Employees' Retirement System ("NYCERS")
- * New York City Teachers' Retirement System ("TRS")
- * New York City Board of Education Retirement System ("BERS")

* New York City Police Pension Fund ("POLICE")

* New York City Fire Department Pension Fund ("FIRE")

These Silver Books were developed by the Actuary after reviewing the two most recent actuarial experience studies required by the New York City Charter and prepared by The Segal Company in their Report dated November 2006 and The Hay Group in their Report dated December 2011.

The principal components of the Actuary's proposed changes in actuarial assumptions and methods used to develop employer contributions to the NYCERS are to:

* Reduce the Actuarial Interest Rate ("AIR") assumption from 8.0% per annum (gross of expenses) to 7.0% per annum (net of expenses).

* Retain the current economic actuarial assumptions for the Consumer Price Inflation of 2.5% per year and the General Wage Increase ("GWI") of 3.0% per year.

* Update demographic actuarial assumptions to reflect the Actuary's best estimate of future experience.

* Replace the current Actuarial Cost Method ("ACM") (i.e., the Frozen Initial Liability ("FIL") ACM) with the Entry Age Actuarial Cost Method ("EAACM") and establish certain amortization methods and periods to be used for financing the Unfunded Actuarial Accrued Liabilities ("UAAL") developed under this new ACM.

* Retain the current six-year phase-in period for Unexpected Investment Returns ("UIR") for investment gains and losses for the Actuarial Asset Valuation Method ("AAVM") for Fiscal Year 2012 and beyond. Use a Market Value Restart as of June 30, 2011 and set the June 30, 2010 Actuarial Asset Value ("AAV") equal to the June 30, 2011 Market Value of Assets ("MVA") discounted by the AIR assumption (adjusted for cash flow).

Certain of the proposals developed by the Actuary (e.g., probabilities of decrement from active service, probabilities of death after retirement) require adoption by the Board of Trustees of each of the NYCERS.

Other proposed changes in actuarial assumptions and methods require passage of enabling legislation by the New York State Legislature and enactment by the Governor.

The provisions of this amended proposed legislation, together with the adoption of actuarial tables by the Boards of Trustees of the NYCERS and application of the revised AAVM, represent the packages of actuarial assumptions and methods proposed by the Actuary for financing the NYCERS.

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Administrative Code of the City of New York ("ACNY") Sections 13-127, 13-133, 13-194, 13-228, 13-271, 13-281, 13-331, 13-527, 13-533, 13-638.2 and 13-705 and Education Law Section 2575 by including provisions that impact the development of employer contributions to the NYCERS.

Specifically, for each of the NYCERS, this amended proposed legislation would:

* Reduce the AIR assumption to be used for developing employer contributions from 8.0% per annum (gross of expenses) to 7.0% per annum (net of expenses).

* Continue through Fiscal Year 2016 the use of the 8.25% per year crediting rate on Annuity Savings Fund ("ASF") and Increased-Take-Home-Pay ("ITHP") Reserves for Tier I and Tier II members.

* Replace the current ACM (i.e., the FIL ACM) with the EAACM.

* Amortize over a 22-year period the Initial UAAL established under the EAACM with 21 annual payments beginning Fiscal Year 2012 using

Increasing Dollar Payments ("IDP"), where the increase in payments would be 3.0% per year, consistent with the proposed GWI assumption.

Amortize over a 20-year period (19 annual payments) additional UAAL attributable to future actuarial assumption and/or method changes, over a 15-year period (14 annual payments) any actuarial gains and losses and over an approximation of the remaining working lifetimes of those impacted (unless the amortization period is established by statute) any benefit changes, using Level Dollar Payments ("LDP").

The Actuary would be provided with the authority to establish UAAL and/or amortization schedules consistent with the EAACM, where such UAAL and/or amortization schedules are appropriate but not provided in legislation.

* Retain the One-Year Lag Methodology ("OYLM").

* Retain the repayment of Administrative Expenses, with interest, in the second fiscal year after occurrence.

Provide for the transfer of assets directly from NYCERS to the Correction Officers' Variable Supplements Fund ("COVSF") in the event that assets of the COVSF are insufficient to meet any legally-required benefit payments.

* Provide for the transfer of assets directly from POLICE to the Police Officers' Variable Supplements Fund ("POVSF") and to the Police Superior Officers' Variable Supplements Fund ("PSOVSF") in the event that assets of the POVSF or the PSOVSF are insufficient to meet any legally-required benefit payments.

* Although recommended by the Actuary, due to concerns expressed by certain FIRE Trustees, not provide for the transfer of assets directly from FIRE to the Firefighters' Variable Supplements Fund ("FFVSF") and to the Fire Officers' Variable Supplements Fund ("FOVSF") in the event that assets of the FFVSF or the FOVSF are insufficient to meet any legally-required benefit payments.

