

2018

Retirement Legislation



Office of the New York State Comptroller
Thomas P. DiNapoli



NYSLRS

New York State & Local Retirement System

110 State Street, Albany, New York 12244-0001

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 2018 Legislative Session. Sections I and II list legislation directly affecting NYSLRS, our participating employers, members, retirees and beneficiaries. Section III and IV cover legislation affecting other New York State public retirement systems.

I hope you find this 2018 Retirement Legislation publication to be a useful reference.

Sincerely,

A handwritten signature in black ink that reads "Tom DiNapoli". The signature is fluid and cursive, with a prominent flourish at the end.

Thomas P. DiNapoli
State Comptroller

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CHAPTER TITLES

Section I

Legislation Affecting the New York State and Local Retirement System

CHAPTER NO.	PAGE	DESCRIPTION
72	3	Relates to the terms and conditions of certain nonjudiciary officers and employees in the unified court system [S.7715/A.9665]
128	5	Authorizes four firefighters in the Arlington fire district, in the county of Dutchess, to elect to participate in an optional 20 year retirement program [A.8227-A/S.6333-B]
156	7	Authorizes the city of Cohoes, in the county of Albany, to offer certain retirement options to police officer Jeffrey Bressette [A.10251/S.8208]
179	9	Relates to special accidental death benefits [S.7158-B/A.9056-A]
203	15	Prohibits use of placement agents and intermediaries in the common retirement fund [A.3137/S.4761]
266	17	Relates to participants in the World Trade Center rescue [S.7797-A/A.10499]
426	22	Relates to repayment of loans by members of the New York state and local employees' retirement system [S.5593-A/A.7602-A]
433	24	Authorizes the county of Erie to offer an optional twenty year retirement plan to certain deputy sheriffs employed by such county [S.6939-A/A.9540-A]
437	26	Authorizes the village of Lynbrook to offer an optional twenty year retirement plan [S.7399-A/A.9580-A]
475	28	Authorizes the port authority of New York and New Jersey to offer a certain retirement option to certain port authority police officers [S.5686-A/A.7501-A]
477	30	Allows a County to elect to provide that creditable service on the 20 or 25 year retirement plans for sheriffs shall also include all service performed by a deputy sheriff who has been awarded certification by the police department of New York City [S.6683-A/A.8375-A]
495	32	Authorizes the county of Yates to offer an optional twenty year retirement plan to Megan Morehouse, a deputy sheriff employed by such county [S.8102/A.10124]
514	34	Authorizes the town of Camillus, in the county of Onondaga, to offer certain retirement options to police officer Erik Sauer [S.9006/A.11177]

CHAPTER TITLES

Section II

Vetoed Legislation Affecting the New York State and Local Retirement System

VETO NO.	PAGE	DESCRIPTION
M.270	39	Designates venue of certain special proceedings against certain state bodies or officers [S.7086/A.1599]
M.281	41	Grants Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system [A.6320-A/S.5743-A]
M.284	45	Relates to impairments of health, presumption and staph/MRSA [S.3770-B/A.8164-B]
M.286	49	Relates to transfer of retirement membership for certain employees [A.8402-A/S.6435-B]
M.287	54	Grants retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese [A.8411-B/S.6730-B]
M.288	58	Relates to optional disability coverage for county probation officers [A.9667/S.7554]
M.289	63	Relates to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system [A.9909/S.7705]
M.290	67	Relates to age and service eligibility requirements for ordinary retirement for members of the unified court system [A.9910/S.7704]
M.291	72	Relates to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo [A.9935-A/S.6697-B]
M.294	76	Authorizes Jaime Laczko to elect to participate in the optional 25 year retirement plan for forest rangers [A.10492/S.8292]
M.297	80	Grants retroactive membership in the New York state and local employees' retirement system to Shawn Coveny [A.10770/S.8713]
M.306	84	Makes an appropriation to the account for payment of services and expenses related to the administration of New York retirement systems [A.10832/S.8871]
M.311	86	Relates to disability retirement for members of the department of environmental conservation, forest rangers, university police officers and the regional state park police [S.5594-C/A.7600-C]
M.316	92	Relates to providing county correction officers with a special optional twenty year retirement plan [S.7134/A.10950]
M.317	98	Relates to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs and correction officers in Nassau County [S.7140/A.9010]

VETO NO.	PAGE	DESCRIPTION
M.320	101	Relates to death benefits for certain members under the jurisdiction of the department of corrections and community supervision [S.7525/A.10015]
M.324	105	Relates to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau County [S.8284/A.10721]
M.333	109	Provides paid time off for Port Authority of New York and New Jersey police officers who become ill or injured in the performance of their duties [S.6274/A.6991]
M.352	112	Includes SUNY police officers for purposes of presumption regarding impairment caused by heart disease [S.4634-A/A.6413-A]
M.365	116	Authorizes Trooper Katsur to receive state police retirement credit for services performed as a SUNY police officer [S.8011/A.10218]
M.366	120	Relates to accidental disability retirement for deputy sheriffs [S.8066/A.10415]
M.370	123	Grants retroactive Tier IV membership in the New York state and local employees' retirement system to Scott Goodfellow [S.8276/A.10684]
M.371	127	Relates to providing certain accidental disability retirement benefits for Nassau county fire marshals [S.8293/A.10695]
M.373	132	Authorizes retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice [S.8598/A.10717]

CHAPTER TITLES

Section III

Legislation Affecting Other New York Public Retirement Systems

CHAPTER NO.	PAGE	DESCRIPTION
100	139	Relates to the rate of interest used in the actuarial valuation of certain liabilities [A.10676/S.8557-A]
448	143	Relates to using excess basic or additional member contributions to offset any deficits in such other contribution account [S.8497/A.10696]

CHAPTER TITLES

Section IV

Vetoed Legislation Affecting Other New York Public Retirement Systems

VETO NO.	PAGE	DESCRIPTION
312	151	Relates to the definition of overtime ceiling [S.5731-A/A.7599-A]
322	156	Relates to granting retroactive membership in the teachers' retirement system to Margaret Russo [S.8070/A.10388]
362	160	Grants retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera [S.7780/A.9943]
378	164	Provides for the automatic enrollment of employees of the city of New York eligible to join the New York city board of education retirement system [S.8844-A/A.10935-A]

CROSS INDEX

Senate Bills

BILL NO.	CHAPTER	SECTION	PAGE
4761	203	I	15
5593	426	I	22
5686	475	I	28
6333	128	I	5
6683	477	I	30
6939	433	I	24
7158	179	I	9
7399	437	I	26
7715	72	I	3
7797	266	I	17
8102	495	I	32
8208	156	I	7
8497	448	III	143
8557	100	III	139
9006	514	I	34

Assembly Bills

BILL NO.	CHAPTER	SECTION	PAGE
3137	203	I	15
7501	475	I	28
7602	426	I	22
8227	128	I	5
8375	477	I	30
9056	179	I	9
9540	433	I	24
9580	437	I	26
9665	72	I	3
10124	495	I	32
10251	156	I	7
10499	266	I	17
10676	100	III	139
10696	448	III	143
11177	514	I	34



SECTION I

Legislation Affecting the
New York State and Local Retirement System

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STATE OF NEW YORK

7715

IN SENATE

February 12, 2018

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT in relation to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system

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

1 Section 1. Legislative findings. The legislature finds that a collec-
 2 tive bargaining agreement has been negotiated by the unified court
 3 system with an employee organization representing nonjudicial officers
 4 and employees in the New York City court clerks negotiating unit. The
 5 purpose of this act is to implement this agreement and any other collec-
 6 tive bargaining agreement negotiated by the unified court system with an
 7 employee organization where, pursuant to section three of this act, the
 8 chief administrator of the courts has delivered a certificate to the
 9 comptroller that such collective bargaining agreement is in effect.

10 § 2. Annual maintenance allowance. Each nonjudicial officer and
 11 employee of the unit who is required by the unified court system to wear
 12 an employer-approved blazer while performing the duties of his or her
 13 position shall be entitled to receive an annual maintenance allowance in
 14 an amount, as follows:

15 (a) for the fiscal year commencing April 1, 2018, \$925;
 16 (b) for the fiscal year commencing April 1, 2019, \$1,000;
 17 (c) for the fiscal year commencing April 1, 2020, \$1,200.

18 Annual maintenance allowances as provided in this section shall be in
 19 addition to and shall not be a part of an employee's basic annual sala-
 20 ry; provided, however, they shall be included as compensation for
 21 retirement purposes.

22 § 3. Application of this act to nonjudicial officers and employees of
 23 the unified court system in other negotiating units. In the event that a
 24 collective bargaining agreement is negotiated by the unified court
 25 system pursuant to article fourteen of the civil service law with an
 26 employee organization representing nonjudicial officers and employees of
 27 the unified court system in a negotiating unit other than the New York

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

LBD14481-01-8

1 City court clerks negotiating unit, the chief administrator of the
2 courts, with the agreement of such employee organization, shall deliver
3 to the comptroller a certificate that such collective bargaining agree-
4 ment is in effect where the provisions of section two of this act are
5 provided for therein.

6 § 4. Collective bargaining agreement required. The provisions of
7 section two of this act shall not be implemented for nonjudicial offi-
8 cers and employees in a collective negotiating unit established pursuant
9 to article fourteen of the civil service law until the chief administra-
10 tor of the courts shall deliver to the comptroller a certificate that
11 there is in effect with respect to such negotiating unit a written
12 collective bargaining agreement with the state pursuant to article four-
13 teen of the civil service law which provides therefor; and any increase
14 in compensation provided by section two of this act or otherwise author-
15 ized by law, shall not preclude any other increases in compensation for
16 such a nonjudicial officer or employee as may be authorized by law.

17 § 5. Deferred payment of salary increase. Notwithstanding the
18 provisions of this act or any other law, commencing April 1, 2017, and
19 pending payment pursuant to law of the basic annual salaries of incum-
20 bents of positions subject to this act commencing April 1, 2017, such
21 incumbents shall receive, as partial compensation for services rendered,
22 the rate of compensation otherwise payable in their respective positions
23 pursuant to law then in effect. An incumbent holding a position subject
24 to this act at any time during the period from April 1, 2017 until the
25 time when basic annual salaries are first paid pursuant to this act for
26 such service in excess of the compensation actually received therefor
27 shall be entitled to a lump sum payment for the difference between the
28 salary to which such incumbent is entitled for such service and the
29 compensation actually received therefor. Such lump sum payment shall be
30 made as soon as practicable, except that such lump sum payment shall not
31 be made, nor shall any lump sum payment pursuant to any other provision
32 of law be made to any employee or former employee serving in a position
33 in the New York City court clerks negotiating unit between April 1, 2014
34 and April 1, 2017 on account of service in such position, unless the
35 legislature has appropriated twenty-eight million dollars to the admin-
36 istrative office of the courts for the express purpose of funding such
37 lump sum payments, as provided in section six of this act or some other
38 provision of law.

39 § 6. The sum of twenty-eight million dollars (\$28,000,000) is hereby
40 appropriated out of any moneys in the state treasury in the general fund
41 to the credit of the state purposes account, not otherwise appropriated,
42 and made immediately available to the administrative office of the
43 courts for payment pursuant to this act of the costs and expenses there-
44 under necessary during the 2017-18 state fiscal year, including lump sum
45 payments due employees pursuant to section five of this act on account
46 of service during a state fiscal year prior to the 2017-18 fiscal year;
47 provided, however, where provisions of law require expenditures that
48 must be paid from appropriations from funds of the state other than the
49 general fund or that, by established administrative practice, are paid
50 from such funds, the chief administrator of the courts shall so certify
51 to the comptroller, and thereupon the appropriation provided in this
52 section shall be available for such expenditures.

53 § 7. This act shall take effect immediately and shall be deemed to
54 have been in full force and effect on and after April 1, 2017.

STATE OF NEW YORK

8227--A

2017-2018 Regular Sessions

IN ASSEMBLY

June 2, 2017

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

AN ACT to authorize Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya, to elect to participate in the optional twenty year retirement plan for firefighters employed by the Arlington Fire District in the county of Dutchess

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 Arlington Fire District, in the county of Dutchess, 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 fire district,
7 is hereby authorized to make participation in such plan available to
8 Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher
9 Saya; firefighters employed by such fire district, who, for reasons not
10 ascribable to their own negligence, failed to make a timely application
11 to participate in such optional twenty year retirement plan. Thereafter,
12 Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher
13 Saya may elect to be covered by the provisions of section 384-d of the
14 retirement and social security law, and shall be entitled to the full
15 rights and benefits associated with coverage under such section as well
16 as section 384-e of such law, by filing a request to that effect with
17 the state comptroller on or before December 31, 2018.

18 § 2. All past service costs associated with implementing the
19 provisions of this act shall be borne by the Arlington Fire District and
20 may be amortized over a period of ten years.

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

LBD07032-10-7

1 § 3. Notwithstanding any other provision of law to the contrary, this
 2 act shall be contingent upon the Arlington Fire District Board of Fire
 3 Commissioners passing a resolution requesting the enactment of this
 4 legislation and providing copies of such resolution to each house of the
 5 legislature.

6 § 4. This act shall take effect immediately.

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

This bill will allow the Arlington Fire District to elect to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for fire fighters Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya.

If this bill is enacted and these firefighters become covered under the provisions of Section 384-d together with Section 384-e, we anticipate that there will be an increase of approximately \$42,000 in the annual contributions of the Arlington Fire District for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salaries of these firefighters change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$399,000 which would be borne by the Arlington Fire District as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019. If the Arlington Fire District elects to amortize this cost over a 10 year period, the cost of the first year would be \$53,100.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated December 1, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-13, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

10251

IN ASSEMBLY

March 27, 2018

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

AN ACT to authorize the city of Cohoes, in the county of Albany, to offer certain retirement options to police officer Jeffrey Bressette

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 Cohoes, in the county of Albany, a participating employer in
3 the New York state and local police and fire retirement system, which
4 previously elected to offer the optional retirement plan established
5 pursuant to section 384-d of the retirement and social security law to
6 police officers employed by such city, is hereby authorized to make
7 participation in such plan available to Jeffrey Bressette a police officer
8 employed by the city of Cohoes, who, on the effective date of this
9 act is covered under the provisions of section 375-i of the retirement
10 and social security law, and who, for reasons not ascribable to his own
11 negligence failed to make a timely application to participate in such
12 optional retirement plan. The city of Cohoes may so elect by filing with
13 the state comptroller, on or before December 31, 2018, a resolution of
14 its legislative body together with certification that such police officer
15 did not bar himself from participation in such retirement plan as a
16 result of his own negligence. Thereafter, such police officer may elect
17 to be covered by the provisions of section 384-d of the retirement and
18 social security law, and shall be entitled to the full rights and benefits
19 associated with coverage under such section, by filing a request to
20 that effect with the state comptroller on or before June 30, 2019.

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

23 § 3. This act shall take effect immediately.

FISCAL NOTE: This bill will allow the City of Cohoes to reopen the provisions of section 384-d of the Retirement and Social Security Law for police officer Jeffery Bressette, who is currently covered by the provisions of section 375-i. Officer Bressette is also currently employed by the Town of Coeymans, and was previously employed by the

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

LBD14177-02-8

Town of Waterford. Only his service and salary earned in association with employment by the City of Cohoes will become creditable and included in the calculation of final average salary toward retirement under 384-d pursuant to this legislation.

If this legislation is enacted during the 2018 legislative session, we anticipate that there will be an increase of approximately \$6,200 in the annual contributions of the City of Cohoes for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salaries of Jeffery Bressette change.

There is no past service cost associated with this bill.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 31, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-41, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

7158--B

IN SENATE

(Prefiled)

January 3, 2018

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

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

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

1 Section 1. Subdivision c of section 208-f of the general municipal
2 law, as amended by chapter 76 of the laws of 2017, is amended to read as
3 follows:

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

11 calendar year of death	per centum
12 of the deceased member	
13 1977 or prior	[226.2%] <u>236%</u>
14 1978	[216.7%] <u>226.2%</u>
15 1979	[207.5%] <u>216.7%</u>
16 1980	[198.5%] <u>207.5%</u>
17 1981	[189.8%] <u>198.5%</u>
18 1982	[181.4%] <u>189.8%</u>
19 1983	[173.2%] <u>181.4%</u>
20 1984	[165.2%] <u>173.2%</u>
21 1985	[157.5%] <u>165.2%</u>
22 1986	[150.0%] <u>157.5%</u>

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

LBD13848-05-8

1	1987	[142.7%]	<u>150.0%</u>
2	1988	[135.7%]	<u>142.7%</u>
3	1989	[128.8%]	<u>135.7%</u>
4	1990	[122.1%]	<u>128.8%</u>
5	1991	[115.7%]	<u>122.1%</u>
6	1992	[109.4%]	<u>115.7%</u>
7	1993	[103.3%]	<u>109.4%</u>
8	1994	[97.4%]	<u>103.3%</u>
9	1995	[91.6%]	<u>97.4%</u>
10	1996	[86.0%]	<u>91.6%</u>
11	1997	[80.6%]	<u>86.0%</u>
12	1998	[75.4%]	<u>80.6%</u>
13	1999	[70.2%]	<u>75.4%</u>
14	2000	[65.3%]	<u>70.2%</u>
15	2001	[60.5%]	<u>65.3%</u>
16	2002	[55.8%]	<u>60.5%</u>
17	2003	[51.3%]	<u>55.8%</u>
18	2004	[46.9%]	<u>51.3%</u>
19	2005	[42.6%]	<u>46.9%</u>
20	2006	[38.4%]	<u>42.6%</u>
21	2007	[34.4%]	<u>38.4%</u>
22	2008	[30.5%]	<u>34.4%</u>
23	2009	[26.7%]	<u>30.5%</u>
24	2010	[23.0%]	<u>26.7%</u>
25	2011	[19.4%]	<u>23.0%</u>
26	2012	[15.9%]	<u>19.4%</u>
27	2013	[12.6%]	<u>15.9%</u>
28	2014	[9.3%]	<u>12.6%</u>
29	2015	[6.1%]	<u>9.3%</u>
30	2016	[3.0%]	<u>6.1%</u>
31	2017	[0.0%]	<u>3.0%</u>
32	2018		<u>0.0%</u>

33 § 2. Subdivision c of section 361-a of the retirement and social secu-
 34 rity law, as amended by chapter 76 of the laws of 2017, is amended to
 35 read as follows:

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

43	calendar year of death		
44	of the deceased member	per centum	
45	1977 or prior	[226.2%]	<u>236%</u>
46	1978	[216.7%]	<u>226.2%</u>
47	1979	[207.5%]	<u>216.7%</u>
48	1980	[198.5%]	<u>207.5%</u>
49	1981	[189.8%]	<u>198.5%</u>
50	1982	[181.4%]	<u>189.8%</u>
51	1983	[173.2%]	<u>181.4%</u>
52	1984	[165.2%]	<u>173.2%</u>
53	1985	[157.5%]	<u>165.2%</u>
54	1986	[150.0%]	<u>157.5%</u>
55	1987	[142.7%]	<u>150.0%</u>
56	1988	[135.7%]	<u>142.7%</u>

1	1989	[128.8%]	<u>135.7%</u>
2	1990	[122.1%]	<u>128.8%</u>
3	1991	[115.7%]	<u>122.1%</u>
4	1992	[109.4%]	<u>115.7%</u>
5	1993	[103.3%]	<u>109.4%</u>
6	1994	[97.4%]	<u>103.3%</u>
7	1995	[91.6%]	<u>97.4%</u>
8	1996	[86.0%]	<u>91.6%</u>
9	1997	[80.6%]	<u>86.0%</u>
10	1998	[75.4%]	<u>80.6%</u>
11	1999	[70.2%]	<u>75.4%</u>
12	2000	[65.3%]	<u>70.2%</u>
13	2001	[60.5%]	<u>65.3%</u>
14	2002	[55.8%]	<u>60.5%</u>
15	2003	[51.3%]	<u>55.8%</u>
16	2004	[46.9%]	<u>51.3%</u>
17	2005	[42.6%]	<u>46.9%</u>
18	2006	[38.4%]	<u>42.6%</u>
19	2007	[34.4%]	<u>38.4%</u>
20	2008	[30.5%]	<u>34.4%</u>
21	2009	[26.7%]	<u>30.5%</u>
22	2010	[23.0%]	<u>26.7%</u>
23	2011	[19.4%]	<u>23.0%</u>
24	2012	[15.9%]	<u>19.4%</u>
25	2013	[12.6%]	<u>15.9%</u>
26	2014	[9.3%]	<u>12.6%</u>
27	2015	[6.1%]	<u>9.3%</u>
28	2016	[3.0%]	<u>6.1%</u>
29	2017	[0.0%]	<u>3.0%</u>
30	2018		<u>0.0%</u>

31 § 3. This act shall take effect July 1, 2018.