* Provide for the payment of interest on employer contributions made after the due dates determined and communicated by the Actuary to the Boards of Trustees.

ACTUARIAL PRESENT VALUES OF BENEFITS: Enactment of this amended proposed legislation, together with the other changes in actuarial assumptions and methods adopted by the Boards of Trustees of the NYCERS, would result in an increase in the Actuarial Present Value ("APV") of Benefits ("APVB") (inclusive of the APVB of the Variable Supplements Funds ("VSFs")) of the NYCERS of approximately \$36.0 billion as of June 30, 2010, as shown in the following Table I:

TABLE I

Comparison of Actuarial Present Values of Benefits
 Before and After Proposed Changes
 in Actuarial Assumptions and Methods
 as of June 30, 2010

(\$ Billions)

Actuarial Present Values of Benefits{1}

Retirement System	Before Changes{2}	After Changes{3}	Difference{4}
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NYCERS	\$ 64.7	\$ 78.0	\$ 13.3
TRS	58.3	68.2	9.9
BERS	3.7	4.6	.9
POLICE	42.3	50.7	8.4
FIRE	<u>17.0</u>	<u>20.5</u>	<u>3.5</u>
Total	\$186.0	\$222.0	\$ 36.0

{1} Amounts include APVB of the VSFs.

{2} Equals APVB as of June 30, 2010 based on preliminary census data used for the June 30, 2010 (Lag) actuarial valuations, on preliminary calculations using actuarial software being replaced and on current actuarial assumptions and methods.

{3} Equals APVB as of June 30, 2010 based on final census data used for the June 30, 2010 (Lag) actuarial valuations, on final calculations using new actuarial software and on proposed actuarial assumptions and methods.

{4} Equals After Changes minus Before Changes.

ANNUAL EMPLOYER CONTRIBUTIONS: Under the EAACM, the Actuarial Present Value ("APV") of Projected Benefits ("APVB") of each individual included in the actuarial valuation is allocated on a level basis over the earnings (or service) of the individual between entry age and assumed exit age(s).

The portion of this APV allocated to a valuation year is referred to as the Normal Contribution. The portion of this APV not provided for at a valuation date by the APV of Future Normal Contributions is the Actuarial Accrued Liability ("AAL"). The excess, if any, of the AAL over the AAV is the UAAL.

Under this method, actuarial gains (losses), as they occur, reduce (increase) the UAAL and are explicitly identified and amortized. Increases (decreases) in obligations due to benefit changes, actuarial assumption and/or method changes are also explicitly identified and amortized.

The initial UAAL as of June 30, 2010 would be amortized over 22 years with 21 annual payments beginning Fiscal Year 2012 increasing by 3.0% per year, recognizing the impact of employer contributions made during Fiscal Year 2011 under the OYLM.

Furthermore, the Actuary proposes revising the AAVM as of June 30, 2010 for each of the NYCERS. The new method would retain the current six-year phase-in period for Unexpected Investment Returns ("UIR") for the AAVM of 15%, 15%, 15%, 15%, 20% and 20% for investment gains/losses for Fiscal Year 2012 and beyond. However, the AAV as of June 30, 2011 would be set equal to the MVA as of that date and the June 30, 2010 AAV would be set equal to the June 30, 2011 MVA, discounted by the AIR assumption and adjusted for cash flow.

The One-Year Lag Methodology and the repayment of Administrative Expenses with interest, in the second fiscal year after occurrence, would be retained.

EMPLOYER CONTRIBUTIONS - FISCAL YEAR 2012: The following Table II presents the combined impact of all of the proposed changes in actuarial assumptions and methods on the Fiscal Year 2012 employer contributions to the NYCERS.

Specifically, Table II shows a comparison between: (1) estimated Fiscal Year 2012 employer contributions based upon the actuarial assumptions and methods currently in effect ("Before Changes") and (2) final Fiscal Year 2012 employer contributions computed in accordance with this

proposed legislation and all of the other proposed actuarial assumptions and methods ("After Changes").

TABLE II

Comparison of Fiscal Year 2012 Employer Contributions Calculated using Current Actuarial Assumptions and Methods with Those Calculated using Proposed Actuarial Assumptions and Methods

(\$ Billions)

Retirement System	Before Changes{1}	After Changes{2}	Difference{3}
NYCERS	\$ 2.59	\$ 3.02	\$.43
TRS	2.62	2.67	.05
BERS	.17	.21	.04
POLICE	2.20	2.39	.19
FIRE	<u>.95</u>	<u>.98</u>	<u>.03</u>
Total	\$ 8.53	\$ 9.27	\$.74

{1} Equals estimated employer contributions for Fiscal Year 2012 based on preliminary census data used for the June 30, 2010 (Lag) actuarial valuations, on preliminary calculations using actuarial software being replaced and on current actuarial assumptions and methods.