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

SUMMARY OF BILL: The enactment of this proposed legislation would amend General Municipal Law (GML) Section 208-f(c) to increase certain Special Accidental Death Benefits (SADB) for surviving spouses, dependent children, and certain other individuals (Eligible Beneficiaries) of former uniformed employees of the city of New York and the New York City Health and Hospitals Corporation, and for certain former employees of the Triborough Bridge and Tunnel Authority, who were members of certain New York City Pension Funds or Retirement Systems (NYCRS) and died as a natural and proximate result of an accident sustained in the performance of duty.

Effective Date for this proposed legislation: July 1, 2018.

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),
- * New York City Police Pension Fund (POLICE), or
- * New York City Fire 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 Department of Sanitation - 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 as:

The salary of the deceased member at date of death (or, in certain instances, a greater salary based on a higher rank or other status)(Final Salary), less the following payments to an Eligible Beneficiary:

- * Any NYCERS death benefit as adjusted by any Supplementation or Cost-of-Living Adjustment (COLA),

- * Any Social Security death benefit, and

- * Any Workers' Compensation benefit.

The SADB is paid to the deceased member's surviving spouse, if alive. If the spouse is no longer alive, the SADB is paid to the deceased member's children until age eighteen or until age twenty-three of a student. If neither spouse nor a dependent child is alive, the SADB may be paid to certain other individuals, if eligible, in accordance with certain laws related to the World Trade Center attack.

The GML also provides that the SADB is subject to escalation based on the calendar year in which the former member died. The SADB has traditionally been increased by a cumulative, incremental percentage of Final Salary based on the calendar year of the member's death.

Under the proposed legislation, effective July 1, 2018, an additional 3.0% of Final Salary would be applied to the SADB paid due to deaths occurring in each calendar year on and after 1977. The SADB for deaths occurring prior to 1977 would receive the same escalation as deaths occurring in 1977.

FINANCIAL IMPACT - EMPLOYER PAYMENTS: With respect to the NYCERS, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately \$3.4 million.

As a result of the past four decades' practice of providing 3.0% COLAs on the SADB each year, and the likelihood that COLAs will continue to be granted in the future, the NYCERS Preliminary Fiscal Year 2018 employer contributions reflected, for the first time, the value of the SADB provided pursuant to GML Section 208(f) with an annual escalation assumption of 3.0%. Since then, the Actuary has continued to include the liability for SADB benefits and the assumed future annual escalation increases of 3.0%, including the additional cost associated with this proposed legislation, in NYCERS employer contributions. Therefore, the costs of this proposed legislation have already been accounted for and will not result in a further increase in employer contributions. Conversely, should this proposed legislation fail to pass, NYCERS employer contributions would decrease by approximately \$400,000 per year for 14 years beginning in Fiscal Year 2021 as a result of an actuarial gain.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS (APVB): With respect to Eligible Beneficiaries of deceased NYCERS members who would be impacted by this proposed legislation, under the actuarial assumptions used in the NYCERS June 30, 2016 (Lag) actuarial valuations, including an annual Actuarial Interest Rate (AIR) assumption of 7.0%, the enactment of this proposed legislation would increase the APVB by approximately \$36.9 million as of June 30, 2018.

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

CENSUS DATA: The financial impact of the proposed legislation is based upon the census data for such Eligible Beneficiaries provided by the NYCERS.

TOTAL ACCIDENTAL DEATH BENEFIT PAID BY THE NYCERS

Retirement System	Number of Deceased Members with Eligible Survivors	Annual Accidental Death Benefit Prior to Proposed July 1, 2018 Increase (\$ Millions)
NYCERS	36	\$2.8
POLICE	367	38.8
FIRE	621	70.6
Total	1,024	\$112.2

ACTUARIAL ASSUMPTIONS AND METHODS: The increase in the APVB presented herein has been calculated based on the same actuarial assumptions and methods in effect for the June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of NYCERS, POLICE and FIRE, including an annual Actuarial Interest Rate (AIR) assumption of 7.0% (net of Investment Expenses). Please note these assumptions and methods are subject to change as this valuation is not considered final until the end of the City's Fiscal Year 2018.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-02 dated January 31, 2018, was prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and New York City Fire Pension Fund. This estimate is intended for use only during the 2018 Legislative Session.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2018.

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 \$493,000 above the approximately \$11.3 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated December 8, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-15, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

3137

2017-2018 Regular Sessions

IN ASSEMBLY

January 26, 2017

Introduced by M. of A. ABBATE -- (at request of the State Comptroller)
-- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to
prohibiting the use of placement agents by managers doing business
with the common retirement fund

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 424-a to read as follows:

3 § 424-a. Use of placement agents or intermediaries prohibited. 1. The
4 fund shall not engage, hire, invest with or commit to an investment
5 manager that is using the services of a placement agent or intermediary
6 to assist such investment manager in obtaining investments by the fund
7 nor shall the fund engage, hire, invest with or commit to an investment
8 manager without obtaining from such investment manager a certification
9 in the form and manner prescribed by the fund stating that such invest-
10 ment manager has not used the services of a placement agent or other
11 intermediary to assist such investment manager in obtaining investments
12 by the fund.

13 2. For the purposes of this section:

14 (a) "investment manager" shall mean any person, other than an employee
15 of the comptroller, or entity engaged by the common retirement fund to
16 manage a part or all of an investment portfolio of the fund. "Manage"
17 shall include, but is not limited to, the analysis of portfolio hold-
18 ings, and the purchase, sale, and lending thereof. Any investment made
19 by the fund pursuant to subdivision seven of section one hundred seven-
20 ty-seven of this chapter shall be deemed to be the investment of the
21 fund in such investment entity rather than in the assets of such invest-
22 ment entity.

23 (b) "placement agent or intermediary" shall mean any person or entity,
24 including registered lobbyists, directly or indirectly engaged and

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

LBD06993-01-7

1 compensated by an investment manager, other than an employee of the
2 investment manager, to assist the investment manager in obtaining
3 investments by the fund whether compensated on a flat fee, a contingent
4 fee, or any other basis. Employees of an investment manager and its
5 affiliates are excluded from this definition unless they are employed
6 principally for the purpose of securing or influencing the decision to
7 secure a particular investment transaction or investment by the fund.

8 § 2. This act shall take effect immediately.

STATE OF NEW YORK

7797--A

IN SENATE

February 26, 2018

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

AN ACT to amend the retirement and social security law and the workers' compensation law, in relation to participants in the World Trade Center rescue

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

1 Section 1. Paragraph (a) of subdivision 36 of section 2 of the
2 retirement and social security law, as amended by chapter 326 of the
3 laws of 2016, is amended to read as follows:
4 (a) "Qualifying World Trade Center condition" shall mean a qualifying
5 condition or impairment of health resulting in disability to a member
6 who participated in World Trade Center rescue, recovery or cleanup oper-
7 ations for a qualifying period, as those terms are defined below,
8 provided the following conditions have been met: (i) such member, or
9 eligible beneficiary in the case of the member's death, must have filed
10 a written and sworn statement with the member's retirement system on a
11 form provided by such system indicating the underlying dates and
12 locations of employment not later than September eleventh, two thousand
13 [~~eighteen~~] twenty-two, and (ii) such member has either successfully
14 passed a physical examination for entry into public service, or author-
15 ized release of all relevant medical records, if the member did not
16 undergo a physical examination for entry into public service; and (iii)
17 there is no evidence of the qualifying condition or impairment of health
18 that formed the basis for the disability in such physical examination
19 for entry into public service or in the relevant medical records, prior
20 to September eleventh, two thousand one except for such member, or
21 eligible beneficiary in the case of the member's death, of a local
22 retirement system of a city with a population of one million or more
23 that is covered by section 13-551 of the administrative code of the city
24 of New York, or by section twenty-five hundred seventy-five of the
25 education law and for such member who separated from service with vested

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

LBD14551-04-8

1 rights, or eligible beneficiary of such member who separated from
2 service with vested rights in the case of the member's death, of a local
3 retirement system of a city with a population of one million or more who
4 are covered by sections 13-168, 13-252.1 or 13-353.1 of the administra-
5 tive code of the city of New York or sections five hundred seven-c, six
6 hundred five-b, six hundred five-c, or six hundred seven-b of this chap-
7 ter. The deadline for filing a written and sworn statement required by
8 subparagraph (i) of this paragraph shall be September eleventh, two
9 thousand ~~eighteen~~ twenty-two for such member, or eligible beneficiary
10 in the case of the member's death, of a local retirement system of a
11 city with a population of one million or more that is covered by section
12 13-551 of the administrative code of the city of New York, or by section
13 twenty-five hundred seventy-five of the education law and for such
14 member who separated from service with vested rights, or eligible bene-
15 ficiary of such member who separated from service with vested rights in
16 the case of the member's death, of a local retirement system of a city
17 with a population of one million or more who are covered by sections
18 13-168, 13-252.1 or 13-353.1 of the administrative code of the city of
19 New York and sections five hundred seven-c, six hundred five-b, six
20 hundred five-c, or six hundred seven-b of this chapter. Every retirement
21 system shall keep a copy of every written and sworn statement that is
22 presented for filing not later than September eleventh, two thousand
23 ~~eighteen~~ twenty-two, including those that are rejected for filing as
24 untimely.

25 § 2. Section 162 of the workers' compensation law, as amended by chap-
26 ter 326 of the laws of 2016, is amended to read as follows:

27 § 162. Registration of participation in World Trade Center rescue,
28 recovery and clean-up operations. In order for the claim of a partic-
29 ipant in World Trade Center rescue, recovery and clean-up operations to
30 come within the application of this article, such participant must file
31 a written and sworn statement with the board on a form promulgated by
32 the chair indicating the dates and locations of such participation and
33 the name of such participant's employer during the period of partic-
34 ipation. Such statement must be filed not later than September eleventh,
35 two thousand ~~eighteen~~ twenty-two. The board shall transmit a copy of
36 such statement to the employer or carrier named therein. The filing of
37 such a statement shall not be considered the filing of a claim for bene-
38 fits under this chapter.

39 § 3. Section 168 of the workers' compensation law is amended by adding
40 a new subdivision 4 to read as follows:

41 **4. A claim by a participant in the World Trade Center rescue, recovery**
42 **or cleanup operations whose disablement occurred between September elev-**
43 **enth, two thousand fifteen, and September eleventh, two thousand seven-**
44 **teen, shall not be disallowed as barred by section eighteen or section**
45 **twenty-eight of this chapter if such claim is filed on or before Septem-**
46 **ber eleventh, two thousand twenty-two. Any such claim by a participant**
47 **in the World Trade Center rescue, recovery or cleanup operations whose**
48 **disablement occurred between September eleventh, two thousand fifteen,**
49 **and September eleventh, two thousand seventeen, and was disallowed by**
50 **section eighteen or twenty-eight of this chapter shall be reconsidered**
51 **by the board.**

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

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

1 provided, however, that the amendments to sections 162 and 168 of the
2 workers' compensation law made by sections two and three of this act,
3 respectively, shall apply to all open and closed claims coming within
4 its purview.

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

This bill would amend chapter 93 of the Laws of 2005 and chapter 445 of the Laws of 2006, which provided members of public retirement systems who contract any form of disease or disability related to exposure to any elements in connection with the World Trade Center (WTC) attack of September 11, 2001 to be presumptive evidence that such disability, or death as a result of such disability was the result of an accident and was sustained in the performance of duty. The provisions of this act will not be subject to Section 25 of the Retirement and Social Security Law.

Insofar as this bill would affect the New York State and Local Employees' Retirement and the New York State and Local Police and Fire Retirement System, this bill would extend the deadline for filing notice regarding the eligibility for benefits for certain members who participated in the World Trade Center rescue, recovery or cleanup operation to September 11, 2022.

If this bill is enacted, it would reclassify certain current and future retirement benefits. The cost of the revised benefit will depend upon the applicant's age, service, salary, plan, and benefit type otherwise payable.

Benefit	None	Ordinary	In Performance Service	
without		Disability	of Duty	
enactment:			Disability	
Cost for WTC	9 times	5 times	2.5 times	2 times
benefit:	salary	salary	salary	salary

This bill would also lead to more deaths being classified as "accidental". For each death classified as accidental due to this bill, the cost would depend on the age, service, salary, plan, and status at time of death. It is estimated that the cost for each ERS and PFRS individual affected would average approximately 3.5 times final average salary and 8 times final average salary, respectively.

These cost would be shared by the State of New York and the participating employers in the ERS and PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated February 8, 2018 and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-55, prepared by the Actuary for the New York State and Local Retirement System.

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

This bill would amend Subdivision 36 of Section 2 of the Retirement and Social Security Law to extend the deadline to September 11, 2022 for filing notice of having participated in the World Trade Center rescue, recover or cleanup operations during the qualifying period. Members who become disabled or die as a result of a "qualifying World Trade Center condition" are assumed to have become disabled or died as a result of an accidental or on-the-job disability or death. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after September 11, 2001.

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.

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

The source of this estimate is Fiscal Note 2018-12 dated March 9, 2018 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2018 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY OF BILL: With respect to the New York City Retirement Systems and Pension Funds (NYCRS), the proposed legislation would amend Retirement and Social Security Law (RSSL) Section 2, to extend, for certain members who participated in the Rescue, Recovery or Cleanup operations related to the World Trade Center (WTC) attack on September 11, 2001 (Covered Groups), the deadline for filing a Notice of Participation under the WTC Disability Law.

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 City Fire Pension Fund (FIRE).

The proposed legislation would also amend provisions of the Workers' Compensation Law (WCL). However, because such provisions do not directly impact the NYCRS, the financial impact of amendments to the WCL are not reflected in this fiscal note.

None of the provisions of the proposed legislation would be subject to Retirement and Social Security Law Section 25, and therefore, State appropriation would not be required.

Effective Date for this proposed legislation: Upon enactment, and would, as it relates to the NYCERS, be deemed retroactive to September 11, 2001.

DEADLINES UNDER EXISTING PROVISIONS: Under current law, as enacted by Chapter 326 of the Laws of 2016, the deadline to file a Notice of Participation for Covered Groups is September 11, 2018.

DEADLINES UNDER PROPOSED LEGISLATION: With respect to the NYCRS, the proposed legislation would extend the deadline for filing a Notice of Participation under the WTC Disability Law for Covered Groups from September 11, 2018 to September 11, 2022.

ADDITIONAL EMPLOYER CONTRIBUTIONS: The increase in employer contributions resulting from the proposed legislation would depend on the number of additional members who timely file the required form, meet the requirements of the WTC Disability Law, and ultimately benefit from such Law.

Most members eligible for the benefits provided under the WTC Disability Law have already filed the required form to register for participation. Therefore, for the purpose of this Fiscal Note it has been assumed that only a minimal number of NYCERS members would benefit from the proposed legislation and that the increase in employer contributions would likely be de minimis.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer contributions presented herein have been calculated based on the same actuarial assumptions and methods in effect for the June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of NYCERS. Please note these assumptions and methods are subject to change as this valuation is not considered final until the end of the Fiscal Year 2018.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-07 dated March 9, 2018, was prepared by the Chief Actuary for 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 Pension Fund. This estimate is intended for use only during the 2018 Legislative Session.

STATE OF NEW YORK

5593--A

Cal. No. 301

2017-2018 Regular Sessions

IN SENATE

April 19, 2017

Introduced by Sens. GOLDEN, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the retirement and social security law, in relation to loans to members of certain retirement systems

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

1 Section 1. Subdivision i of section 517-c of the retirement and social
2 security law, as amended by chapter 511 of the laws of 2005, is amended
3 to read as follows:
4 i. Notwithstanding the provisions of section five hundred sixteen of
5 this article, whenever a member of such a retirement system, for whom a
6 loan is outstanding, retires, the retirement allowance payable without
7 optional modification shall be reduced by a life annuity which is actu-
8 arially equivalent to the amount of the outstanding loan (all outstand-
9 ing loans shall continue to accrue interest charges until retirement),
10 such life annuity being calculated utilizing the interest rate on thirty
11 year United States treasury bonds as of January first of the calendar
12 year of the effective date of retirement and the mortality tables for
13 options available under section five hundred fourteen of this article. A
14 retiree of the New York city employees' retirement system [~~or~~], board of
15 education retirement system of the city of New York, or the New York
16 state and local employees' retirement system whose benefit has been so
17 reduced may repay the outstanding balance of the loan at any time. Bene-
18 fits payable after the repayment of the loan shall not be subject to the
19 actuarial reduction required by this subdivision.

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

LBD11071-03-8

1 § 2. Subdivision i of section 613-b of the retirement and social secu-
 2 rity law, as amended by chapter 511 of the laws of 2005, is amended to
 3 read as follows:

4 i. Notwithstanding the provisions of subdivision b of section six
 5 hundred twelve of this article, whenever a member of such a retirement
 6 system, for whom a loan is outstanding, retires, the retirement allow-
 7 ance payable without optional modification shall be reduced by a life
 8 annuity which is actuarially equivalent to the amount of the outstanding
 9 loan (all outstanding loans shall continue to accrue interest charges
 10 until retirement), such life annuity being calculated utilizing the
 11 interest rate on thirty year United States treasury bonds as of January
 12 first of the calendar year of the effective date of retirement and the
 13 mortality tables for options available under section six hundred ten of
 14 this article. A retiree of the New York city employees' retirement
 15 system ~~[or]~~, board of education retirement system of the city of New
 16 York, or the New York state and local employees' retirement system whose
 17 benefit has been so reduced may repay the outstanding balance of the
 18 loan at any time. Benefits payable after the repayment of the loan shall
 19 not be subject to the actuarial reduction required by this subdivision.

20 § 3. This act shall take effect immediately.