{2} Equals final employer contributions for Fiscal Year 2012 based on final census data used for the June 30, 2010 (Lag) actuarial valuations, on final calculations using new actuarial software and on proposed actuarial assumptions and methods.

{3} Equals After Changes minus Before Changes.

EMPLOYER CONTRIBUTIONS - FISCAL YEARS 2012 TO 2016: The financial impact of the proposed changes in actuarial assumptions and methods, relative to the current actuarial assumptions and methods, is to increase and to smooth the pattern of employer contributions to the NYCERS for Fiscal Years 2012 to 2016.

The following Table III compares the estimated employer contributions for the five actuarially-funded NYCERS combined under the current actuarial assumptions and methods and under the proposed actuarial assumptions and methods:

TABLE III

Comparison of Employer Contributions
For Fiscal Years 2012 to 2016

Calculated using Current Actuarial Assumptions and Methods with Those Calculated using Proposed Actuarial Assumptions and Methods{1}

(\$ Billions)

Fiscal Year	Before Changes{2}	After Changes{3}	Difference{4}
2012	\$ 8.53	\$ 9.27	\$.74
2013	8.37	9.39	1.02
2014	8.36	9.37	1.01
2015	8.66	9.34	.68
2016	8.87	9.57	.70

{1} Amounts shown are estimated based on preliminary June 30, 2010 census data and on preliminary calculations using actuarial software that is being replaced, with adjustments in amounts shown After Changes to be consistent with final Fiscal Year 2012 amounts.

{2} Equals employer contributions for the respective Fiscal Years based upon the second prior June 30 actuarial valuations and on current actuarial assumptions and methods.

{3} Equals employer contributions for the respective Fiscal Years based upon the second prior June 30 actuarial valuations and on proposed actuarial assumptions and methods.

{4} Equals After Changes minus Before Changes.

CENSUS DATA: The census data used to determine APVB and estimated Fiscal Year 2012 employer contributions Before Changes and After Changes are the active and retired members included in the June 30, 2010 (Lag) actuarial valuations of the NYCERS.

ACTUARIAL ASSUMPTIONS AND METHODS: The actuarial assumptions and methods used to determine estimated Fiscal Year 2012 employer contributions Before Changes are generally the same as those utilized in the June 30, 2009 actuarial valuations of the NYCERS to determine Fiscal Year 2011 employer contributions.

The actuarial assumptions and methods used to determine Fiscal Year 2012 employer contributions After Changes are those proposed by the Actuary to the Boards of Trustees of each of the NYCERS during February 2012.

The actuarial assumptions used to estimate employer contributions for Fiscal Years 2013 to 2016 include projection assumptions consistent with those used to develop estimates for the April 2011 New York City Financial Plan.

APVB and employer contribution amounts shown Before Changes are estimated based on preliminary June 30, 2010 census data and on actuarial software that is being replaced.

APVB and employer contributions After Changes used to determine Fiscal Year 2012 employer contributions are based on final June 30, 2010 census data and generally on new actuarial software.

Estimated employer contributions After Changes for Fiscal Years 2013 to 2016 are based on June 30, 2010 census data and projections of APVB adjusted to be consistent with Fiscal Year 2012 results.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and for determining annual employer contributions to 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 2013 Legislative Session. It is Fiscal Note 2013-01, dated December 14, 2012, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New

York City Police Pension Fund and the New York City Fire Department Pension Fund.

STATE OF NEW YORK

S. 2606--D

A. 3006--D

SENATE - ASSEMBLY

January 22, 2013

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

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

AN ACT to amend chapter 59 of the laws of 2011, amending the public health law and other laws relating to general hospital reimbursement for annual rates, in relation to the cap on local Medicaid expenditures; in relation to the determination of rates of payments by certain state governmental agencies; to amend the social services law, in relation to the medical assistance information and payment system; to amend the social services law, in relation to managed care programs; to amend the public health law, in relation to managed long term care plans; to amend the public health law, in relation to participation in the state health insurance exchange; to amend the state finance law, in relation to liability for certain acts under the false claims act; to amend the state finance law, in relation to civil actions pursuant to the false claims act; to amend part C of chapter 58 of the laws of 2005, amending the public health law and other laws authorizing reimbursements for expenditures made by social services districts for medical assistance, in relation to delay of certain administrative costs; to amend the public health law, in relation to

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

LBD12571-12-3

the preferred drug program; to amend the public health law, in relation to antipsychotic therapeutic drugs; to amend the social services law, in relation to reducing pharmacy reimbursement for name brand drugs; to amend the public health law, in relation to eliminating the summary posting requirement for the pharmacy and therapeutic committee; to amend the social services law, in relation to early refill of prescriptions; to amend the social services law, in relation to authorizing the commissioner of health to implement an incontinence supply utilization management program; to amend the social services law, in relation to the funding of health home infrastructure development; to amend the public health law, in relation to general hospital inpatient reimbursement; to amend the social services law, in relation to managed care programs; to amend section 2 of part H of chapter 111 of the laws of 2010, relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, in relation to the effectiveness thereof; to amend the public health law, in relation to rates of payment for residential health care facilities and in relation to rates of reimbursement for inpatient detoxification and withdrawal services; to amend the public health law, in relation to hospital inpatient base years; to amend the public health law, in relation to the Medicaid managed care inpatient psychiatric care default rate; to amend the public health law, in relation to the Medicaid managed care default rate; to amend the public health law, in relation to moving rate setting for child health plus to the department of health; to amend the social services law and the public health law, in relation to requiring the use of an enrollment broker for counties that are mandated Medicaid managed care and managed long term care; to amend the public health law, in relation to repealing the twentieth day of the month enrollment cut-off for managed long term care enrollees; to amend the public health law, in relation to the nursing home financially disadvantaged program; to amend the public health law, in relation to eliminating the recruitment and retention attestation requirement for certain certified home health agencies; to amend the public health law, in relation to extending the office of the Medicaid inspector general's power to audit rebasing rates; to amend the public health law, in relation to rebasing transition payments; to amend the public health law, in relation to payment of claims; to amend the insurance law, in relation to health care providers; in relation to establishing the home and community-based care work group; in relation to critical access hospitals; to amend the public health law, in relation to eliminating the bed hold requirement; to amend the social services law, in relation to eligibility for Medicaid; to amend the social services law, in relation to treatment of income and resources of institutionalized persons; to amend the public health law, in relation to certain payments for certain home care agencies and services; to amend the social services law, in relation to Medicaid eligibility; to amend the mental hygiene law, in relation to people first waiver program; to amend subdivision (a) of section 90 of part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to general hospital inpatient reimbursement, in relation to the effectiveness thereof; to amend subdivision 1 of section 92 of part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state funds Medicaid expenditures, in relation to the effectiveness thereof; in relation to elimi-

nating the 2013-2014 trend factor and thereafter; to repeal certain provisions of the social services law and the public health law relating to managed care programs; and to repeal certain provisions of the public health law and the social services law relating to the pharmacy and therapeutics committee; providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the public health law, in relation to payments to hospital assessments; to amend part C of chapter 58 of the laws of 2009 amending the public health law relating to payment by governmental agencies for general hospital inpatient services, in relation to the effectiveness of eligibility for medical assistance and the family health plus program; to amend chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential healthcare facilities, in relation to reimbursements; to amend chapter 884 of the laws of 1990, amending the public health law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to the effectiveness thereof; to amend the long term care integration and finance act of 1997, in relation to extending the expiration of operating demonstrations operating a managed long term care plan; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, in relation to reimbursements and the effectiveness thereof; to amend the public health law, in relation to capital related inpatient expenses; to amend part C of chapter 58 of the laws of 2007, amending the social services law and other laws relating to enacting the major components of legislation necessary to implement the health and mental hygiene budget for the 2007-2008 state fiscal year, in relation to rates of payment by state governmental agencies and the effectiveness of certain provisions of such chapter; to amend the social services law, in relation to reports on chronic illness demonstration projects and reports by the commissioner of health on health homes; to amend chapter 451 of the laws of 2007, amending the public health law, the social services law and the insurance law, relating to providing enhanced consumer and provider protections, in relation to extending the effectiveness of certain provisions thereof; to amend the public health law, in relation to rates of payment for long term home health care programs; to amend chapter 426 of the laws of 1983, amending the public health law relating to professional misconduct proceedings and chapter 582 of the laws of 1984, amending the public health law relating to regulating activities of physicians, in relation to the effectiveness of certain provisions thereof; to amend the public health law, in relation to extending a demonstration program for physicians suffering from alcoholism, drug abuse or mental illness; to amend part X2 of chapter 62 of the laws of 2003 amending the public health law relating to allowing the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, in relation to the effectiveness of certain provisions thereof; and to amend chapter 906 of the laws of 1984, amending the social services law relating to expanding medical assistance eligibility and the scope of services available to certain persons with disabilities, in relation to the effectiveness thereof (Part B); to amend the public health law, in relation to indigent care (Part C); to amend the social services law, in relation to eligibility conditions; to amend the social services law, in relation to permitting online and telephone Medicaid applications; to amend the social services law, in relation to allowing