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

This bill would allow a retiree of the New York State and Local
 Employees' Retirement System (ERS) to repay the outstanding loan balance
determined on the day of retirement, by making a lump sum payment after
 retirement. Upon receipt of such repayment, the future pension payments
 of such retirees shall be recalculated to be without actuarial
 reduction. Currently, member loans must be settled at retirement either
 by a lump sum payment or by an annual actuarial reduction to the
 pensions.

If this bill is enacted, there would be a small administrative cost to
 implement this change.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed
 change was the same as that used in the March 31, 2017 actuarial valu-
 ation. Distributions and other statistics can be found in the 2017
 Report of the Actuary and the 2017 Comprehensive Annual Financial
 Report.

The actuarial assumptions and methods used are described in the 2015,
 2016, and 2017 Annual Report to the Comptroller on Actuarial Assump-
 tions, and the Codes Rules and Regulations of the State of New York:
 Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017
 New York State and Local Retirement System Financial Statements and
 Supplementary Information.

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

This estimate, dated January 17, 2018, and intended for use only
 during the 2018 Legislative Session, is Fiscal Note No. 2018-30,
 prepared by the Actuary for the New York State and Local Retirement
 System.

STATE OF NEW YORK

6939--A

2017-2018 Regular Sessions

IN SENATE

November 8, 2017

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

AN ACT to authorize the county of Erie to offer an optional twenty year retirement plan to certain deputy sheriffs employed by such county

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 county of Erie, a participating employer in the New York state and
3 local employees' retirement system, which previously elected to offer
4 the optional twenty year retirement plan established pursuant to
5 sections 552 and 553 of the retirement and social security law, to depu-
6 ty sheriffs employed by such county, is hereby authorized to make
7 participation in such plan available to Christopher J. Lysy, Kristin M.
8 Rozycki, Marc J. Bristow, Daniel E. Walczak, Thomas Van Wie and Donald
9 Hoelscher, deputy sheriffs employed by the county of Erie, who, for
10 reasons not ascribable to their own negligence failed to make timely
11 application to participate in such twenty year retirement plan. The
12 county of Erie may so elect by filing with the state comptroller within
13 three months of the effective date of this act, a resolution of the Erie
14 county legislature together with certification that such deputy sheriffs
15 did not bar themselves from participation in such retirement plan as a
16 result of their own negligence. Thereafter, such deputy sheriffs may
17 elect to be covered by the provisions of sections 552 and 553 of the
18 retirement and social security law, and shall be entitled to the full
19 rights and benefits associated with coverage under such sections, by
20 filing a request to that effect with the state comptroller on or before
21 June 30, 2019.

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

LBD13562-04-8

1 § 2. All past service costs associated with implementing the
2 provisions of this act shall be borne by the county of Erie.

3 § 3. This act shall take effect immediately.

FISCAL NOTE.-- This bill will allow Erie County to elect to reopen the provisions of Section 552 together with Section 553 of the Retirement and Social Security Law for deputy sheriffs Christopher J. Lysy, Kristin M. Rozycki, Marc J. Bristow, Daniel E. Walczak, Thomas Van Wie, and Donald Hoelscher.

If this bill is enacted and these deputy sheriffs become covered under the provisions of Section 552 together with Section 553, we anticipate that there will be an increase of approximately \$59,000 in the annual contributions of Erie County for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salaries of these deputy sheriffs change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$381,000 which will be borne by Erie County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 22, 2018, and intended for use only during the 2018 Legislative Session, if Fiscal Note No. 2018-2, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

7399--A

Cal. No. 746

IN SENATE

January 12, 2018

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

AN ACT to authorize the village of Lynbrook to offer an optional twenty year retirement plan to a certain police officer 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 Lynbrook, in the county of Nassau, 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 system, established pursuant to section 384-d of the retire-
6 ment and social security law, to police officers employed by such
7 village, is hereby authorized to make participation in such plan avail-
8 able to Ronald J. Fleury, a member of the New York state and local
9 police and fire retirement system, who was first employed with the
10 village of Lynbrook police department on April 28, 1994, and who,
11 through no fault of his own, failed to file a timely application to
12 participate in such plan. Thereafter, Ronald J. Fleury may elect to be
13 covered by the provisions of section 384-d of the retirement and social
14 security law, and shall be entitled to the full rights and benefits
15 associated with coverage under such section by filing a request to that
16 effect with the state comptroller on or before December 31, 2018.

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

20 § 3. This act shall take effect immediately.

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

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

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

LBD13664-09-8

If this bill is enacted and Mr. Fleury elects to become covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$6,400 in the annual contributions of the village of Lynbrook for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salary of Mr. Fleury changes.

In addition to the annual contribution discussed above, there will be an immediate past service cost of approximately \$118,000 which will be borne by the village of Lynbrook as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019. If the village of Lynbrook elects to amortize this cost over a 10 year period, the cost for the first year would be \$15,800.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 16, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-84, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

5686--A

2017-2018 Regular Sessions

IN SENATE

April 25, 2017

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

AN ACT to authorize the port authority of New York and New Jersey to offer a certain retirement option to port authority police officers Eddy Stelter, Scarlet M. Cooper, William A. Mudry, John F. Fitzpatrick, and Hugh A. Johnson

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 port authority of New York and New Jersey, a participating employer
3 in the New York state and local police and fire retirement system, which
4 previously elected to offer the optional retirement plan established
5 pursuant to section 384-d of the retirement and social security law to
6 police officers employed by such authority, is hereby authorized to make
7 participation in such plan available to police officers Eddy Stelter,
8 Scarlet M. Cooper, William A. Mudry, John F. Fitzpatrick and Hugh A.
9 Johnson who, on the effective date of this act are covered under the
10 provisions of section 375-i of the retirement and social security law,
11 and who, for reasons not ascribable to their own negligence failed to
12 make a timely application to participate in such optional retirement
13 plan. Thereafter, police officers Eddy Stelter, Scarlet M. Cooper,
14 William A. Mudry, John F. Fitzpatrick and Hugh A. Johnson may elect to
15 be covered by the provisions of section 384-d of the retirement and
16 social security law, and shall be entitled to the full rights and bene-
17 fits associated with coverage under such section, by filing a request to
18 that effect with the state comptroller within one year of the effective
19 date of this act.

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

LBD10539-04-8

1 § 2. All past service costs associated with implementing the
2 provisions of this act shall be borne by the port authority of New York
3 and New Jersey.

4 § 3. This act shall take effect immediately.

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

This bill will allow the port authority of New York and New Jersey to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officers Eddy Stelter, Scarlet M. Cooper, William A. Mudry, John F. Fitzpatrick, and Hugh A. Johnson. They are currently covered under Section 375-i.

If this legislation is enacted during the 2018 legislative session, we anticipate that there will be an increase of approximately \$49,000 in the annual contributions of the port authority of New York and New Jersey for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salaries of these 5 police officers change.

In addition to the annual contributions discussed above, there will be a one-time past service cost of \$546,000 which will be borne by the port authority of New York and New Jersey as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 30, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-49, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

6683--A

2017-2018 Regular Sessions

IN SENATE

June 13, 2017

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

AN ACT to amend the retirement and social security law, in relation to the certification of a deputy sheriff as a police officer

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

1 Section 1. Paragraph 2 of subdivision a of section 550 of the retire-
2 ment and social security law, as added by chapter 542 of the laws of
3 2015, is amended to read as follows:

4 2. Notwithstanding the provisions of paragraph one of this subdivi-
5 sion, member shall also include a deputy sheriff who is a police officer
6 pursuant to subdivision thirty-four of section 1.20 of the criminal
7 procedure law as certified by the municipal police council or as certi-
8 fied by the police department of the city of New York upon satisfactory
9 completion of the basic training program and graduation from the New
10 York city police academy, provided that the employer has filed an
11 election to that effect pursuant to paragraph two of subdivision j of
12 section five hundred fifty-two of this article.

13 § 2. Paragraph 2 of subdivision h of section 551 of the retirement and
14 social security law, as added by chapter 542 of the laws of 2015, is
15 amended to read as follows:

16 2. Notwithstanding the provisions of paragraph one of this subdivi-
17 sion, a participating employer may elect on a form filed with the comp-
18 troller for that purpose to provide that creditable service shall also
19 include any and all service performed by a deputy sheriff who is a
20 police officer pursuant to subdivision thirty-four of section 1.20 of
21 the criminal procedure law as certified by the municipal police council
22 or as certified by the police department of the city of New York upon

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

LBD11894-03-7

1 satisfactory completion of the basic training program and graduation
2 from the New York city police academy.

3 § 3. Paragraph 2 of subdivision j of section 552 of the retirement and
4 social security law, as added by chapter 542 of the laws of 2015, is
5 amended to read as follows:

6 2. Notwithstanding the provisions of paragraph one of this subdivi-
7 sion, a participating employer may elect on a form filed with the comp-
8 troller for that purpose to provide that creditable service shall also
9 include any and all service performed by a deputy sheriff who is a
10 police officer pursuant to subdivision thirty-four of section 1.20 of
11 the criminal procedure law as certified by the municipal police council
12 or as certified by the police department of the city of New York upon
13 satisfactory completion of the basic training program and graduation
14 from the New York city police academy.

15 § 4. This act shall take effect immediately.

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

This bill would allow a County to elect to provide that creditable service on the 20 or 25 year retirement plans for sheriffs shall also include all service performed by a deputy sheriff who has been awarded certification by the police department of New York City for the satisfactory completion of the basic training program and graduation for the New York City police academy.

If this bill is enacted, this bill could provide service credit on a 20 or 25 year retirement plan, where it otherwise would not be creditable. However, this bill is expected to impact very few members. The cost of this bill would be minimal.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated November 15, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-9, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

8102

IN SENATE

March 28, 2018

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 to authorize the county of Yates to offer an optional twenty year retirement plan to Megan Morehouse, a deputy sheriff employed by such county

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 county of Yates, a participating employer in the New York state and
3 local employees' retirement system, which previously elected to offer
4 the optional twenty year retirement plan established pursuant to section
5 552 of the retirement and social security law, to deputy sheriffs
6 employed by such county, is hereby authorized to make participation in
7 such plan available to Megan Morehouse, a deputy sheriff employed by the
8 county of Yates, who, for reasons not ascribable to her own negligence
9 failed to make timely application to participate in such twenty year
10 retirement plan. The county of Yates may so elect by filing with the
11 state comptroller within three months of the effective date of this act,
12 a resolution of the Yates county legislature together with certification
13 that such deputy sheriff did not bar herself from participation in such
14 retirement plan as a result of her own negligence. Thereafter, such
15 deputy sheriff may elect to be covered by the provisions of section 552
16 of the retirement and social security law, and shall be entitled to the
17 full 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, 2019.

20 § 2. All past service costs associated with the implementation of this
21 act shall be borne by Yates county.

22 § 3. This act shall take effect immediately.

Fiscal Note.--

This bill will allow Yates County to elect to reopen the provisions of Section 552 of the Retirement and Social Security Law for deputy sheriff Megan Morehouse.

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

LBD14830-03-8

If this bill is enacted during the 2018 legislative session and Megan Morehouse becomes covered under the provisions of Section 552, we anticipate that there will be an increase of approximately \$5,000 in the annual contributions of Yates County for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salary of Megan Morehouse change.

There is no past service cost.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated March 1, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-67, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

9006

IN SENATE

June 12, 2018

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

AN ACT to authorize the town of Camillus, in the county of Onondaga, to offer certain retirement options to police officer Erik Sauer

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 Camillus, in the county of Onondaga, 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 retirement plan estab-
5 lished pursuant to section 384-d of the retirement and social security
6 law to police officers employed by such town, is hereby authorized to
7 make participation in such plan available to Erik Sauer a police officer
8 employed by the town of Camillus, who, on the effective date of this act
9 is covered under the provisions of section 375-c of the retirement and
10 social security law, and who, for reasons not ascribable to his own
11 negligence failed to make a timely application to participate in such
12 optional retirement plan. The town of Camillus may so elect by filing
13 with the state comptroller, within 180 days of the effective date of
14 this act, a resolution of its legislative body together with certifi-
15 cation that such police officer did not bar himself from participation
16 in such retirement plan as a result of his own negligence. Thereafter,
17 such police officer may elect to be covered by the provisions of section
18 384-d of the retirement and social security law, and shall be entitled
19 to the full rights and benefits associated with coverage under such
20 section, by filing a request to that effect with the state comptroller
21 within one year of the effective date of this act.

22 § 2. All past service costs associated with implementing the
23 provisions of this act shall be borne by the town of Camillus.

24 § 3. This act shall take effect immediately.

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

This bill will allow the town of Camillus to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Erik Sauer.

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

LBD10823-10-8

If this bill is enacted during the 2018 legislative session and Erik Sauer becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$7,100 in the annual contributions of the town of Camillus for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rate and salary of Erik Sauer change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$39,300 which will be borne by the town of Camillus as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated June 12, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-124, prepared by the Actuary for the New York State and Local 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

7086

IN SENATE

(Prefiled)

January 3, 2018

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

AN ACT to amend the civil practice law and rules, in relation to the venue for certain special proceedings

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

1 Section 1. Paragraph 2 of subdivision (b) of section 506 of the civil
2 practice law and rules, as amended by chapter 47 of the laws of 1992, is
3 amended to read as follows:

4 2. a proceeding against the regents of the university of the state of
5 New York, the commissioner of education, the commissioner of taxation
6 and finance, the tax appeals tribunal, except as provided in section two
7 thousand sixteen of the tax law, the public service commission, the
8 commissioner or the department of transportation relating to ~~[articles]~~
9 **article** three, four, five, six, seven, eight, nine, or ten of the trans-
10 portation law or to the railroad law, the water resources board, the
11 comptroller, or the department of agriculture and markets ~~[, shall]~~ **may**
12 be commenced in the supreme court, Albany county **or in the judicial**
13 **district in which the petitioner resides or has its principal place of**
14 **business; provided, however, that a proceeding against the public**
15 **service commission shall only be commenced in the supreme court, Albany**
16 **county.**

17 § 2. This act shall take effect immediately.

VETO MESSAGE - No. 270

TO THE ASSEMBLY:

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

Assembly Bill Number 1599, entitled:

"AN ACT to amend the civil practice law and rules, in relation to

the venue for certain special proceedings"

NOT APPROVED

This bill would amend the Civil Practice Law and Rules to permit litigants in certain actions against the state to file suit in the judicial district where the petitioner resides or has his or her principle place of business. The bill carries an immediate effective date.

Under current law, litigants filing suit against the state must file in the judicial district where the state agency or authority is located. As such, the Attorney General's office and state agencies employ workforces and resources to handle the flow of litigation in the Albany area. As drafted, this bill does not enable the wholesale restructuring that would have to take place in order to permit the Attorney General's office and other state agencies to handle litigation across the state, most especially in more remote areas of the state, a significant and unbudgeted expense. Moreover, the Third Department has developed expertise in matters involving state government. This bill would necessarily require all judicial districts to handle litigation against the state and does not permit the time or resources necessary for the judiciary to restructure to effectively handle such litigation. Because this bill includes a fiscal outside of the State budget process, and because its result would upend the judiciary, I am constrained to veto it.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

6320--A

2017-2018 Regular Sessions

IN ASSEMBLY

March 2, 2017

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

AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system

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

1 Section 1. Notwithstanding any provision of law to the contrary,
2 Danielle Galasso, an employee of the town of Oyster Bay and a member of
3 the New York state and local employees' retirement system, who was
4 employed by the town of Oyster Bay as a seasonal employee from July 10,
5 2003 through September 30, 2003 and who, for reasons not ascribable to
6 her own negligence, failed to become a member of such retirement system
7 during such employment by the town of Oyster Bay in 2003, shall be
8 deemed to have joined the New York state and local employees' retirement
9 system on July 10, 2003 and shall be granted Tier IV status in such
10 retirement system, if, within one year of the effective date of this
11 act, she shall file a written request to that effect with the state
12 comptroller.

13 § 2. All past service costs of implementing the provisions of this act
14 shall be borne by the town of Oyster Bay.

15 § 3. Notwithstanding any other provision of law, no employee contribu-
16 tions shall be returned to Danielle Galasso.

17 § 4. This act shall take effect immediately.

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

This bill will grant retroactive Tier 4 status in the New York State and Local Employees' Retirement System to Danielle Galasso, a current Tier 5 member employed by the town of Oyster Bay, by changing her date

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

LBD06076-06-8

of membership to July 10, 2003, her first date of employment with the town of Oyster Bay. There will be no refund of member contributions.

If this bill is enacted during the 2018 legislative session, there will be an increase of approximately \$1,200 in the annual contributions of the town of Oyster Bay for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salary of Danielle Galasso change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$1,110 which will be borne by the town of Oyster Bay as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 23, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-60, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 281

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY"

within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a

combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

3770--B

Cal. No. 743

2017-2018 Regular Sessions

IN SENATE

January 26, 2017

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA

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 363-ddd to read as follows:

3 **§ 363-ddd. Impairments of health; presumption; Staph/MRSA. Notwith-**
4 **standing any provision of this chapter or of any general, special or**
5 **local law to the contrary, any police officer or firefighter who is**
6 **covered by the provisions of section three hundred sixty-three of this**
7 **title and who contracts methicillin resistant staphylococcus aureus**
8 **(MRSA) or Staph/MRSA will be presumed to have contracted such disease in**
9 **the performance or discharge of his or her duties as the natural and**
10 **proximate result of an accident and to be disabled from the performance**
11 **of his or her duties unless the contrary be proven by competent**
12 **evidence.**

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

16 § 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.

LBD04168-06-8

This bill will affect certain members of the New York State and Local Police and Fire Retirement System by presuming that contracting MRSA or Staph/MRSA will qualify them for an accidental disability retirement, unless the contrary be proven by competent evidence.

If this bill is enacted, it would lead to more disabilities being classified as "accidental". The cost of the revised benefit will depend upon the applicant's age, service, salary, plan, and benefit type otherwise payable.

Benefit without enactment:	None	Ordinary Disability	In Performance of Duty Disability	Service
Cost for revised benefit:	9 times salary	5 times salary	2.5 times salary	2 times salary

However, we anticipate that few additional accidental disability retirements will be granted, and thus, the resulting costs are expected to be negligible.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated February 27, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-64, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 284

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a

variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8402--A

2017-2018 Regular Sessions

IN ASSEMBLY

June 13, 2017

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

AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within the professional, scientific and technical bargaining unit

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 618 to read as follows:
3 § 618. Transfer of membership into New York state and local employees'
4 retirement system. a. Definitions. Whenever used in this section:
5 1. The term "eligible employee" shall mean a person who as of the
6 effective date of this section is an employee of the state university of
7 New York in a position within the professional, scientific and technical
8 bargaining unit and who is, as of said effective date, a member of the
9 optional retirement program and who is a registered nurse who first
10 became an employee of the state university of New York at Stony Brook
11 Hospital on a date between January first, nineteen hundred ninety-six
12 and December thirty-first, nineteen hundred ninety-nine and who is still
13 employed by the state university of New York as of the date said employ-
14 ee files an application pursuant to subdivision b of this section;
15 2. The term "optional retirement program" shall mean the optional
16 retirement program established pursuant to article eight-B of the educa-
17 tion law.
18 b. Notwithstanding any other provision of law, an eligible employee
19 shall be allowed to become a member of the New York state and local
20 employees' retirement system by filing an application with said retire-
21 ment system no later than December thirty-first, two thousand nineteen.