administrative renewals and self-attestation of residency; to amend the social services law, in relation to ending applications for family health plus; to amend the social services law, in relation to modified adjusted gross income and Medicaid eligibility groups; to amend the public health law, in relation to establishing methodology for modified adjusted gross income; to amend the public health law, in relation to centralizing child health plus eligibility determinations; to amend the public health law, in relation to requiring audit standards for eligibility; to amend the public health law, in relation to residency and income attestation and verification for child health plus; to amend the public health law, in relation to eliminating temporary enrollment in child health plus; to amend the public health law, in relation to expanding the child health plus social security number requirement to lawfully residing children; to amend the public health law, in relation to modified adjusted gross income under child health plus; to amend the public health law, in relation to personal interviews under child health plus; to amend the social services law, in relation to amendment of contracts awarded by the commissioner of health; to amend the public health law, in relation to requiring a status report on the health benefit exchange; to amend the insurance law, in relation to health benefit exchange navigators and in relation to clarifying the identity of persons to whom insurance licensing requirements apply; to amend the insurance law, in relation to coverage limitations requirements and student accident and health insurance; to amend the insurance law, in relation to standardization of individual enrollee direct payment contracts; to amend the public health law, in relation to HMOs; to amend the insurance law, in relation to ensuring that group and individual insurance policy provisions conform to applicable requirements of federal law and to make conforming changes; to repeal sections 369-ee and 369-ff of the social services law, relating to the family health plus program; to repeal certain other provisions of the social services law relating thereto; to repeal certain provisions of the insurance law relating thereto; providing for the repeal of certain provisions upon expiration thereof (Part D); to amend the public health law, in relation to the general public health work program; to amend chapter 577 of the laws of 2008 amending the public health law, relating to expedited partner therapy for persons infected with chlamydia trachomatis, in relation to the effectiveness of such chapter; to amend the public health law and the mental hygiene law, in relation to consolidating the excess medical malpractice liability coverage pool; to amend part C of chapter 58 of the laws of 2005, relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and the administration thereof, in relation to the use of Medicaid recovery savings; to repeal sections 602, 610 and 612 and subdivisions 5 and 7 of section 613 of the public health law relating to state aid; to repeal sections 2300, 2301, 2302, 2303, 2309 and 2310 of the public health law relating to the control of sexually transmitted diseases; and providing for the repeal of certain provisions upon expiration thereof (Part E); to amend the mental hygiene law, in relation to the addition to the methadone registry of dosage and such other information as is necessary to facilitate disaster management (Part F); to amend the mental hygiene law, in relation to state aid funding authorization of services funded by the office of alcoholism and substance abuse services; to repeal article 26 of such law relating thereto

(Part G); to amend the mental hygiene law and chapter 56 of the laws of 2012, amending the mental hygiene law relating to the closure and the reduction in size of certain facilities serving persons with mental illness, in relation to references to certain former children's psychiatric centers in the city of New York, and in relation to the expiration and repeal of certain provisions thereof; to amend chapter 62 of the laws of 2003, amending the mental hygiene law and the state finance law relating to the community mental health support and workforce reinvestment program, the membership of subcommittees for mental health of community services boards and the duties of such subcommittees and creating the community mental health and workforce reinvestment account, in relation to extending such provisions relating thereto (Part H); to amend chapter 111 of the laws of 2010 relating to the recovery of exempt income by the office of mental health for community residences and family-based treatment programs, in relation to the effectiveness thereof (Part I); to amend the mental hygiene law, in relation to vesting all authority to appoint and remove officers and employees of the office of mental health (Part J); intentionally omitted (Part K); to amend the mental hygiene law, in relation to creating mental health incident review panels (Part L); to amend the mental hygiene law, in relation to psychiatric emergency programs; and to repeal certain provisions of the mental hygiene law and certain provisions of chapter 723 of the laws of 1989, amending the mental hygiene law and other laws relating to the establishment of comprehensive psychiatric emergency programs, relating to eliminating the annual reports on the comprehensive psychiatric emergency program; family care; and the confinement, care and treatment of persons with developmental disabilities (Part M); to amend chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to foregoing such adjustment during the 2013-2014 state fiscal year (Part N); to authorize the actions necessary to manage the loss of federal revenue and create the Mental Hygiene Stabilization Fund (Part O); to provide medical assistance to certain retirees of the New York city off-track betting corporation (Part P); and to amend the education law and the public health law, in relation to funding to SUNY Downstate Medical Center and directing the restructuring of hospital (Part Q)