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

LBD11575-08-8

1 c. An eligible employee who files an application to become a member of
 2 the New York state and local employees' retirement system shall be
 3 deemed to be a member of that retirement system with a date of member-
 4 ship as of the date said eligible employee was first employed by the
 5 state university of New York. The eligible employee's membership in the
 6 optional retirement program shall terminate as of the date said applica-
 7 tion is filed.

8 d. An eligible employee who becomes a member of the New York state and
 9 local employees' retirement system pursuant to subdivision b of this
 10 section may elect to purchase credit for previous service for any period
 11 during which said employee was a member of the optional retirement
 12 program by filing an application with the New York state and local
 13 employees' retirement system no later than December thirty-first, two
 14 thousand nineteen and by paying to said retirement system an amount as
 15 determined by the comptroller equal to the full cost of such previous
 16 service credit purchased which shall include an amount equivalent to the
 17 additional costs to the employer of providing retirement service credit
 18 to such employee while such employee was a member of the optional
 19 retirement program as determined by the actuary for the retirement
 20 system. Said payment may be made by a transfer of funds from the employ-
 21 ee's optional retirement program account to the New York state and local
 22 employees' retirement system. Said payment may also be made in one
 23 payment by the employee or by payroll deduction over a period not to
 24 exceed five years.

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

28 § 3. This act shall take effect immediately.

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

This bill will allow any employee of the State University of New York (SUNY) who is a registered nurse in a position within the Professional, Scientific and Technical bargaining unit, who first became employed with SUNY at Stony Brook Hospital between January 1, 1996 and December 31, 1999, and who enrolled in the Optional Retirement Program, to terminate their memberships in the Optional Retirement Program and to be deemed to be members of the New York State and Local Employees' Retirement System (NYSLERS) with a date of membership as of the date of first employment by SUNY. Affected members will have to pay the entire past service cost as determined by the Comptroller in order to get retirement service credit for the service rendered before their dates of membership.

If this bill is enacted, the number of employees who may be affected by this legislation cannot be readily determined. For every employee who does so elect, there will be an annual cost to the State of New York of approximately 15.8% of salary for the fiscal year ending March 31, 2019.

In addition to the annual cost above, for every member who elects this benefit, there will be a past service cost that will depend on the age, service and salary of the member. The members will be able to offset this cost by the transfer of funds from their Optional Retirement Program balances. For an individual member, if the amount transferred from the Optional Retirement Program is less than the past service cost, the member will be have to make up the difference either as a one-time payment or by making a series of payments over a period of five (5) years.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valu-

ation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated June 1, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-119, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 286

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other

employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8411--B

2017-2018 Regular Sessions

IN ASSEMBLY

June 14, 2017

Introduced by M. of A. CASTORINA, CUSICK, TITONE, LENTOL, MALLIOTAKIS, LAWRENCE -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese

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

1 Section 1. Notwithstanding any other law to the contrary, Joseph J.
2 Maltese, who was employed as a full-time employee with the New York city
3 civil court from February 2, 1970 through September 4, 1970, and who was
4 later employed as a full-time employee with the New York state office of
5 the attorney general from June 7, 1971 through September 3, 1971, and
6 who is currently a full-time employee of the New York state unified
7 court system, and who is a Tier II member of the New York state and
8 local employees' retirement system, and who through no fault of his own
9 did not become a member of the New York city employees' retirement
10 system on February 2, 1970 when first employed by the New York city
11 civil court, and who through no fault of his own, did not become a
12 member of the New York state and local employees' retirement system on
13 July 7, 1971 when first employed by the New York state office of the
14 attorney general shall be deemed to have a date of membership with the
15 New York state and local employees' retirement system of February 2,
16 1970, if, within one year of the effective date of this act, he shall
17 file an application therefore with the state comptroller. Upon the
18 receipt of such application, Joseph J. Maltese shall be granted Tier I
19 status in the New York state and local employees' retirement system and
20 be eligible for all the rights and benefits thereof. No contributions

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

LBD13100-07-8

1 made to the New York city employees' retirement system or the New York
 2 state and local employees' retirement system by Joseph J. Maltese, shall
 3 be returned or refunded to him pursuant to this act.

4 § 2. Any past service costs associated with the implementation of this
 5 act shall be borne by the New York state unified court system.

6 § 3. This act shall take effect immediately.

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

This bill will grant Tier 1 status to Joseph J. Maltese, a current Tier 2 member employed by the New York State unified court system, by changing his date of membership to February 2, 1970, his first date of employment with the New York City civil court. There will be no refund of member contributions.

If this legislation is enacted during the 2018 legislative session, we anticipate that there will be an increase of approximately \$4,300 in the annual contributions of the New York State unified court system for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rate and salary of Joseph Maltese change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$30,500 which will be borne by the New York State unified court system as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated June 14, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-125, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 287

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in

the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

9667

IN ASSEMBLY

January 31, 2018

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

AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers

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

1 Section 1. Subdivision 1 of section 207-c of the general municipal
2 law, as amended by section 1 of chapter 522 of the laws of 2015, is
3 amended to read as follows:
4 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
5 the sheriff's department of any county (hereinafter referred to as a
6 "[policeman] police officer") or any member of a police force of any
7 county, city of less than one million population, town or village, or of
8 any district, agency, board, body or commission thereof, or a detec-
9 tive-investigator or any other investigator who is a police officer
10 pursuant to the provisions of the criminal procedure law employed in the
11 office of a district attorney of any county, or any corrections officer
12 of the county of Erie department of corrections, or an advanced ambu-
13 lance medical technician employed by the county of Nassau, or any
14 detention officer employed by the city of Yonkers, or any supervising
15 fire inspector, fire inspector, fire marshal or assistant fire marshal
16 employed full-time in the county of Nassau fire marshal's office, or at
17 the option of [~~the~~] any county [~~of Nassau~~], any county probation officer
18 [~~of the county of Nassau~~] who is injured in the performance of his or
19 her duties or who is taken sick as a result of the performance of his or
20 her duties so as to necessitate medical or other lawful remedial treat-
21 ment shall be paid by the municipality by which he or she is employed
22 the full amount of his or her regular salary or wages until his or her
23 disability arising therefrom has ceased, and, in addition such munic-
24 ipality shall be liable for all medical treatment and hospital care
25 necessitated by reason of such injury or illness. Provided, however,
26 and notwithstanding the foregoing provisions of this section, the munic-
27 ipal health authorities or any physician appointed for the purpose by
28 the municipality, after a determination has first been made that such

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

LBD00274-01-7

1 injury or sickness was incurred during, or resulted from, such perform-
 2 ance of duty, may attend any such injured or sick [~~policeman~~] police
 3 officer, from time to time, for the purpose of providing medical, surgi-
 4 cal or other treatment, or for making inspections and the municipality
 5 shall not be liable for salary or wages payable to such [~~policeman~~]
 6 police officer, or for the cost of medical treatment or hospital care
 7 furnished after such date as such health authorities or physician shall
 8 certify that such injured or sick [~~policeman~~] police officer has recover-
 9 ed and is physically able to perform his or her regular duties. Any
 10 injured or sick [~~policeman~~] police officer who shall refuse to accept
 11 medical treatment or hospital care or shall refuse to permit medical
 12 inspections as herein authorized[~~, including examinations pursuant to~~
 13 ~~subdivision two of this section,~~] shall be deemed to have waived his or
 14 her rights under this section in respect to expenses for medical treat-
 15 ment or hospital care rendered and for salary or wages payable after
 16 such refusal.

17 Notwithstanding any provision of law to the contrary, a provider of
 18 medical treatment or hospital care furnished pursuant to the provisions
 19 of this section shall not collect or attempt to collect reimbursement
 20 for such treatment or care from any such [~~policeman~~] police officer, a
 21 member of a police force of any county, city, any such advanced ambu-
 22 lance medical technician, any such detention officer or any such detec-
 23 tive-investigator or any other such investigator who is a police officer
 24 pursuant to the provisions of the criminal procedure law.

25 § 2. Subdivision 1 of section 207-c of the general municipal law, as
 26 amended by section 2 of chapter 522 of the laws of 2015, is amended to
 27 read as follows:

28 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
 29 the sheriff's department of any county or any member of a police force
 30 of any county, city of less than one million population, town or
 31 village, or of any district, agency, board, body or commission thereof,
 32 or any LIRR police officer as defined in paragraph two of subdivision a
 33 of section three hundred eighty-nine of the retirement and social secu-
 34 rity law whose benefits are provided in and pursuant to such section
 35 three hundred eighty-nine, or a detective-investigator or any other
 36 investigator who is a police officer pursuant to the provisions of the
 37 criminal procedure law employed in the office of a district attorney of
 38 any county, or any corrections officer of the county of Erie department
 39 of corrections, or an advanced ambulance medical technician employed by
 40 the county of Nassau, or any detention officer employed by the city of
 41 Yonkers, or any supervising fire inspector, fire inspector, fire
 42 marshal, or assistant fire marshal employed full-time in the county of
 43 Nassau fire marshal's office, or at the option of [~~the~~] any county [~~of~~
 44 ~~Nassau~~], any county probation officer [~~of the county of Nassau~~] who is
 45 injured in the performance of his or her duties or who is taken sick as
 46 a result of the performance of his or her duties so as to necessitate
 47 medical or other lawful remedial treatment shall be paid by the munici-
 48 pality or The Long Island Rail Road Company by which he or she is
 49 employed the full amount of his or her regular salary or wages from such
 50 employer until his or her disability arising therefrom has ceased, and,
 51 in addition such municipality or The Long Island Rail Road Company shall
 52 be liable for all medical treatment and hospital care necessitated by
 53 reason of such injury or illness. Provided, however, and notwithstand-
 54 ing the foregoing provisions of this section, the municipal or The Long
 55 Island Rail Road Company health authorities or any physician appointed
 56 for the purpose by the municipality or The Long Island Rail Road Compa-

1 ny, as relevant, after a determination has first been made that such
 2 injury or sickness was incurred during, or resulted from, such perform-
 3 ance of duty, may attend any such injured or sick [~~policeman~~] police
 4 officer, from time to time, for the purpose of providing medical, surgi-
 5 cal or other treatment, or for making inspections, and the municipality
 6 or The Long Island Rail Road Company, as the case may be, shall not be
 7 liable for salary or wages payable to such [~~policeman~~] police officer,
 8 or for the cost of medical treatment or hospital care furnished after
 9 such date as such health authorities or physician shall certify that
 10 such injured or sick [~~policeman~~] police officer has recovered and is
 11 physically able to perform his or her regular duties. Any injured or
 12 sick [~~policeman~~] police officer who shall refuse to accept medical
 13 treatment or hospital care or shall refuse to permit medical inspections
 14 as herein authorized[~~, including examinations pursuant to subdivision~~
 15 ~~two of this section,~~] shall be deemed to have waived his or her rights
 16 under this section in respect to expenses for medical treatment or
 17 hospital care rendered and for salary or wages payable after such
 18 refusal.

19 Notwithstanding any provision of law to the contrary, a provider of
 20 medical treatment or hospital care furnished pursuant to the provisions
 21 of this section shall not collect or attempt to collect reimbursement
 22 for such treatment or care from any such [~~policeman~~] police officer, any
 23 such advanced ambulance medical technician or any such detention offi-
 24 cer.

25 § 3. This act shall take effect immediately; provided, that the amend-
 26 ments to subdivision 1 of section 207-c of the general municipal law
 27 made by section one of this act shall be subject to the expiration and
 28 reversion of such subdivision pursuant to section 7 of chapter 628 of
 29 the laws of 1991, as amended, when upon such date the provisions of
 30 section two of this act shall take effect.

VETO MESSAGE - No. 288

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in
 the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation
 to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation
 to transfer of retirement membership for certain employees of SUNY
 within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these bene-

fits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

9909

IN ASSEMBLY

February 22, 2018

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 accidental disability retirement for uniformed court officers and peace officers employed in the unified court system

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

1 Section 1. Subdivision a of section 605-a of the retirement and social
2 security law, as amended by chapter 489 of the laws of 2008, is amended
3 to read as follows:

4 a. A member employed as a uniformed court officer or peace officer in
5 the unified court system shall be entitled to an accidental disability
6 retirement allowance if, at the time application therefor is filed, such
7 member is:

8 1. Physically or mentally incapacitated for performance of duty as the
9 natural and proximate result of an accident, not caused by his or her
10 own willful negligence, sustained in such service and while actually a
11 member of the retirement system; and

12 2. Actually in service upon which his or her membership is based.
13 However, in a case where a member is discontinued from service subse-
14 quent to the accident, either voluntarily or involuntarily, and provided
15 that the member meets the requirements of paragraph one of this subdivi-
16 sion, application may be made either (a) by a vested member incapaci-
17 tated as the result of a qualifying World Trade Center condition as
18 defined in section two of this chapter at any time, or (b) not later
19 than two years after the member is first discontinued from service.

20 For purposes of this subdivision, a member who is injured as the
21 result of a physical assault by an assailant, suffered while in service
22 shall be entitled to accidental disability retirement unless the contra-
23 ry can be proven by competent evidence under this section.

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

27 § 3. This act shall take effect immediately.

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

LBD05085-04-7

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

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

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

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

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated December 19, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-25, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 289

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

9910

IN ASSEMBLY

February 22, 2018

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 eligibility for retirement benefits for certain members of the unified court system

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

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

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

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

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

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

LBD05070-04-8

1 two, other than members who are eligible for early service retirement
 2 pursuant to subdivision c of section six hundred four-b of this article,
 3 subdivision c of section six hundred four-c of this article, subdivision
 4 d of section six hundred four-d of this article, subdivision c of
 5 section six hundred four-e of this article, subdivision c of section six
 6 hundred four-f of this article, subdivision c of section six hundred
 7 four-g of this article, subdivision c of section six hundred four-h of
 8 this article or subdivision c of section six hundred four-i of this
 9 article, provided, however, a member of a teachers' retirement system or
 10 the New York state and local employees' retirement system who first
 11 joins such system before January first, two thousand ten or a member who
 12 is a uniformed court officer or peace officer employed by the unified
 13 court system [~~who first becomes a member of the New York state and local~~
 14 ~~employees' retirement system before April first, two thousand twelve~~]
 15 may retire without reduction of his or her retirement benefit upon
 16 attainment of at least fifty-five years of age and completion of thirty
 17 or more years of service, provided, however, that a uniformed court
 18 officer or peace officer employed by the unified court system who first
 19 becomes a member of the New York state and local employees' retirement
 20 system on or after January first, two thousand ten and retires without
 21 reduction of his or her retirement benefit upon attainment of at least
 22 fifty-five years of age and completion of thirty or more years of
 23 service pursuant to this section shall be required to make the member
 24 contributions required by subdivision f of section six hundred thirteen
 25 of this article for all years of credited and creditable service,
 26 provided further that the [~~the~~] preceding provisions of this subdivision
 27 shall not apply to a New York city revised plan member.

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

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

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

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

1 average salary times years of credited service. In no event shall any
2 retirement benefit payable without optional modification be less than
3 the actuarially equivalent annuitized value of the member's contrib-
4 utions accumulated with interest at five percent per annum compounded
5 annually to the date of retirement.

6 § 4. Paragraph 3 of subdivision i of section 603 of the retirement and
7 social security law, as added by chapter 18 of the laws of 2012, is
8 amended to read as follows:

9 3. A member of a public retirement system of the state who has met the
10 minimum service requirement, but who is not a New York city transit
11 authority member, as defined in paragraph one of subdivision a of
12 section six hundred four-b of this article, may retire prior to normal
13 retirement age, but no earlier than attainment of age fifty-five, in
14 which event, the amount of his or her retirement benefit computed with-
15 out optional modification shall be reduced by six and one-half per
16 centum for each year by which early retirement precedes age sixty-three;
17 **provided, however, that for a member who is a uniformed court officer or**
18 **peace officer employed by the unified court system, the retirement bene-**
19 **fit computed without optional modification shall be reduced in accord-**
20 **ance with paragraph one of this subdivision.**

21 § 5. Notwithstanding any other provision of law to the contrary, none
22 of the provisions of this act shall be subject to the appropriation
23 requirement of section 25 of the retirement and social security law.

24 § 6. This act shall take effect immediately; provided that the amend-
25 ments to subdivision a of section 603 of the retirement and social secu-
26 rity law made by section two of this act shall not affect the expiration
27 of such subdivision and shall be deemed to expire therewith.

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

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

If this legislation is enacted during the 2018 legislative session, we
anticipate that there will be an increase in the annual contributions of
the state of New York of approximately 1.1% of the compensation of the
affected members. For the fiscal year ending March 31, 2019, this is
estimated to be approximately \$363,000.

In addition to the annual contributions discussed above, there will be
an immediate past service cost of approximately \$1.12 million 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, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed
change was the same as that used in the March 31, 2017 actuarial valu-
ation. Distributions and other statistics can be found in the 2017
Report of the Actuary and the 2017 Comprehensive Annual Financial
Report.

The actuarial assumptions and methods used are described in the 2015,
2016, and 2017 Annual Report to the Comptroller on Actuarial Assump-
tions, and the Codes Rules and Regulations of the State of New York:
Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 4, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-18, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 290

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

9935--A

IN ASSEMBLY

February 27, 2018

Introduced by M. of A. PEOPLES-STOKES -- 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 in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo

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, Thomas Amodeo,
2 who was first employed as a Supervisor at the City of Buffalo Department
3 of Special Projects in the administration of the Summer youth program
4 commencing at the start of the summer semester of 1970 and was thereby
5 eligible to participate in the New York state and local employees'
6 retirement system, and who is currently a judge and a member of the New
7 York state and local employees' retirement system, who through no fault
8 of his own did not become a member of the New York state and local
9 employees' retirement system when he was first employed by the City of
10 Buffalo Department of Special Projects in 1970, shall be granted retro-
11 active membership in the New York state and local employees' retirement
12 system with Tier I status, if within one year from the effective date of
13 this act he shall make a written application to that effect, duly
14 executed and filed with such retirement system.

15 § 2. No contributions made to the New York state and local employees'
16 retirement system by Thomas Amodeo shall be returned to him pursuant to
17 this act.

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

20 § 4. This act shall take effect immediately.

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

This bill will grant Tier 1 status in the New York State and Local Employees' Retirement System to Thomas Amodeo, by changing his date of membership to July 1, 1970, his first date of employment by the city of Buffalo Department of Special Projects. He currently is a Tier 3 member

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

LBD11988-08-8

employed by the New York State Office of Court Administration. No member contributions will be refunded to Thomas Amodeo.

If this legislation is enacted during the 2018 legislative session, we anticipate that there will be an increase of approximately \$11,000 in the annual contributions of New York State for the fiscal year ending March 31, 2019. In future years, this cost will vary as his billing rates and salaries change.

In addition to the annual contributions discussed above, we estimate there will be an immediate past service cost of approximately \$181,000 which would be borne by the state of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated June 12, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-123, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 291

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's

financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

10492

IN ASSEMBLY

April 30, 2018

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:

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.

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

LBD15492-02-8

If this bill is enacted during the 2018 legislative session, we anticipate that there will be an increase of approximately \$3,900 in the annual contributions of the State of New York for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salary of Jaime Laczko change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$102,000 which would be borne by the State of New York as one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 25, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-93, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 294

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the

Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

10770

IN ASSEMBLY

May 17, 2018

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

AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny

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

1 Section 1. Notwithstanding any other law to the contrary, Shawn Cove-
2 ny, an employee of the New York State Department of Corrections and
3 Community Supervision and a member of the New York state and local
4 employees' retirement system, who was employed as a New York state park
5 aide for Letchworth State Park as a seasonal employee in the summer of
6 2008, who for reasons not ascribable to his own negligence, failed to
7 become a member of such retirement system during such employment by
8 Letchworth State Park in 2008, shall be deemed to have joined the New
9 York state and local employees' retirement system on the date May 31,
10 2008 and shall be granted Tier IV status in such retirement system, if,
11 within one year of the effective date of this act, he shall file a writ-
12 ten request with the state comptroller.

13 § 2. No contributions made to the New York state and local employees'
14 retirement system by Shawn Coveny shall be returned or refunded to him
15 pursuant to this act.

16 § 3. All past service costs of implementing the provisions of this act
17 shall be borne by the state of New York.

18 § 4. This act shall take effect immediately.

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

This bill will grant retroactive Tier 4 status in the New York State and Local Employees' Retirement System to Shawn Coveny, a current Tier 6 member employed by the NYS Department of Corrections and Community Supervision, by changing his date of membership to May 31, 2008, his first date of employment with Letchworth State Park. There will be no refund of membership contributions.

If this bill is enacted during the 2018 legislative session, there will be an increase of approximately \$3,900 in the annual contributions of the State of New York State for the fiscal year ending March 31,

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

LBD15719-04-8

2019. In future years, this cost will vary as the billing rates and salary of Shawn Coveny change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$1,750 which will 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, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated May 10, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-100, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 297

TO THE ASSEMBLY:

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

Assembly Bill Number 6320-A, entitled:

"AN ACT to grant Danielle Galasso a retroactive membership date in the New York state and local employees' retirement system"

Assembly Bill Number 8164-B, entitled:

"AN ACT to amend the retirement and social security law, in relation to impairments of health, presumption and staph/MRSA"

Assembly Bill Number 8402-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within professional, scientific and technical bargaining unit"

Assembly Bill Number 8411-B, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Joseph J. Maltese"

Assembly Bill Number 9667, entitled:

"AN ACT to amend the general municipal law, in relation to optional disability coverage for county probation officers"

Assembly Bill Number 9909, entitled:

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

Assembly Bill Number 9910, entitled:

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

Assembly Bill Number 9935-A, entitled:

"AN ACT in relation to granting Tier I status in the New York state and local employees' retirement system to Thomas Amodeo"

Assembly Bill Number 10492, 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"

Assembly Bill Number 10735, entitled:

"AN ACT to amend the civil service law, in relation to credit for unused sick leave for employees of community colleges"

Assembly Bill Number 10770, entitled:

"AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay a combined, estimated total of \$53 million in near-term costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on

local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

10832

IN ASSEMBLY

May 22, 2018

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

AN ACT making an appropriation to the common retirement fund account for payment of services and expenses related to the administration of the New York state and local employees' retirement system and 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. The sum of nine million one hundred eighty-one thousand
2 dollars (\$9,181,000) is hereby appropriated out of any fiduciary funds
3 of the common retirement fund to the Department of Audit and Control to
4 the credit of the Common Retirement Fund Account not otherwise appropri-
5 ated, as follows: for Personal Service - regular six million two hundred
6 thirteen thousand dollars (\$6,213,000), for Non Personal Service -
7 supplies sixty thousand dollars (\$60,000), for travel eighty thousand
8 dollars (\$80,000), for equipment one hundred sixty-five thousand dollars
9 (\$165,000), for General State and for Charges-Fringe Benefits two
10 million five hundred forty thousand dollars (\$2,540,000), Indirect Costs
11 one hundred twenty-two thousand dollars (\$122,000).

12 Such moneys shall be payable on the audit and warrant of the comp-
13 troller on a voucher certified or approved in the manner prescribed by
14 law.

15 § 2. This act shall take effect immediately.

VETO MESSAGE - No. 306

TO THE ASSEMBLY:

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

Assembly Bill Number 10832, entitled:

"AN ACT making an appropriation to the common retirement fund account for payment of services and expenses related to the administration of the New York state and local employees' retirement system and the New York state and local police and fire retirement system"

NOT APPROVED

This bill would establish an additional \$9.18 million of appropriation authority to the Office of State Comptroller's (OSC) Common Retirement Fund (CRF) effective immediately.

This bill is fiscally unnecessary because the 2018 Enacted Budget already includes an increase of appropriation in the CRF of \$17.5 million based on OSC's budget request and defended need.

Furthermore, this bill is flawed because it circumvents the budget process. Approving it would establish a negative precedent of negotiating appropriations outside the standard budget process. Appropriations such as this should be part of the back and forth debate that occurs during budget negotiations. Accordingly, I am therefore constrained to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

5594--C

2017-2018 Regular Sessions

IN SENATE

April 19, 2017

Introduced by Sens. GOLDEN, AKSHAR, BONACIC, HAMILTON, HELMING, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- 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 for members of the department of environmental conservation, forest rangers, university police officers and the regional state park police

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 363-ee to read as follows:
- 3 § 363-ee. Accidental disability retirement allowance for certain
- 4 members or officers of the division of law enforcement in the department
- 5 of environmental conservation, forest rangers, regional state park
- 6 police officers, and university police officers. a. A member may elect
- 7 to receive an accidental disability retirement allowance as provided
- 8 under this section in lieu of the benefits provided under section three
- 9 hundred sixty-three-e of this title if, at the time application therefor
- 10 is filed, he or she is:
- 11 1. Physically or mentally incapacitated for performance of duty as the
- 12 natural and proximate result of an accident not caused by his or her own
- 13 willful negligence sustained in such service and while actually a non-

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

LBD10864-07-8

1 seasonally appointed member of the division of law enforcement in the
2 department of environmental conservation, a police officer in the
3 department of environmental conservation, an officer in the regional
4 state park police, a forest ranger in the service of the department of
5 environmental conservation which shall mean a person who serves on a
6 full-time basis in the title of forest ranger I, forest ranger II,
7 forest ranger III, assistant superintendent of forest fire control,
8 superintendent of forest fire control or any successor titles or new
9 titles in the forest ranger title series in the department of environ-
10 mental conservation, or a university police officer appointed pursuant
11 to paragraph 1 of subdivision two of section three hundred fifty-five of
12 the education law, and

13 2. Actually in service upon which his or her membership is based.
14 However, in a case where a member is discontinued from service subse-
15 quent to the accident, either voluntarily or involuntarily, and provided
16 that the member meets the requirements of paragraph one of this subdivi-
17 sion, application may be made, either (a) by a vested member incapaci-
18 tated as the result of a qualifying World Trade Center condition as
19 defined in section two of this chapter at any time, or (b) not later
20 than two years after the member is first discontinued from service.

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

23 1. Such member, or

24 2. The head of the department where such member is employed or his or
25 her designee, or

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

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

32 1. The time when and the place where such accident occurred;

33 2. The particulars thereof;

34 3. The nature and extent of the member's injuries; and

35 4. His or her alleged incapacity.

36 (b) The notice herein required need not be given:

37 1. If notice of such accident shall be filed in accordance with the
38 provisions of the workers' compensation law of any state within which a
39 participating employer shall have its employees located or performing
40 functions and duties within the normal scope of their employment, or

41 2. If the application for accidental disability retirement is filed
42 within one year after the date of such accident, or

43 3. If a failure to file notice has been excused for good cause shown
44 as provided by rules and regulations promulgated by the comptroller.

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

49 e. Notwithstanding any other provision of law, the retirement allow-
50 ance payable upon accidental disability retirement shall consist of:

51 1. An annuity which shall be the actuarial equivalent of the member's
52 accumulated contributions, plus

53 2. A pension which is the actuarial equivalent of the reserved-for-in-
54 creased-take-home-pay to which he or she may be entitled, if any, plus

1 3. A pension of three-quarters of his or her final average salary. The
2 payment of such pension shall be subject to the provisions of section
3 three hundred sixty-four of this article.

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

12 g. For purposes of this section, the term "accident" shall have the
13 same meaning and be interpreted in the same manner as such term is
14 defined and interpreted to mean in section three hundred sixty-three of
15 this title.

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

24 (b) The comptroller is hereby authorized to promulgate rules and regu-
25 lations to implement the provisions of this paragraph.

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

43 (b) The comptroller shall consider a reclassification of the member's
44 retirement as an accidental disability retirement effective as of the
45 date of such reclassification.

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

48 (d) The member's former employer at the time of the member's retire-
49 ment shall have an opportunity to be heard on the member's application
50 for reclassification by the comptroller according to procedures devel-
51 oped by the comptroller.

52 (e) The comptroller is hereby authorized to promulgate rules and regu-
53 lations to implement the provisions of this paragraph.

54 i. Notwithstanding any other provision of this chapter or of any
55 general, special or local law, charter, administrative code or rule or
56 regulation to the contrary, if a retiree who: (1) has met the criteria

1 of subdivision h of this section and retired on a service or disability
2 retirement, or would have met the criteria if not already retired on an
3 accidental disability; and (2) has not been retired for more than twenty-
4 five years; and (3) dies from a qualifying World Trade Center condi-
5 tion, as defined in section two of this chapter, as determined by the
6 applicable head of the retirement system or applicable medical board,
7 then unless the contrary be proven by competent evidence, such retiree
8 shall be deemed to have died as a natural and proximate result of an
9 accident sustained in the performance of duty and not as a result of
10 willful negligence on his or her part. Such retiree's eligible benefici-
11 ary, as set forth in section three hundred sixty-one of this title,
12 shall be entitled to an accidental death benefit as provided by section
13 three hundred sixty-one of this title, however, for the purposes of
14 determining the salary base upon which the accidental death benefit is
15 calculated, the retiree shall be deemed to have died on the date of his
16 or her retirement. Upon the retiree's death, the eligible beneficiary
17 shall make a written application to the head of the retirement system
18 within the time for filing an application for an accidental death bene-
19 fit as set forth in section three hundred sixty-one of this title
20 requesting conversion of such retiree's service or disability retirement
21 benefit to an accidental death benefit. At the time of such conversion,
22 the eligible beneficiary shall relinquish all rights to the prospective
23 benefits payable under the service or disability retirement benefit,
24 including any post-retirement death benefits, since the retiree's death.
25 If the eligible beneficiary is not the only beneficiary receiving or
26 entitled to receive a benefit under the service or disability retirement
27 benefit (including, but not limited to, post-retirement death benefits
28 or benefits paid or payable pursuant to the retiree's option selection),
29 the accidental death benefit payments to the eligible beneficiary will
30 be reduced by any amounts paid or payable to any other beneficiary.

31 j. Notwithstanding any other provision 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: (1) has met the criteria of
34 subdivision h of this section; and (2) dies in active service from a
35 qualifying World Trade Center condition, as defined in section two of
36 this chapter, as determined by the applicable head of the retirement
37 system or applicable medical board to have been caused by such member's
38 participation in the World Trade Center rescue, recovery or cleanup
39 operations, as defined in section two of this chapter, then unless the
40 contrary be proven by competent evidence, such member shall be deemed to
41 have died as a natural and proximate result of an accident sustained in
42 the performance of duty and not as a result of willful negligence on his
43 or her part. Such member's eligible beneficiary, as set forth in section
44 three hundred sixty-one of this title, shall be entitled to an acci-
45 idental death benefit provided he or she makes written application to the
46 head of the retirement system within the time for filing an application
47 for an accidental death benefit as set forth in section three hundred
48 sixty-one of this title.

49 § 2. The section heading and subdivision a of section 363-e of the
50 retirement and social security law, as added by chapter 208 of the laws
51 of 1997, are amended to read as follows:

52 Disability retirement allowance for members of the division of law
53 enforcement in the department of environmental conservation, police
54 officers in the department of environmental conservation, forest
55 rangers, university police officers and the regional state park police.

1 a. Every non-seasonally appointed sworn member or officer of the divi-
 2 sion of law enforcement in the department of environmental conservation
 3 and the regional state park police, **every police officer in the depart-**
 4 **ment of environmental conservation, every forest ranger and every**
 5 **university police officer appointed pursuant to paragraph 1 of subdivi-**
 6 **sion two of section three hundred fifty-five of the education law** who
 7 becomes physically or mentally incapacitated for the performance of duty
 8 shall be covered by the provisions of this section in lieu of the
 9 provisions of section three hundred sixty-two or three hundred sixty-
 10 three of this **[article] title**; except, however, any such member or offi-
 11 cer who last entered or reentered service in the department of environ-
 12 mental conservation or state park police, as the case may be, prior to
 13 September first, nineteen hundred ninety-seven, shall be entitled to
 14 apply for disability retirement pursuant to such sections and to receive
 15 the benefit so payable in lieu of the benefit payable pursuant to this
 16 section. **The benefits provided by this section for university police**
 17 **officers shall be in lieu of section three hundred sixty-three of this**
 18 **article.**

19 § 3. This act shall take effect immediately.

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

This bill would grant improved accidental and performance of duty disability pensions to certain members or officers of the division of law enforcement in the department of environmental conservation, and regional state park police. The benefit for an accidental disability would be 75% of final average salary minus worker's compensation. The benefit for a performance of duty disability benefit would be 50% of final average salary.

If this bill is enacted, the estimated increase in the annual contributions of the state of New York for the fiscal year ending March 31, 2019 would be approximately \$350,000.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$2.17 million which will 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, 2019.

These estimated costs are based on 570 members having an annual salary for the fiscal year ending March 31, 2017 of approximately \$48 million.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated February 2, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-57, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 311

TO THE SENATE:

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

Senate Bill Number 5594-C, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability retirement for members of the department of environmental conservation, forest rangers, university police officers and the regional state park police"

NOT APPROVED

This bill would allow members of the Division of Law Enforcement in the Department of Environmental Conservation, Forest Rangers, University Police Officers, and the regional State Park Police who are injured in the performance of their duties and who can no longer perform their duties due to said injury to receive three quarters accidental disability retirement.

The cost of this bill would be significant. The estimated costs include a one-time \$2.2 million past service cost payment as well as recurring annual costs estimated at \$350,000. Coupled with the myriad of other benefit enhancement bills proposed by the Legislature, this bill would threaten to constrain execution of the State Financial Plan by increasing taxpayer costs without improving services. Expansion of this benefit is likely to result in proliferation to other titles, as other classes of employees seek similar benefit enhancements. Furthermore, improved disability benefits could have been negotiated as part of the collective bargaining process.

While I must veto this bill, the Legislature should study these types of proposed "piecemeal" benefit enhancements. A comprehensive assessment of these type of benefit enhancements is necessary. A study of this and other similar requests for benefit enhancements for certain classes of employees (e.g., accidental disability, disability presumptions; early age retirement, etc.) should first be completed by the impacted retirement systems to ensure a complete review of potentially impacted employees and taxpayer costs would be available to decision-makers and taxpayers once such information is available a comprehensive and fair solution could be enacted.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

7134

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. ORTT -- 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 county correction officers with a special optional twenty year retirement plan

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 article 14-C to read as follows:
3 ARTICLE 14-C
4 OPTIONAL RETIREMENT PLAN FOR COUNTY CORRECTION OFFICERS OR DEPUTY
5 SHERIFFS PERFORMING AS CORRECTION OFFICERS
6 Section 561. Definitions.
7 562. Optional twenty year retirement plan for certain members
8 whose employer elects to provide same.
9 563. Additional pension benefit for members of optional twenty
10 year retirement plan.
11 564. Consistent provisions.
12 § 561. Definitions. For purposes of this article:
13 (a) "Member" shall mean a person who is employed as a county
14 correction officer or a deputy sheriff who is engaged directly in
15 correction officer duties that aggregate fifty per centum of their
16 service by a county which elects by resolution or local law, duly
17 adopted, to provide the benefits as authorized by this article.
18 (b) "Retirement system" shall mean the New York state and local
19 employees' retirement system.
20 (c) "Creditable service" shall include any and all services performed
21 as a sheriff, undersheriff or deputy sheriff, or correction officer.
22 Credit for service as a member or officer of the state police or as a
23 paid fireman, policeman or officer of any organized fire department or
24 police force or department of any county, city, village, town, fire
25 district or police district, shall also be deemed to be creditable
26 service and shall be included in computing years of total service for

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

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1 retirement pursuant to this section, provided such service was performed
2 by the member while contributing to the retirement system pursuant to
3 the provisions of this article or article eight of this chapter.

4 § 562. Optional twenty year retirement plan for certain members whose
5 employer elects to provide same. (a) Any member of the retirement system
6 may elect to become a member pursuant to the provisions of this section
7 within one year after he or she becomes a member, if his or her employer
8 has elected to make the benefits provided by this section available to
9 members, or within one year after his or her employer elects to make the
10 benefits provided by this section available to its members.

11 (b) Elections made pursuant to this section shall be in writing and
12 shall be duly acknowledged and filed with the comptroller. Any member
13 who files such an election pursuant to this section may withdraw it
14 after it has been filed for at least a year. Such withdrawal shall be by
15 written notice duly acknowledged and filed with the comptroller.

16 (c) A member participating on the basis of this section at the time of
17 retirement shall be entitled to retire after the completion of twenty
18 years of total creditable service or upon the attainment of age sixty-
19 two, by filing an application therefor in a manner similar to that
20 provided in this chapter.

21 (i) Upon completion of twenty years of such service and upon retire-
22 ment, each such member shall receive a pension sufficient to provide him
23 or her with a retirement allowance equal to one-fortieth of his or her
24 final average salary for each year of total creditable services for
25 which he or she is otherwise entitled but not exceeding in the aggregate
26 one-half of his or her final average salary.

27 (ii) Upon attainment of age sixty-two and upon retirement without
28 completion of twenty years of such service, each such member shall
29 receive a pension sufficient to provide him or her with a retirement
30 allowance equal to one-fortieth of his or her final average salary for
31 each year of creditable service. Every such member shall also be enti-
32 tled to an additional pension equal to the pension for any other credit-
33 able service rendered as otherwise provided for in this chapter. This
34 latter pension shall not increase the total allowance to more than one-
35 half of his or her final average salary.

36 (d) The increased pensions to such members, as provided by this
37 section, shall be paid from additional contributions made by the partic-
38 ipating employer on account of such members. The actuary of the retire-
39 ment system shall compute the additional contribution required for each
40 member who elects to receive the special benefits provided under this
41 section. Such additional contributions shall be computed on the basis of
42 contributions during the prospective service of such member which will
43 cover the liability of the retirement system for such extra pensions.
44 Upon approval of the comptroller, such additional contributions shall be
45 certified by him or her to the chief fiscal officer or the participating
46 employer. The amount thereof shall be included in the annual appropri-
47 ation of the participating employer. Such amount shall be paid on the
48 warrant of the chief fiscal officer of the participating employer to the
49 pension accumulation fund of the retirement system.

50 (e) In computing the twenty years of completed service of a member,
51 full credit shall be given for military service as defined in subdivi-
52 sions twenty-nine-a and thirty of section three hundred two of this
53 chapter.