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

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

12

PARTS A - O OMITTED

21

PART P

22 Section 1. Notwithstanding any other provision of law, for state
23 fiscal year 2013-14, and for each state fiscal year thereafter, up to
24 five million dollars shall be available annually to provide medical
25 assistance for individuals who reside in New York state and are retirees
26 of the New York city off-track betting corporation or were active
27 employees of such corporation with vested pension time or credit as of
28 December 7, 2010, and for the dependents of such individuals, in accord-
29 ance with the provisions of this section. Such individuals who are Medi-
30 care beneficiaries under title XVIII of the federal social security act
31 shall be eligible for assistance under title 11 of article 5 of the
32 social services law with the cost of Medicare premiums and/or cost shar-
33 ing obligations, as determined in accordance with guidelines established
34 by the commissioner of health. For the period from April 1, 2013 to
35 December 31, 2013, such individuals who are not Medicare beneficiaries
36 under title XVIII of the federal social security act shall be eligible
37 for standard fee-for-service coverage under title 11 of article 5 of the
38 social services law, as determined in accordance with guidelines estab-
39 lished by the commissioner of health. Prior to October 1, 2013, the
40 state enrollment center shall provide a written notice of program
41 discontinuance that will become effective as of December 31, 2013, to
42 each individual eligible by a Medicaid fee-for-service plan established
43 pursuant to this section. The notice shall be in such form and contain
44 such information as the commissioner of health may require. In addition
45 to any other information required by such commissioner, the written
46 notice shall include a conspicuous explanation, in plain language,
47 informing such individual of available health insurance options, includ-
48 ing coverage through the health benefit exchange established pursuant to
49 section 1311 of the federal affordable care act, (42 USC § 18031) and
50 information on the process by which application therefore may be made
51 through the state enrollment center in order to effectuate health cover-
52 age under the health benefit exchange for such individuals beginning on
53 January 1, 2014. Such commissioner shall direct the state enrollment
54 center to facilitate the enrollment of such individuals into the health

1 benefit exchange established in accordance with the requirements of the
2 federal patient protection and affordable care act (P.L. 111-148), as
3 amended by the federal health care and education act of 2010 (P.L. 111-
4 152). Upon notice to participating individuals, the size and scope of
5 program benefits in a given fiscal year may be reduced by the commis-
6 sioner of health to remain within program funding levels.

7 § 2. This act shall take effect immediately.

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

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

STATE OF NEW YORK

4982

2013-2014 Regular Sessions

IN ASSEMBLY

February 13, 2013

Introduced by M. of A. BROOK-KRASNY -- (at request of the New York State Teachers' Retirement System) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the education law, in relation to allowing the annual convention of the New York state teachers' retirement system to be held in either the month of October or November

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

1 Section 1. Subdivision 1 of section 505 of the education law, as
2 amended by chapter 623 of the laws of 1997, is amended to read as
3 follows:

4 1. An annual convention of the members of the retirement system shall
5 be held within the state of New York during the month of **October or**
6 November, at an hour and place set by the retirement board on or before
7 May first of each year, for the purpose of electing members of the
8 retirement board.

9 § 2. This act shall take effect immediately.

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

This bill would amend subdivision 1 of section 505 of the Education Law to permit the annual convention of the New York State Teachers' Retirement System (NYSTRS) to be held either during the month of October or November. Currently, the annual convention of the NYSTRS must be held during the month of November.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted.

The source of this estimate is Fiscal Note 2013-3 dated September 19, 2012 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries

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

LBD08979-01-3

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

NOTE: This bill was prepared under the direction of the New York State Teachers' Retirement Board and was introduced at its request.

STATE OF NEW YORK

6578--A

2013-2014 Regular Sessions

IN ASSEMBLY

April 10, 2013

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

AN ACT to amend the retirement and social security law, in relation to refunding contributions made to the twenty-five year early retirement program and the age fifty-seven retirement program by New York city transit authority members

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

1 Section 1. Subdivision d of section 604-c of the retirement and social
2 security law, as added by chapter 96 of the laws of 1995, is amended by
3 adding a new paragraph 15 to read as follows:

4 **15. An eligible former participant, as defined in this paragraph,**
5 **shall be entitled to a refund of the employee portion of his or her**
6 **additional member contributions made pursuant to this subdivision which**
7 **shall include any and all interest thereon at the rate of five percent**
8 **per annum, compounded annually and such refund shall be payable, upon**
9 **such participant's application pursuant to procedures promulgated in**
10 **regulations of the board of trustees of the retirement system. An eligi-**
11 **ble former participant shall be a participant who is or was employed in**
12 **the title supervisor (stations) in assignment level II in the New York**
13 **city transit authority's stations department, and who, on October first,**
14 **two thousand six, was employed by the New York city transit authority in**
15 **such title and who was a participant in the twenty-five year early**
16 **retirement program prior to the starting date of the elimination of**
17 **additional member contributions, as such date is defined in an election**
18 **made pursuant to paragraph ten of subdivision e of section six hundred**
19 **four-b of this article.**