54 (f) Every member participating on the basis of this section shall be
55 separated from the service on the last day of the calendar month next
56 succeeding the calendar month in which he or she attains age sixty-two,

1 provided, however, that such a member who attained the age of sixty-two
2 before his or her employer elected to make the benefits provided by this
3 section available to him or her, or who attains the age of sixty-two
4 within one month after his or her employer makes such benefits avail-
5 able, to be eligible for a pension computed in accordance with the
6 provisions of this section, shall be separated from the service within
7 three months after his or her employer makes such benefits available.

8 (g) The provisions of this section shall be controlling notwithstand-
9 ing any other provision of this article to the contrary.

10 (h) The benefits of this section shall be available only to those
11 members whose employer elects to provide such benefits by adopting a
12 resolution or local law to such effect and filing a certified copy ther-
13 eof with the comptroller.

14 (i) The benefits provided by this section shall be payable to a
15 member, unless at the date of retirement such member would otherwise be
16 entitled to a greater benefit under other provisions of this chapter had
17 he or she withdrawn from this section, in which event such greater bene-
18 fits shall be payable.

19 § 563. Additional pension benefit for members of optional twenty year
20 retirement plan. (a) A participating employer which has elected, or
21 which elects to provide the benefits of the optional twenty year retire-
22 ment plan for its employees as specified in this article may elect to
23 make contributions for the purpose of providing an additional pension
24 pursuant to this section for members in its employ who are entitled to a
25 pension pursuant to section five hundred sixty-two of this article.
26 Every member employed by an employer which has elected the provisions of
27 section five hundred sixty-two of this article and this section may
28 elect to be covered by the provisions of this section by filing with the
29 comptroller, a duly executed and acknowledged form prepared by the comp-
30 troller for that purpose.

31 (b) Upon retirement, each such member shall receive, for each year of
32 service in excess of twenty, an additional pension which shall be equal
33 to one-sixtieth of his or her final average salary; provided, however,
34 that the total allowance payable pursuant to this section shall not
35 exceed three-quarters of such member's final average salary.

36 § 564. Consistent provisions. Nothing contained in this article shall
37 be construed to otherwise affect the applicability of article eleven,
38 fourteen or fifteen of this chapter. Any other provisions of this chap-
39 ter relating to mandatory contribution to the retirement system based
40 upon a member's date of membership in such system shall not be deemed to
41 be affected by the provisions of this article, and any member who on the
42 effective date of this article is not required to contribute shall not
43 be required to make any contributions as a result of this section. For
44 those members required to contribute to the retirement system, such
45 contribution shall be treated in the same manner as specified for such
46 members in article fourteen or fifteen of this chapter.

47 § 2. Any past service payments required of a county as a result of the
48 adoption of the benefits permitted by this act may be amortized over a
49 period of up to ten years at the option of such county.

50 § 3. This act shall take effect immediately.

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

This bill will allow any county to elect to provide their correction
officers and deputy sheriffs who are engaged in correction officer
duties to become covered by the provisions of a special 20 year retire-
ment plan, which will provide a benefit of one-half of final average
salary upon retirement. The county may also elect an additional benefit

of one sixtieth of final average salary for each year of service in excess of 20 years, not to exceed 15 such years.

If this bill is enacted, the increase in the annual contributions of a county electing to provide these benefits will depend on the salary and plan coverage of the affected members in its employ. For the 20 year plan, the additional annual cost will be:

Current Plan	Tier 3&4	Tier 5	Tier 6
25-year	4.7%	5.0%	5.5%
Age 55	7.0%	7.5%	7.1%

For the 20 year plan with additional sixtieths, the additional annual cost will be:

Current Plan	Tier 3&4	Tier 5	Tier 6
25-year	5.2%	5.7%	6.4%
Age 55	7.5%	8.2%	8.0%

These costs are stated as of the fiscal year ending March 31, 2019, as a percent of affected corrections officers' salary. In future years, this annual cost will vary as the billing rates of these plans change.

In addition to the annual contributions discussed above, there will be an immediate past service cost for the affected officers which would depend on the current salary, plan, age and length of service of the officers, as well as on the proposed plan. This cost may be amortized over a period of up to 10 years as determined by the employing county which elects the benefit.

Summary of relevant sources:

The membership date used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated December 8, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-12, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 316

TO THE SENATE:

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

Senate Bill Number 7134, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing county correction officers with a special optional twenty year retirement plan"

Senate Bill Number 7140, 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 in Nassau county"

Senate Bill Number 7525, entitled:

"AN ACT to amend the retirement and social security law, in relation to death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof"

Senate Bill Number 8070, entitled:

"AN ACT granting retroactive membership in the teachers' retirement system to Margaret Russo"

Senate Bill Number 8284, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

7140

IN SENATE

(Prefiled)

January 3, 2018

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

AN ACT to amend the retirement and social security law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers in Nassau county

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 g to read as follows:

3 g. 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 is employed in Nassau county, who becomes physically or mentally
6 incapacitated for the performance of duties as the natural and proximate
7 result of an injury, sustained in the performance or discharge of his or
8 her duties by, or as the natural and proximate result of an intentional
9 or reckless act of any civilian visiting, or otherwise present at, an
10 institution under the jurisdiction of such county where such injury was
11 sustained and documented after the enactment of this section, 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. Notwithstanding any
15 other provision of law to the contrary, none of the provisions of this
16 subdivision shall be subject to section twenty-five of this chapter.

17 § 2. All past service costs associated with implementing the
18 provisions of this act will be borne by Nassau county, and may be amor-
19 tized over a ten year period.

20 § 3. This act shall take effect immediately.

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

This bill will allow any sheriff, undersheriff, deputy sheriff, or correction officer employed by Nassau County to become eligible to receive a performance of duty benefit due to the intentional or reckless act of a civilian visiting an institution under the jurisdiction of such county. The benefit will be 75% of final average salary less worker's

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

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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". Such injuries must be sustained and documented after the enactment of this legislation.

If this legislation is enacted during the 2018 legislative session, we anticipate that there will be an increase in the annual contributions of Nassau County of approximately \$210,000 for the fiscal year ending March 31, 2019.

In addition to the annual contributions discussed above, it is estimated that there will be a past service cost of approximately \$1.22 million which would be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year would be \$162,000.

These estimated costs are based on 880 sheriffs, undersheriffs, deputy sheriffs and correction officers employed by Nassau County with a total estimated annual salary of approximately \$96 million for the fiscal year ending March 31, 2017.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated November 15, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-8, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 317

TO THE SENATE:

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

Senate Bill Number 7134, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing county correction officers with a special optional twenty year retirement plan"

Senate Bill Number 7140, 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 in Nassau county"

Senate Bill Number 7525, entitled:

"AN ACT to amend the retirement and social security law, in relation to death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof"

Senate Bill Number 8070, entitled:

"AN ACT granting retroactive membership in the teachers' retirement system to Margaret Russo"

Senate Bill Number 8284, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be

addressed in the context of annual budget negotiations, I am constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

7525

IN SENATE

January 19, 2018

Introduced by Sen. RITCHIE -- 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 death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision b of section 448 of the retirement and social
2 security law is amended by adding a new paragraph 3 to read as follows:

3 3. Provided further, notwithstanding any other provision of this arti-
4 cle to the contrary, where a member is in a title as defined in subdivi-
5 sion i of section eighty-nine of this chapter under the jurisdiction of
6 the department of corrections and community supervision, and would have
7 been entitled to a service retirement benefit at the time of his or her
8 death and where his or her death occurs on or after July first, two
9 thousand eighteen, the beneficiary or beneficiaries may elect to
10 receive, in a lump sum, an amount payable which shall be equal to the
11 pension reserve that would have been established had the member retired
12 on the date of his or her death, or the value of the death benefit and
13 the reserve-for-increased-take-home-pay, if any, whichever is greater.

14 § 2. Subdivision b of section 508 of the retirement and social securi-
15 ty law, as amended by chapter 18 of the laws of 2012, is amended to read
16 as follows:

17 b. A member of a retirement system subject to the provisions of this
18 article who is a policeman, fireman, correction officer, investigator
19 revised plan member or sanitation man and is in a plan which permits
20 immediate retirement upon completion of a specified period of service
21 without regard to age or who is subject to the provisions of section
22 five hundred four or five hundred five of this article, shall upon
23 completion of ninety days of service be covered for financial protection
24 in the event of death in service pursuant to this subdivision.

25 1. Such death benefit shall be equal to three times the member's sala-
26 ry raised to the next highest multiple of one thousand dollars, but in
27 no event shall it exceed three times the maximum salary specified in

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

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1 section one hundred thirty of the civil service law or, in the case of a
 2 member of a retirement system other than the New York city employees'
 3 retirement system, or in the case of a member of the New York city
 4 employees' retirement system who is a New York city uniformed
 5 correction/sanitation revised plan member or an investigator revised
 6 plan member, the specific limitations specified for age of entrance into
 7 service contained in subparagraphs (b), (c), (d), (e) and (f) of para-
 8 graph two of subdivision a of this section.

9 **2. Provided further, notwithstanding any other provision of this arti-**
 10 **cle to the contrary, where a member is in a title as defined in subdivi-**
 11 **sion i of section eighty-nine of this chapter under the jurisdiction of**
 12 **the department of corrections and community supervision, and would have**
 13 **been entitled to a service retirement benefit at the time of his or her**
 14 **death and where his or her death occurs on or after July first, two**
 15 **thousand eighteen, the beneficiary or beneficiaries may elect to**
 16 **receive, in a lump sum, an amount payable which shall be equal to the**
 17 **pension reserve that would have been established had the member retired**
 18 **on the date of his or her death, or the value of the death benefit and**
 19 **the reserve-for-increased-take-home-pay, if any, whichever is greater.**

20 § 3. This act shall take effect immediately and shall expire five
 21 years after the date on which it shall become a law.

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

This bill would modify the in-service death benefit for tiers 2 through 6 state correction officers. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death. The provision is scheduled to expire five years after the date it is enacted.

If such proposal is enacted during the 2018 legislative session, there will be a one-time past service cost of \$13.2 million, 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 March 1, 2019.

If this provision is extended or made permanent by subsequent legislation, there would be additional costs.

These estimated costs are based on 20,712 state correction officers with a total annual salary of approximately \$1.5 billion for the fiscal year ending March 31, 2017.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 17, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-31, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 320

TO THE SENATE:

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

Senate Bill Number 7134, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing county correction officers with a special optional twenty year retirement plan"

Senate Bill Number 7140, 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 in Nassau county"

Senate Bill Number 7525, entitled:

"AN ACT to amend the retirement and social security law, in relation to death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof"

Senate Bill Number 8070, entitled:

"AN ACT granting retroactive membership in the teachers' retirement system to Margaret Russo"

Senate Bill Number 8284, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place undue fiscal pressure on local

governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be

addressed in the context of annual budget negotiations, I am constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8284

IN SENATE

April 26, 2018

Introduced by Sen. PHILLIPS -- 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 performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 607-i to read as follows:

3 § 607-i. Performance of duty disability retirement benefits for ambu-
4 lance medical technician supervisors, ambulance medical technician coor-
5 dinators and ambulance medical technicians in Nassau county. a. The
6 county of Nassau shall make the benefits provided herein available to
7 ambulance medical technician supervisors, ambulance medical technician
8 coordinators and ambulance medical technicians in the employ of Nassau
9 county.

10 b. A member shall be entitled to retirement for disability incurred in
11 the performance of duty if, at the time application therefor is filed,
12 he or she is:

13 1. Physically or mentally incapacitated for performance of duty as the
14 natural and proximate result of a disability not caused by his or her
15 own willful negligence sustained in such service and while actually a
16 member of the retirement system; and

17 2. Actually in service upon which his or her membership is based.
18 However, in the case where a member is discontinued from service, either
19 voluntarily, or involuntarily, subsequent to sustaining a disability in
20 such service, application may be made not later than two years after the
21 member is first discontinued from service; and provided that the member
22 meets the requirements of subdivision a of this section and this subdi-
23 vision.

24 c. Application for a performance of duty disability retirement allow-
25 ance for such a member may be made by:

26 1. Such member; or

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

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- 1 2. The head of the department in which such member is employed; or
2 3. Any person acting on behalf of and authorized by such member.
- 3 d. 1. After the filing of such an application, such member shall be
4 given one or more medical examinations. No such application shall be
5 approved, however, unless the member or some other person on his or her
6 behalf shall have filed written notice in the office of the comptroller
7 within ninety days after the occurrence which is the basis for the disa-
8 bility incurred in the performance of duty, setting forth:
9 (a) The time when and the place of such occurrence; and
10 (b) The particulars thereof; and
11 (c) The nature and extent of the member's injuries; and
12 (d) His or her alleged disability.
- 13 2. The notice herein required need not be given:
14 (a) If the notice of such accident shall be filed in accordance with
15 the provisions of the workers' compensation law of any state within
16 which a participating employer in Nassau county shall have its employees
17 located or performing functions and duties within the normal scope of
18 their employment; or
19 (b) If the application for performance of duty disability retirement
20 is filed within one year after the date of the occurrence which forms
21 the basis for the application; or
22 (c) If a failure to file notice has been excused for good cause shown
23 as provided by rules and regulations promulgated by the comptroller.
- 24 e. If the comptroller determines that the member is physically or
25 mentally incapacitated for the performance of duty pursuant to subdivi-
26 sion b of this section and ought to be retired, such member shall be so
27 retired. Such retirement shall be effective as of a date approved by the
28 comptroller.
- 29 f. The annual retirement allowance payable upon retirement for disa-
30 bility incurred in the performance of duty shall be a pension of one-
31 half of his or her final average salary plus an annuity which shall be
32 the actuarial equivalent of the member's accumulated contributions, if
33 any.
- 34 g. If the member, at the time of the filing of an application under
35 the provision of subdivision c of this section, is eligible for a
36 service retirement benefit, then and in that event, he or she may simul-
37 taneously file an application for service retirement in accordance with
38 the provision of section seventy of this chapter, provided that the
39 member indicates on the application for service retirement that such
40 application is filed without prejudice to the application for the
41 retirement for disability incurred in performance of duty.
- 42 h. Any benefit provided pursuant to this section shall not be consid-
43 ered as an accidental disability benefit within the meaning of section
44 sixty-four of this chapter.
- 45 i. Any benefit payable pursuant to the workers' compensation law to a
46 member receiving a disability allowance pursuant to this section shall
47 be in addition to such retirement for disability incurred in performance
48 of duty allowance.
- 49 j. A final determination of the comptroller that the member is not
50 entitled to retirement benefits pursuant to this section shall not in
51 any respect be, or constitute, a determination with regard to benefits
52 payable pursuant to section two hundred seven-c of the general municipal
53 law.
- 54 § 2. All costs associated with implementing the provisions of this act
55 shall be borne by Nassau county.

1 § 3. All past costs incurred due to implementing the provisions of
2 this act will be borne by Nassau county, and may be amortized over a ten
3 year period.

4 § 4. This act shall take effect immediately.

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

This bill would grant Nassau County Tier 3, 4, 5 and 6 ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians an enhanced disability benefit for injuries sustained in the performance of duty. The benefit for a performance of duty disability would be 50% of final average salary.

If this bill is enacted during the 2018 session, there will be an estimated increase of approximately \$300,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2019.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$1.74 million which may be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year would be \$232,000.

These estimated costs are based on 128 members having an annual salary for the fiscal year ending March 31, 2017 of approximately \$14 million.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016; and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 25, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-91, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 324

TO THE SENATE:

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

Senate Bill Number 7134, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing county correction officers with a special optional twenty year retirement plan"

Senate Bill Number 7140, 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 in Nassau county"

Senate Bill Number 7525, entitled:

"AN ACT to amend the retirement and social security law, in relation to death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof"

Senate Bill Number 8070, entitled:

"AN ACT granting retroactive membership in the teachers' retirement system to Margaret Russo"

Senate Bill Number 8284, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

6274

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 154 of the laws of 1921, relating to the Port Authority of New York and New Jersey, in relation to paid time off for Port Authority police officers who become ill or injured in the performance of their duties

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

1 Section 1. Section 1 of chapter 154 of the laws of 1921, relating to
2 the Port Authority of New York and New Jersey, is amended by adding a
3 new article 23 to read as follows:

4 ARTICLE XXIII

5 1. Any member of the police department of the port authority of New
6 York and New Jersey who is injured in the performance of his or her
7 duties or who is taken sick as a result of the performance of his or her
8 duties so as to necessitate medical or other lawful remedial treatment
9 shall be paid by the port authority the full amount of his or her regu-
10 lar salary or wages until his or her disability arising therefrom has
11 ceased, and, in addition the port authority shall be liable for all
12 medical treatment and hospital care necessitated by reason of such inju-
13 ry or illness. Provided, however, and notwithstanding the foregoing
14 provisions of this article, the port authority police health authorities
15 or any physician appointed for the purpose by the police department,
16 after a determination has first been made that such injury or sickness
17 was incurred during, or resulted from such performance of duty, may
18 attend any such injured or sick member, from time to time, for the
19 purpose of providing medical, surgical or other treatment, or for making
20 inspections and the police department shall not be liable for salary or
21 wages payable to such member, or for the cost of medical treatment or
22 hospital care furnished after such date as such health authorities or

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

LBD10499-01-7

1 physician shall certify that such injured or sick member has recovered
2 and is physically able to perform his or her regular duties. Any injured
3 or sick member who shall refuse to accept medical treatment or hospital
4 care or shall refuse to permit medical inspections as authorized by this
5 subdivision, including examinations pursuant to section 363 or 363-c of
6 the New York state retirement and social security law, shall be deemed
7 to have waived his or her rights under this article in respect to
8 expenses for medical treatment or hospital care rendered and for salary
9 or wages payable after such refusal.

10 2. Notwithstanding any provision of law to the contrary, a provider of
11 medical treatment or hospital care furnished pursuant to the provisions
12 of this article shall not collect or attempt to collect reimbursement
13 for such treatment or care from any such member of the port authority
14 police.

15 3. Payment of the full amount of regular salary or wages, as provided
16 by subdivision one of this article shall be discontinued with respect to
17 any member of the port authority police who is permanently disabled as a
18 result of an injury or sickness incurred or resulting from the perform-
19 ance of his or her duties if such member is granted an accidental disa-
20 bility retirement allowance pursuant to section 363 of the New York
21 state retirement and social security law, or performance of duty disa-
22 bility allowance pursuant to section 363-c of the New York state retire-
23 ment and social security law or similar accidental disability pension
24 provided by the pension fund of which he or she is a member. If applica-
25 tion for such retirement allowance or pension is not made by such
26 member, application therefor may be made by the chief of the port
27 authority police department.

28 4. If such a member is not eligible for or is not granted such acci-
29 idental or performance of duty disability retirement provided from the
30 pension fund and is nevertheless, in the opinion of such health authori-
31 ties or physician, unable to perform his or her regular duties as a
32 result of such injury or sickness but is able, in their opinion, to
33 perform specified types of light police duty, payment of the full amount
34 of regular salary or wages, as provided by subdivision one of this arti-
35 cle, shall be discontinued with respect to such member if he or she
36 shall refuse to perform such light police duty if the same is available
37 and offered to him or her, provided, however, that such light duty shall
38 be consistent with his or her status as a member of the port authority
39 police and shall enable him or her to continue to be entitled to his or
40 her regular salary or wages, including increases if he or she were able
41 to perform his or her regular duties.

42 5. If such a member is not eligible for or is not granted an acci-
43 idental disability retirement allowance or performance of duty disability
44 allowance, he or she shall not be entitled to further payment of the
45 full amount of regular salary or wages, as provided by subdivision one
46 of this article, after he or she shall have attained the mandatory
47 service retirement age applicable to him or her or shall have sufficient
48 credible police employment to qualify for a service retirement.

49 6. Notwithstanding any provision of law to the contrary or contained
50 in this article, a cause of action shall accrue to the port authority
51 police for reimbursement in such sum or sums actually paid as salary or
52 wages and/or for medical treatment and hospital care as against any
53 third party against whom the member shall have a cause of action for the
54 injury sustained or sickness caused by such third party.

55 § 2. This act shall take effect upon the enactment into law by the
56 state of New Jersey of legislation having an identical effect with this

1 act, but if the state of New Jersey shall have already enacted such
 2 legislation, this act shall take effect immediately; provided that the
 3 chair of the port authority of New York and New Jersey shall notify the
 4 legislative bill drafting commission upon the occurrence of the enact-
 5 ment of the legislation provided for in section one of this act in order
 6 that the commission may maintain an accurate and timely effective data
 7 base of the official text of the laws of the state of New York in furth-
 8 erance of effectuating the provisions of section 44 of the legislative
 9 law and section 70-b of the public officers law.

VETO MESSAGE - No. 333

TO THE ASSEMBLY:

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

Assembly Bill Number 6991, entitled:

"AN ACT to amend chapter 154 of the laws of 1921, relating to the
 Port Authority of New York and New Jersey, in relation to paid
 time off for Port Authority police officers who become ill or
 injured in the performance of their duties"

NOT APPROVED

This legislation would require the Port Authority of New York and New
 Jersey (Port Authority) to pay the full salary of members of the Port
 Authority of New York and New Jersey Police Department (PAPD) if they
 are injured or fall ill.

First, I fully support the essential work of the PAPD in ensuring the
 safe and efficient operation of the Port Authority's facilities. Howev-
 er, this legislation would interfere with the collective bargaining
 process in New York State, setting a negative precedent, and imposing
 significant costs on the Port Authority.

For over forty years, the Port Authority has successfully engaged with
 the PAPD through the collective bargaining process. There is no compel-
 ling need to interfere with that process through legislative mandate.

Additionally, this legislation would strip the Port Authority of the
 management right to determine an officer's fitness for duty by eliminat-
 ing the interactive review processes conducted for officers who are
 deemed unable to return to full duty and would generate additional
 medical costs that would be borne by the Port Authority. For the afore-
 mentioned reasons, I am constrained to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

4634--A

2017-2018 Regular Sessions

IN SENATE

February 23, 2017

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

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

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

1 Section 1. Subdivision 3 of section 363-a of the retirement and social
2 security law, as amended by chapter 437 of the laws of 2016, is amended
3 to read as follows:

4 3. As used in this section, the terms "firefighter" and "police offi-
5 cer" mean any member who is performing police or fire service, as the
6 phrase police or fire service is defined in paragraphs a, b, c, d, f (as
7 added by chapter six hundred seventy-four of the laws of nineteen eight-
8 y-six), f (as added by chapter six hundred seventy-seven of the laws of
9 nineteen eighty-six), g, h, i and j of subdivision eleven of section
10 three hundred two of this article, and who, prior to entry into service
11 as a firefighter or police officer, successfully passed a physical exam-
12 ination which failed to disclose evidence of any disease or other
13 impairment of the heart.

14 § 2. The amendments to section 363-a of the retirement and social
15 security law made by section one of this act shall not affect, impair,
16 or invalidate any temporary right, privilege, or benefit conferred
17 pursuant to the provisions of a general, special or local law (other
18 than pursuant to articles 14 and 15 of the retirement and social securi-
19 ty law) for any member of a public retirement system or pension plan
20 funded by the state or one of its political subdivisions, nor shall any

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

LBD09793-04-8

1 amendments thereto affect the application of such provisions as extended
2 by the provisions of section 480 of the retirement and social security
3 law.

4 § 3. This act shall take effect immediately.

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

This bill is a technical correction to Chapter 561 of the Laws of 2015. It would add a "heart bill" performance of duty disability provision for police officers of the State University of New York who are members of the New York State and Local Police and Fire Retirement System.

If this bill is enacted, it could lead to more disabilities being classified as "performance of duty". We anticipate that few performance of duty disability retirements will be granted, and thus, the resulting costs will be negligible.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 18, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-42, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 352

TO THE SENATE:

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

Senate Bill Number 4634-A, entitled:

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

Senate Bill Number 7780, entitled:

"AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera"

Senate Bill Number 8011, entitled:

"AN ACT to authorize the granting of retirement service credit in the New York state and local police and fire retirement system to Anthony D. Katsur for service as a university police officer"

Senate Bill Number 8066, entitled:

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

Senate Bill Number 8118, entitled:

"AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families"

Senate Bill Number 8276, entitled:

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

Senate Bill Number 8293, entitled:

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

Senate Bill Number 8598, entitled:

"AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be

addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8011

IN SENATE

March 19, 2018

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

AN ACT to authorize the granting of retirement service credit in the New York state and local police and fire retirement system to Anthony D. Katsur for service as a university police officer

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

1 Section 1. Notwithstanding any inconsistent provision of law, Anthony
2 D. Katsur a retiree of the New York state and local police and fire
3 retirement system who was employed as a New York State Trooper assigned
4 to the Empire State Plaza until his retirement on May 9, 2002, and who
5 was a member of the New York state and local employees' retirement
6 system while employed as a university police officer by the State
7 University of New York at Stony Brook from November 5, 1981 until Febru-
8 ary 3, 1988, which service is not deemed to be police service for
9 purposes of the New York state and local police and fire retirement
10 system pursuant to section 381-b of the retirement and social security
11 law, shall be granted retirement service credit pursuant to section
12 381-b of the retirement and social security law for such employment as a
13 university police officer at the State University of New York at Stony
14 Brook as if such service was rendered with the division of state police,
15 and shall be authorized to purchase service credit in such retirement
16 system for military service under article 20 of the retirement and
17 social security law which he had been unable to purchase for reasons not
18 ascribable to his own negligence, prior to his retirement and have his
19 retirement benefit recalculated as of May 9, 2002, if, on or before
20 December 31, 2018, he shall file a written request to that effect with
21 the state comptroller and pay such retirement system a sum as specified
22 in article 20 of the retirement and social security law.

23 § 2. All costs attributable to the operation of this act other than
24 the costs to be borne by Anthony D. Katsur as set forth in section one
25 of this act, shall be borne by the state of New York.

26 § 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.

LBD14763-03-8

This bill will deem service rendered as a state university police officer to have been rendered with the division of state police for Anthony D. Katsur, a police officer who was employed by the division of state police and retired on May 9, 2002. Officer Katsur did not render at least 20 years of service with the division of state police when he hit mandatory retirement age. In this case the law allows the state university police service to be included in the retirement benefit, but limits the retirement benefit to 50% of final average salary. This bill will deem his total service to exceed 20 years of service with the division of state police and therefore he would not be subject to the 50% limit. In addition, this bill will allow him to purchase military service credit under Article 20. The retirement benefit will be recalculated and payment will be made retroactive to his date of retirement.

If this bill is enacted during the 2018 legislative session, there will be an immediate past service cost of approximately \$130,000. Approximately \$6,000 of this cost would be borne by Anthony Katsur and the remaining \$124,000 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, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated March 16, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-77, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 365

TO THE SENATE:

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

Senate Bill Number 4634-A, entitled:

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

Senate Bill Number 7780, entitled:

"AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera"

Senate Bill Number 8011, entitled:

"AN ACT to authorize the granting of retirement service credit in the New York state and local police and fire retirement system to Anthony D. Katsur for service as a university police officer"

Senate Bill Number 8066, entitled:

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

Senate Bill Number 8118, entitled:

"AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families"

Senate Bill Number 8276, entitled:

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

Senate Bill Number 8293, entitled:

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

Senate Bill Number 8598, entitled:

"AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on

local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8066

IN SENATE

March 23, 2018

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

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

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

1 Section 1. Paragraph 3 of subdivision e of section 556 of the retire-
2 ment and social security law, as added by chapter 165 of the laws of
3 1995, is amended to read as follows:

4 3. A pension of two-thirds of his or her final average salary;
5 provided, however, a deputy sheriff shall receive a pension of three-
6 quarters of his or her final average salary if such deputy sheriff is
7 employed by an employer that has elected to provide such benefit to
8 deputy sheriffs. The payment of such pension shall be subject to the
9 provisions of section three hundred sixty-four of this chapter.

10 § 2. This act shall take effect immediately.

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

This bill would allow employers who have elected Article 14-B of the Retirement and Social Security Law to elect to provide an improved accidental disability pension to deputy sheriffs in their employ. The benefit for an accidental disability would be 75% of final average salary minus worker's compensation. The current benefit is 2/3 of final average salary minus worker's compensation.

If this bill is enacted, the estimated increase in the annual contributions of electing counties for the fiscal year ending March 31, 2019 would be 0.3% of the compensation of their deputy sheriffs.

In addition to the annual contributions discussed above, there will be a past service cost of 1.0% of the compensation of such deputy sheriffs which will be paid by such counties as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valu-

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

LBD11765-06-8

ation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated March 22, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-76, prepared by the Actuary for the New York State and Local Retirement System.

VE TO MESSAGE - No. 366

TO THE SENATE:

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

Senate Bill Number 4634-A, entitled:

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

Senate Bill Number 7780, entitled:

"AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera"

Senate Bill Number 8011, entitled:

"AN ACT to authorize the granting of retirement service credit in the New York state and local police and fire retirement system to Anthony D. Katsur for service as a university police officer"

Senate Bill Number 8066, entitled:

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

Senate Bill Number 8118, entitled:

"AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families"

Senate Bill Number 8276, entitled:

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

Senate Bill Number 8293, entitled:

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

Senate Bill Number 8598, entitled:

"AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8276

IN SENATE

April 26, 2018

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

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

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, Scott Goodfel-
2 low, a member of the New York state and local employees' retirement
3 system, who was employed on December 28, 2009, by the county of St.
4 Lawrence department of corrections, and who filed membership application
5 in such system on December 28, 2009, which should have given him Tier IV
6 status but for reasons not ascribable to his own negligence and due to
7 an administrative error, the application was not processed in the usual
8 manner and therefore not processed until January 4, 2010, may be deemed
9 to have become a member of the New York state and local employees'
10 retirement system on December 28, 2009, if within one year from the date
11 this act shall have become a law he shall file an application therefor
12 with the state comptroller. Upon the receipt of such application, Scott
13 Goodfellow shall be granted Tier IV status in the New York state and
14 local employees' retirement system and be eligible for all the rights
15 and benefits thereof. No contributions made to the New York state and
16 local employees' retirement system by Scott Goodfellow shall be returned
17 to him pursuant to this act.

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

20 § 3. This act shall take effect immediately.

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

This bill will grant retroactive Tier 4 status in the New York State and Local Employees' Retirement System to Scott R. Goodfellow, a current Tier 5 member employed by the NYS Power Authority, by changing his date of membership to December 28, 2009, his first date of employment with the county of St. Lawrence department of corrections. There will be no refund of member contributions.

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

LBD02564-03-8

If this bill is enacted during the 2018 legislative session, there will be an increase of approximately \$2,300 in the annual contributions of the NYS Power Authority for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salaries of Scott R. Goodfellow change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$2,850 which will be borne by the county of St. Lawrence as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 23, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal No. 2018-87, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 370

TO THE SENATE:

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

Senate Bill Number 4634-A, entitled:

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

Senate Bill Number 7780, entitled:

"AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera"

Senate Bill Number 8011, entitled:

"AN ACT to authorize the granting of retirement service credit in

the New York state and local police and fire retirement system to Anthony D. Katsur for service as a university police officer"

Senate Bill Number 8066, entitled:

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

Senate Bill Number 8118, entitled:

"AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families"

Senate Bill Number 8276, entitled:

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

Senate Bill Number 8293, entitled:

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

Senate Bill Number 8598, entitled:

"AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8293

IN SENATE

April 26, 2018

Introduced by Sen. PHILLIPS -- 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 chief 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 607-i to read as follows:

3 § 607-i. Performance of duty, disability retirement for chief fire
4 marshals, assistant chief fire marshals, division supervising fire
5 marshals, supervising fire marshals, fire marshals and fire marshal
6 trainees in Nassau county. a. The county of Nassau shall make the bene-
7 fits provided herein available to chief fire marshals, assistant chief
8 fire marshals, division supervising fire marshals, supervising fire
9 marshals, fire marshals and fire marshal trainees in the employ of
10 Nassau county.

11 b. A member shall be entitled to retirement for disability incurred in
12 the performance of duty if, at the time application therefor is filed,
13 he or she is:

14 1. Physically or mentally incapacitated for performance of duty as the
15 natural and proximate result of a disability, not caused by his or her
16 own willful negligence sustained in such service and while actually a
17 member of the retirement system; and

18 2. Actually in service upon which his or her membership is based.
19 However, in a case where a member is discontinued from service, either
20 voluntarily or involuntarily, subsequent to sustaining a disability in
21 such service, application may be made not later than two years after the
22 member is first discontinued from service; and provided that the member
23 meets the requirements of subdivision a of this section and this subdi-
24 vision.

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

LBD05674-05-8

- 1 c. Application for a performance of duty disability retirement allow-
2 ance for 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 d. 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 such occurrence which is the basis for the
11 disability incurred in the performance of duty, setting forth:
- 12 (a) The time and the place of such occurrence; and
13 (b) The particulars thereof; and
14 (c) The nature and extent of the member's injuries; and
15 (d) His or her alleged disability.
- 16 2. The notice herein required need not be given:
- 17 (a) If the notice of such occurrence shall be filed in accordance with
18 the provisions of the workers' compensation law of any state within
19 which a participating employer in Nassau county shall have its employees
20 located or performing functions and duties within the normal scope of
21 their employment; or
- 22 (b) If the application for performance of duty disability retirement
23 is filed within one year after the date of the occurrence which forms
24 the basis for the application; or
- 25 (c) If a failure to file notice has been excused for good cause shown
26 as provided by rules and regulations promulgated by the comptroller.
- 27 e. If the comptroller determines that the member is physically or
28 mentally incapacitated for the performance of duty pursuant to subdivi-
29 sion b of this section and ought to be retired, such member shall be so
30 retired. Such retirement shall be effective as of a date approved by the
31 comptroller.
- 32 f. The annual retirement allowance payable upon retirement for disa-
33 bility incurred in the performance of duty shall be a pension of one-
34 half of his or her final average salary plus an annuity which shall be
35 the actuarial equivalent of the member's accumulated contributions, if
36 any.
- 37 g. If the member, at the time of the filing of an application under
38 the provisions of subdivision c of this section, is eligible for a
39 service retirement benefit, then and in that event, he or she may simul-
40 taneously file an application for service retirement in accordance with
41 the provisions of section seventy of this chapter, provided that the
42 member indicates on the application for service retirement that such
43 application is filed without prejudice to the application for the
44 retirement for disability incurred in performance of duty.
- 45 h. Any benefit provided pursuant to this section shall not be consid-
46 ered as an accidental disability benefit within the meaning of section
47 sixty-four of this chapter.
- 48 i. Any benefit payable pursuant to the workers' compensation law to a
49 member receiving a disability allowance pursuant to this section shall
50 be in addition to such retirement for disability incurred in performance
51 of duty allowance.
- 52 j. A final determination of the comptroller that the member is not
53 entitled to retirement benefits pursuant to this section shall not in
54 any respect be, or constitute, a determination with regard to benefits
55 payable pursuant to section two hundred seven-a of the general municipal
56 law.

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

3 § 3. All past service costs incurred due to implementing the
4 provisions of this act will be borne by Nassau County, and may be amor-
5 tized over a 10 year period.

6 § 4. This act shall take effect immediately.

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

This bill would grant any Nassau County Tier 3, 4, 5 and 6 chief fire marshal, assistant chief fire marshal, division supervising fire marshal, supervising fire marshal, fire marshal trainee and enhances disability benefit for injuries sustained in the performance of duty. The benefit for a performance of duty disability would be 50% of final average salary.

If this bill is enacted during the 2018 session, there will be an estimated increase of approximately \$34,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2019.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$199,000 which would be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year would be \$26,600.

These estimated costs above are based on 40 fire marshals employed by Nassau County with a total estimated annual salary of approximately \$4.8 million for the fiscal year ending March 31, 2017.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2017 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated April 25, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-90, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 371

TO THE SENATE:

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

Senate Bill Number 4634-A, entitled:

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

Senate Bill Number 7780, entitled:

"AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera"

Senate Bill Number 8011, entitled:

"AN ACT to authorize the granting of retirement service credit in the New York state and local police and fire retirement system to Anthony D. Katsur for service as a university police officer"

Senate Bill Number 8066, entitled:

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

Senate Bill Number 8118, entitled:

"AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families"

Senate Bill Number 8276, entitled:

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

Senate Bill Number 8293, entitled:

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

Senate Bill Number 8598, entitled:

"AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay

millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8598

IN SENATE

May 10, 2018

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

AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice

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

1 Section 1. Notwithstanding any other law to the contrary, Steven R.
2 Grice, who is currently a Tier VI member of the New York state and local
3 employees' retirement system and currently employed by the county of
4 Genesee, and who commenced employment with the county of Genesee on June
5 22, 1981, and who, for reasons not ascribable to his own negligence,
6 failed to become a member of the New York state and local employees'
7 retirement system in 1981, may be deemed to have become a member of the
8 New York state and local employees' retirement system on June 22, 1981,
9 if within one year of the effective date of this act he shall file an
10 application therefor with the state comptroller. Upon receipt of such
11 application, Steven R. Grice shall be granted Tier III status in the New
12 York state and local employees' retirement system and be eligible for
13 all the rights and benefits thereof. No contributions made to the New
14 York state and local employees' retirement system by Steven R. Grice
15 shall be returned to him pursuant to this act.

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

18 § 3. This act shall take effect immediately.

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

20 This bill will grant Tier 3 status in the New York State and Local
21 Employees' Retirement System to Steven R. Grice, a current Tier 6 member
22 employed by the county of Genesee, by changing his date of membership to
23 June 22, 1981, his first date of employment with the county of Genesee.
24 There will be no refund of member contributions. As a Tier 3 member with
25 over 10 years of membership, he will no longer be required to make 3%
26 member contributions.

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

LBD13699-02-7

1 If this legislation is enacted during the 2018 legislative session, we
 2 anticipate that there will be an increase of approximately \$5,000 in the
 3 annual contributions of the county of Genesee for the fiscal year ending
 4 March 31, 2019. In future years, this cost will vary as the billing
 5 rates and salary of Steven R. Grice change.

6 In addition to the annual contributions discussed above, there will be
 7 an immediate past service cost of approximately \$5,660 which will be
 8 borne by the county of Genesee as a one-time payment. This estimate is
 9 based on the assumption that payment will be made on February 1, 2019.