20 § 2. Subdivision f of section 604-d of the retirement and social secu-
21 rity law is amended by adding a new paragraph 15 to read as follows:

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

LBD09787-02-3

1 15. An eligible former participant, as defined in this paragraph,
 2 shall be entitled to a refund of the employee portion of his or her
 3 additional member contributions made pursuant to this subdivision which
 4 shall include any and all interest thereon at the rate of five percent
 5 per annum, compounded annually and such refund shall be payable, upon
 6 such participant's application pursuant to procedures promulgated in
 7 regulations of the board of trustees of the retirement system. An eligi-
 8 ble former participant shall be a participant who is or was employed in
 9 the title supervisor (stations) in assignment level II in the New York
 10 city transit authority's stations department, and who, on October first,
 11 two thousand six, was employed by the New York city transit authority in
 12 such title and who was a participant in the age fifty-seven retirement
 13 program prior to the starting date of the elimination of additional
 14 member contributions, as such date is defined in an election made pursu-
 15 ant to paragraph ten of subdivision e of section six hundred four-b of
 16 this article.

17 § 3. This act shall take effect immediately.

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

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend New York State Retirement and Social Security Law ("RSSL") Sections 604-c and 604-d to provide to certain New York City Transit Authority ("NYCTA") members of the New York City Employees' Retirement System ("NYCERS") a refund of Additional Member Contributions ("AMC") that were paid while participants of one of the Chapter 96 of the Laws of 1995 ("Chapter 96/95") Retirement Programs.

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

This Fiscal Note assumes that the proposed legislation is intended to refund interest on AMC in accordance with NYCERS procedures for crediting interest on member contributions.

IMPACT ON PLAN PROVISIONS - ADDITIONAL MEMBER CONTRIBUTIONS: Under Chapter 96/95, AMC were required under each of the Early Retirement Programs:

- * The Twenty-Five-Year Early Retirement Program ("55/25 Program") and
- * The Age Fifty-Seven Retirement Program ("57/5 Program").

Those NYCERS members who participated in either of such Programs paid AMC of:

- * 4.35% of salary for service on and after January 1, 1995 until January 1, 1998,
- * 2.85% of salary for service on and after January 1, 1998 until December 2, 2001, and
- * 1.85% of salary for service on and after December 2, 2001.

In addition, if such member's job title was considered Physically-Taxing ("PT"), an additional Physically-Taxing AMC ("PTAMC") of 1.98% of salary was required for all service on and after January 1, 1995.

As a result of Chapter 10 of the Laws of 2000, many of the NYCTA Tier IV members of NYCERS who participated in the Chapter 96/95 Retirement Programs were transferred into the Transit Twenty-Five-Year and Age Fifty-Five Retirement Program ("Transit 55/25 Program") effective December 15, 2000. For these members, the AMC and PTAMC that had been payable under the Chapter 96/95 Retirement Programs were no longer required after January 3, 2001 (i.e., the effective implementation date, the first payroll period following the transfer date).

This proposed legislation would refund, on and after the Effective Date, to certain Transit 55/25 Program participants with initial Program participation dates on or before December 15, 2000 who were employed by

the Transit Authority as Station Supervisors Level 2 as of October 1, 2006, including those who are currently retired, the employee portion of the AMC and PTAMC, if any, paid for participation in the Chapter 96/95 Retirement Programs, including accrued interest at 5.0% per annum. For those who are currently retired, interest would accrue until retirement date.

Note: Under the Chapter 96/95 Retirement Programs, 50% of the AMC and PTAMC paid into such Programs is considered an employer contribution while the other 50% is considered to be the employee portion. The employee portion of the AMC and PTAMC is refunded to members who decess prior to retirement or who retire at age 62 or later. If the proposed legislation were enacted, those impacted Transit 55/25 Program participants would receive the balance of the accumulated employee portion of AMC and PTAMC.

To receive such refund, those eligible participants would be required to complete a form and follow procedures to be established by the NYCERS Board of Trustees.

FINANCIAL IMPACT - OVERVIEW: If enacted into the law, the ultimate employer cost of this proposed legislation would be determined by the reduction in expected benefits paid (due to there no longer being a requirement to refund AMC on a future withdrawal), offset by the reduction in Fund assets due to the current refund of AMC.

FINANCIAL IMPACT - UNFUNDED ACTUARIAL ACCRUED LIABILITY: With respect to NYCERS and based on the census data and actuarial assumptions and methods described herein, the enactment of this proposed legislation would result in a decrease in the Actuarial Accrued Liability ("AAL") of approximately \$40,000 as of June 30, 2011.

In addition, there would be a reduction in Actuarial Asset Value as of June 30, 2011 to reflect the expected refund of the employee portion of accumulated Chapter 96/95 Retirement Program AMC and PTAMC, if any, for those impacted Transit 55/25 Program participants of approximately \$320,000.

Together, the enactment of the proposed legislation would result in a net increase in the Unfunded Actuarial Accrued Liability ("UAAL") to NYCERS of approximately \$280,000 as of June 30, 2011.

FINANCIAL IMPACT - ADDITIONAL ANNUAL EMPLOYER COSTS AND CONTRIBUTIONS: With respect to NYCERS, the enactment of this proposed legislation would increase annual employer costs by approximately \$70,000 per year for 5 years.

Increases in employer contributions would be comparable to the estimated increases in employer costs.

If enacted on or before June 30, 2013, increased employer contributions to NYCERS would begin Fiscal Year 2013.

If enacted after June 30, 2013 and on or before June 30, 2014, increased employer contributions to NYCERS would begin Fiscal Year 2014.

OTHER COSTS: Not measured in this Fiscal Note are any additional administrative costs or the impact of this proposed legislation on the Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA").

CENSUS DATA: The census data used for estimates of AAL, UAAL and employer contributions presented herein are the 187 Tier IV active members of NYCERS who participate in the Transit 55/25 Program and who were employed by the Transit Authority as Station Supervisors Level 2 as of June 30, 2006.

Of these 187 Tier IV members of NYCERS who participate in the Transit 55/25 Program and who were employed by the Transit Authority as Station Supervisors Level 2 as of June 30, 2006, 57 members have AMC (and, in

certain cases, PTAMC) account balances from contributions made under the Chapter 96/95 Retirement Programs. Two of the 57 retired prior to October 1, 2006 making them ineligible for a refund. The remaining 130 of these members do not have such AMC or PTAMC account balances.

Of the 55 members eligible for a refund, 33 were active members as of June 30, 2011 and 19 retired before age 62. In addition, two members deceased before retirement and one member retired after age 62 and these three members were already refunded the employee portion of their AMC and PTAMC.

ACTUARIAL ASSUMPTIONS AND METHODS: Estimates of changes in AAL, UAAL and employer costs have been calculated using the actuarial assumptions and methods adopted by the NYCERS Board of Trustees during Fiscal Year 2012 and enacted as Chapter 3 of the Laws of 2013 ("2012 A&M") for determining employer contributions for fiscal years beginning on and after July 1, 2011 (i.e., Fiscal Years 2012 and after).

In accordance with Section 13.638.2 (k-2) of the Administrative Code of the City of New York ("ACNY") as enacted by Chapter 3/13, as one component of the 2012 A&M, new UAAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetimes of those impacted by these benefit changes.

For this proposed legislation, the average remaining working lifetime is estimated to equal approximately three years from June 30, 2013 for the entire group impacted and approximately five years for just those estimated to still be active members as of June 30, 2013.

Similar legislations for Transit Operating non-supervisory employees were enacted as Chapter 734 of the Laws of 2006 ("Chapter 734/06") and as Chapter 379 of the Laws of 2007 ("Chapter 379/07") and the additional UAAL was amortized for each legislation under the actuarial assumptions and methods then in effect, implicitly over the average remaining working lifetimes of all NYCERS active members.

The Actuary believes that the ideal financing period for this proposed legislation would be the average remaining working lifetime of the entire group impacted.

However, given the history of the financing of similar legislations (e.g., Chapter 734/06 and Chapter 379/07), the Actuary is inclined to amortize the proposed legislation over five years that approximates the current average remaining working lifetime of the active members impacted. Essentially, this is a compromise between the remaining average working lifetime of the entire group impacted and the average remaining lifetime of all NYCERS members.

For this particular legislation, the Actuary would likely treat the five years of amortization as the payment period beginning one year after the establishment of the UAAL. This approach is consistent with the One-Year Lag Methodology ("OYLM") where the UAAL is considered to be amortized over six years with five years of payments beginning in the second year.

Also note that, historically, other legislation impacting primarily retired or soon-to-be-retired members was often amortized over five years (Retirement Incentive Programs) or 10 years (Supplemental Programs).

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

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2013 Legislative Session. It is Fiscal Note 2013-04, dated March 6, 2013, prepared by the Chief Actuary for the New York City Employees' Retirement System.

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