10 Summary of relevant resources:

11 The membership data used in measuring the impact of the proposed
 12 change was the same as that used in the March 31, 2017 actuarial valu-
 13 ation. Distributions and other statistics can be found in the 2017
 14 Report of the Actuary and the 2017 Comprehensive Annual Financial
 15 Report.

16 The actuarial assumptions and methods used are described in the 2015,
 17 2016, and 2017 Annual Report to the Comptroller on Actuarial Assump-
 18 tions, and the Codes Rules and Regulations of the State of New York:
 19 Audit and Control.

20 The Market Assets and GASB Disclosures are found in the March 31, 2017
 21 New York State and Local Retirement System Financial Statements and
 22 Supplementary Information.

23 I am a member of the American Academy of Actuaries and meet the Quali-
 24 fication Standards to render the actuarial opinion contained herein.

25 This estimate, dated November 22, 2017, and intended for use only
 26 during the 2018 Legislative Session, is Fiscal Note No. 2018-5, prepared
 27 by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 373

TO THE SENATE:

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

Senate Bill Number 4634-A, entitled:

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

Senate Bill Number 7780, entitled:

"AN ACT relating to granting retroactive eligibility to apply for
 enhanced Tier 3 status to former New York City police officer Mark
 Rivera"

Senate Bill Number 8011, entitled:

"AN ACT to authorize the granting of retirement service credit in
 the New York state and local police and fire retirement system to

Anthony D. Katsur for service as a university police officer"

Senate Bill Number 8066, entitled:

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

Senate Bill Number 8118, entitled:

"AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families"

Senate Bill Number 8276, entitled:

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

Senate Bill Number 8293, entitled:

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

Senate Bill Number 8598, entitled:

"AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue

of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

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SECTION III

Legislation Affecting Other
New York Public Retirement Systems

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STATE OF NEW YORK

10676

IN ASSEMBLY

May 10, 2018

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

AN ACT to amend the administrative code of the city of New York, in relation to the rate of 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 crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems

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

1 Section 1. Paragraph 2 of subdivision b of section 13-638.2 of the
2 administrative code of the city of New York, as amended by chapter 71 of
3 the laws of 2017, is amended to read as follows:

4 (2) With respect to each retirement system, such rate of interest
5 shall be as hereinafter set forth in this paragraph:

6			First day and
7			last day of
8	Rate of interest		fiscal year or
9	per centum per		series of fiscal
10	Retirement	annum, compounded	years for which
11	System	annually	rate is effective
12			
13	NYCERS	7%	July 1, 2011 to
14			June 30, [2018] <u>2019</u>
15	NYCTRS	7%	July 1, 2011 to
16			June 30, [2018] <u>2019</u>
17	PPF	7%	July 1, 2011 to
18			June 30, [2018] <u>2019</u>

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

LBD15846-02-8

1	FPF	7%	July 1, 2011 to
2			June 30, [2018] <u>2019</u>
3	BERS	7%	July 1, 2011 to
4			June 30, [2018] <u>2019</u>

5 § 2. Paragraph 2 of subdivision f of section 13-638.2 of the adminis-
 6 trative code of the city of New York, as amended by chapter 71 of the
 7 laws of 2017, is amended to read as follows:

8 (2) Such special interest shall be allowed at the rates and for the
 9 periods set forth below in this paragraph:

10			First day and
11			last day of
12		Rate of interest	fiscal year or
13		per centum per	series of fiscal
14	Retirement	annum, compounded	years for which
15	System	annually	rate is effective
16			
17	NYCERS	1 1/4%	July 1, 2011 to
18			June 30, [2018] <u>2019</u>
19	NYCTRS	1 1/4%	July 1, 2011 to
20			June 30, [2018] <u>2019</u>
21	PPF	1 1/4%	July 1, 2011 to
22			June 30, [2018] <u>2019</u>
23	FPF	1 1/4%	July 1, 2011 to
24			June 30, [2018] <u>2019</u>
25	BERS	1 1/4%	July 1, 2011 to
26			June 30, [2018] <u>2019</u>

27 § 3. Paragraph 2 of subdivision g of section 13-638.2 of the adminis-
 28 trative code of the city of New York, as amended by chapter 71 of the
 29 laws of 2017, is amended to read as follows:

30 (2) Such additional interest shall be included at the rates and for
 31 the periods set forth below in this paragraph:

32			First day and
33			last day of
34		Rate of interest	fiscal year or
35		per centum per	series of fiscal
36	Retirement	annum, compounded	years for which
37	System	annually	rate is effective
38			
39	NYCERS	1 1/4%	July 1, 2011 to
40			June 30, [2018] <u>2019</u>
41	NYCTRS	1 1/4%	July 1, 2011 to
42			June 30, [2018] <u>2019</u>
43	PPF	1 1/4%	July 1, 2011 to
44			June 30, [2018] <u>2019</u>
45	FPF	1 1/4%	July 1, 2011 to
46			June 30, [2018] <u>2019</u>
47	BERS	1 1/4%	July 1, 2011 to
48			June 30, [2018] <u>2019</u>

49 § 4. Paragraph 2 of subdivision i of section 13-638.2 of the adminis-
 50 trative code of the city of New York, as amended by chapter 71 of the
 51 laws of 2017, is amended to read as follows:

1 (2) Such supplementary interest shall be allowed at the rates and for
 2 the periods set forth below in this paragraph:
 3
 4
 5
 6
 7 Retirement System
 8
 9

	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
10 NYCERS	0%	July 1, 2011 to June 30, [2018] <u>2019</u>
12 NYCTRS	0%	July 1, 2011 to June 30, [2018] <u>2019</u>
14 PPF	0%	July 1, 2011 to June 30, [2018] <u>2019</u>
16 FPF	0%	July 1, 2011 to June 30, [2018] <u>2019</u>
18 BERS	0%	July 1, 2011 to June 30, [2018] <u>2019</u>

20 § 5. This act shall take effect July 1, 2018, except that if it shall
 21 have become a law subsequent to such date, this act shall take effect
 22 immediately and be deemed to have been in full force and effect on and
 23 after July 1, 2018.

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

SUMMARY OF BILL: The enactment of this proposed legislation (the Interest Rate Extender Legislation) would amend Administrative Code of the City of New York (ACCNY) Section 13-638.2, as amended by Chapter 71 of the Laws of 2017, to continue for Fiscal Year 2019 the following rates of interest that expire on July 1, 2018 for the five actuarially-funded New York City Retirement Systems and Pension Funds (NYCRS):

* The 8.25% per annum rate used to credit interest on Tier 1 and Tier 2 member account balances (the sum of the 7.00% regular interest rate and the 1.25% special interest rate) and Increased-Take-Home-Pay (ITHP) Reserves (the sum of the 7.00% regular interest rate and the 1.25% additional interest rate), and

* The 7.00% per annum Actuarial Interest Rate (AIR) assumption used to compute employer contributions.

Effective Date for this proposed legislation: July 1, 2018.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The continuation for Fiscal Year 2019 of the same 8.25% per annum rate that was used for Fiscal Year 2018 to credit interest on Tier 1 and Tier 2 member contributions and ITHP Reserves would not change the amount or timing of expected employer contributions.

The continuation for Fiscal Year 2019 of the AIR assumption of 7.00% per annum that was used to determine preliminary employer contributions to the NYCRS for Fiscal Year 2018 would not change the expected amount or timing of employer contributions.

OTHER COSTS: Enactment of this proposed legislation would not be expected to produce any additional costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of

the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-01 dated January 22, 2018, was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2018 Legislative Session.

STATE OF NEW YORK

8497

IN SENATE

May 9, 2018

Introduced by Sen. SAVINO -- 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 amending the contribution provisions applicable to certain New York City Employees' Retirement System (NYCERS) Special Plans subject to Retirement and Social Security Law (RSSL) Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement

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

1 Section 1. Subparagraph (i) of paragraph 8 of subdivision e of section
 2 504-a of the retirement and social security law, as amended by chapter
 3 467 of the laws of 2017, is amended to read as follows:
 4 (i) Such additional member contributions (and any interest thereon)
 5 shall be paid into the contingent reserve fund of the retirement system
 6 of which the participant is a member and shall not for any purpose be
 7 deemed to be member contributions or accumulated contributions of a
 8 member under section five hundred seventeen of this article or otherwise
 9 while he or she is a participant in the twenty-year retirement program
 10 or otherwise, except that, [~~upon the participant's separation from city~~
 11 ~~service as a result of retirement,~~] a surplus of such additional member
 12 contributions that are paid into the retirement system's contingent
 13 reserve fund may be used for the sole purpose of offsetting a deficit of
 14 basic member contributions.
 15 § 2. Subparagraph (i) of paragraph 12 of subdivision e of section
 16 504-b of the retirement and social security law, as amended by chapter
 17 467 of the laws of 2017, is amended to read as follows:
 18 (i) All additional member contributions required by this subdivision
 19 (and any interest thereon) which are received by the retirement system
 20 of which the participant is a member shall be paid into its contingent
 21 reserve fund and shall not for any purpose be deemed to be member
 22 contributions or accumulated contributions of a member under section
 23 five hundred seventeen of this article or otherwise while he or she is a

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

LBD15792-01-8

1 participant in the twenty-year retirement program for captains and above
2 or otherwise, except that, [~~upon the participant's separation from city~~
3 ~~service as a result of retirement,~~] a surplus of such additional member
4 contributions that are paid into the retirement system's contingent
5 reserve fund may be used for the sole purpose of offsetting a deficit of
6 basic member contributions.

7 § 3. Subparagraph (i) of paragraph 9 of subdivision e of section 504-d
8 of the retirement and social security law, as amended by chapter 467 of
9 the laws of 2017, is amended to read as follows:

10 (i) All additional member contributions required by this subdivision
11 (and any interest thereon) which are received by the retirement system
12 of which the participant is a member shall be paid into its contingent
13 reserve fund and shall not for any purpose be deemed to be member
14 contributions or accumulated contributions of a member under section
15 five hundred seventeen of this article or otherwise while he or she is a
16 participant in the twenty-year retirement program or otherwise, except
17 that, [~~upon the participant's separation from city service as a result~~
18 ~~of retirement,~~] a surplus of such additional member contributions that
19 are paid into the retirement system's contingent reserve fund may be
20 used for the sole purpose of offsetting a deficit of basic member
21 contributions.

22 § 4. Subdivision d of section 517 of the retirement and social securi-
23 ty law, as amended by chapter 467 of the laws of 2017, is amended to
24 read as follows:

25 d. Notwithstanding any other provision of this article, a member shall
26 be entitled to withdraw any excess contributions within six months of
27 becoming subject to this article. Thereafter, such contributions, and
28 interest thereon, may only be withdrawn upon separation from service.
29 Upon retirement, such excess contributions, and any interest thereon,
30 may be withdrawn in a single lump sum, or at the election of the member
31 may be paid as an annuity under an option authorized pursuant to section
32 five hundred fourteen of this article[~~, or at the election of the~~
33 ~~participant]. The retirement system may [be used] at any time use any
34 such excess contributions to offset a deficit of additional member
35 contributions as required pursuant to sections five hundred four-a, five
36 hundred four-b, and five hundred four-d of this article. The use of
37 basic member contributions to offset a deficit of additional member
38 contributions does not affect the contributions' tax designation pursu-
39 ant to section 414(h) of the Internal Revenue Code.~~

40 § 5. Subparagraph (i) of paragraph 8 of subdivision e of section 604-a
41 of the retirement and social security law, as amended by chapter 467 of
42 the laws of 2017, is amended to read as follows:

43 (i) Such additional member contributions (and any interest thereon)
44 shall be paid into the contingent reserve fund of the retirement system
45 of which the participant is a member and shall not for any purpose be
46 deemed to be member contributions or accumulated contributions of a
47 member under section six hundred thirteen of this article or otherwise
48 while he or she is a participant in the twenty-year retirement program
49 or otherwise, except that, [~~upon the participant's separation from city~~
50 ~~service as a result of retirement,~~] a surplus of such additional member
51 contributions that are paid into the retirement system's contingent
52 reserve fund may be used for the sole purpose of offsetting a deficit of
53 basic member contributions.

54 § 6. Subparagraph (i) of paragraph 8 of subdivision e of section 604-b
55 of the retirement and social security law, as amended by chapter 467 of
56 the laws of 2017, is amended to read as follows:

1 (i) Such additional member contributions (and any interest thereon)
2 shall be paid into the contingent reserve fund of the retirement system
3 of which the participant is a member and shall not for any purpose be
4 deemed to be member contributions or accumulated contributions of a
5 member under section six hundred thirteen of this article or otherwise
6 while he or she is a participant in the twenty-five-year and age fifty-
7 five retirement program or otherwise, except that, ~~[upon the partic-~~
8 ~~ipant's separation from city service as a result of retirement,]~~ a
9 surplus of such additional member contributions that are paid into the
10 retirement system's contingent reserve fund may be used for the sole
11 purpose of offsetting a deficit of basic member contributions.

12 § 7. Subparagraph (i) of paragraph 7 of subdivision d of section 604-c
13 of the retirement and social security law, as amended by section 7 of
14 chapter 467 of the laws of 2017, is amended to read as follows:

15 (i) All additional member contributions required by this subdivision
16 (and any interest paid thereon) which are received by the retirement
17 system of which the participant is a member shall be paid into its
18 contingent reserve fund and shall not for any purpose be deemed to be
19 member contributions or accumulated contributions of a member under
20 section six hundred thirteen of this article or otherwise while he or
21 she is a participant in the twenty-five-year early retirement program or
22 otherwise, except that, ~~[upon the participant's separation from city~~
23 ~~service as a result of retirement,]~~ a surplus of such additional member
24 contributions that are paid into the retirement system's contingent
25 reserve fund may be used for the sole purpose of offsetting a deficit of
26 basic member contributions.

27 § 8. Subparagraph (i) of paragraph 8 of subdivision e of section 604-c
28 of the retirement and social security law, as amended by section 8 of
29 chapter 467 of the laws of 2017, is amended to read as follows:

30 (i) Such additional member contributions (and any interest thereon)
31 shall be paid into the contingent reserve fund of the retirement system
32 of which the participant is a member and shall not for any purpose be
33 deemed to be member contributions or accumulated contributions of a
34 member under section six hundred thirteen of this article or otherwise
35 while he or she is a participant in the twenty-year/age fifty retirement
36 program or otherwise, except that, ~~[upon the participant's separation~~
37 ~~from city service as a result of retirement,]~~ a surplus of such addi-
38 tional member contributions that are paid into the retirement system's
39 contingent reserve fund may be used for the sole purpose of offsetting a
40 deficit of basic member contributions.

41 § 9. Subparagraph (i) of paragraph 6 of subdivision f of section 604-d
42 of the retirement and social security law, as amended by chapter 467 of
43 the laws of 2017, is amended to read as follows:

44 (i) All additional member contributions required by this subdivision
45 (and any interest paid thereon) which are received by the retirement
46 system of which the participant is a member shall be paid into its
47 contingent reserve fund and shall not for any purpose be deemed to be
48 member contributions or accumulated contributions of a member under
49 section six hundred thirteen of this article or otherwise while he or
50 she is a participant in the age fifty-seven retirement program or other-
51 wise, except that, ~~[upon the participant's separation from city service~~
52 ~~as a result of retirement,]~~ a surplus of such additional member contrib-
53 utions that are paid into the retirement system's contingent reserve
54 fund may be used for the sole purpose of offsetting a deficit of basic
55 member contributions.

1 § 10. Subparagraph (i) of paragraph 10 of subdivision e of section
2 604-e of the retirement and social security law, as amended by section
3 10 of chapter 467 of the laws of 2017, is amended to read as follows:

4 (i) Such additional member contributions (and any interest thereon)
5 shall be paid into the contingent reserve fund of the retirement system
6 of which the participant is a member and shall not for any purpose be
7 deemed to be member contributions or accumulated contributions of a
8 member under section six hundred thirteen of this article or otherwise
9 while he or she is a participant in the twenty-five year retirement
10 program or otherwise, except that, ~~[upon the participant's separation~~
11 ~~from city service as a result of retirement,]~~ a surplus of such addi-
12 tional member contributions that are paid into the retirement system's
13 contingent reserve fund may be used for the sole purpose of offsetting a
14 deficit of basic member contributions.

15 § 11. Subparagraph (i) of paragraph 10 of subdivision e of section
16 604-e of the retirement and social security law, as amended by section
17 11 of chapter 467 of the laws of 2017, is amended to read as follows:

18 (i) Such additional member contributions (and any interest thereon)
19 shall be paid into the contingent reserve fund of the retirement system
20 of which the participant is a member and shall not for any purpose be
21 deemed to be member contributions or accumulated contributions of a
22 member under section six hundred thirteen of this article or otherwise
23 while he or she is a participant in the twenty-five year retirement
24 program or otherwise, except that, ~~[upon the participant's separation~~
25 ~~from city service as a result of retirement,]~~ a surplus of such addi-
26 tional member contributions that are paid into the retirement system's
27 contingent reserve fund may be used for the sole purpose of offsetting a
28 deficit of basic member contributions.

29 § 12. Subparagraph (i) of paragraph 10 of subdivision e of section
30 604-f of the retirement and social security law, as amended by section
31 12 of chapter 467 of the laws of 2017, is amended to read as follows:

32 (i) Such additional member contributions (and any interest thereon)
33 shall be paid into the contingent reserve fund of the retirement system
34 of which the participant is a member and shall not for any purpose be
35 deemed to be member contributions or accumulated contributions of a
36 member under section six hundred thirteen of this article or otherwise
37 while he or she is a participant in the twenty-five year retirement
38 program or otherwise, except that, ~~[upon the participant's separation~~
39 ~~from city service as a result of retirement,]~~ a surplus of such addi-
40 tional member contributions that are paid into the retirement system's
41 contingent reserve fund may be used for the sole purpose of offsetting a
42 deficit of basic member contributions.

43 § 13. Subparagraph (i) of paragraph 10 of subdivision e of section
44 604-f of the retirement and social security law, as amended by section
45 13 of chapter 467 of the laws of 2017, is amended to read as follows:

46 (i) Such additional member contributions, and any interest thereon,
47 shall be paid into the contingent reserve fund of the retirement system
48 of which the participant is a member and shall not for any purpose be
49 deemed to be member contributions or accumulated contributions of a
50 member under section six hundred thirteen of this article or otherwise
51 while he or she is a participant in the twenty-five year retirement
52 program or otherwise, except that, ~~[upon the participant's separation~~
53 ~~from city service as a result of retirement,]~~ a surplus of such addi-
54 tional member contributions that are paid into the retirement system's
55 contingent reserve fund may be used for the sole purpose of offsetting a
56 deficit of basic member contributions.

1 § 14. Subparagraph (i) of paragraph 10 of subdivision e of section
2 604-g of the retirement and social security law, as amended by chapter
3 467 of the laws of 2017, is amended to read as follows:

4 (i) Such additional member contributions (and any interest thereon)
5 shall be paid into the contingent reserve fund of the retirement system
6 of which the participant is a member and shall not for any purpose be
7 deemed to be member contributions or accumulated contributions of a
8 member under section six hundred thirteen of this article or otherwise
9 while he or she is a participant in the twenty-five year/age fifty
10 retirement program or otherwise, except that, ~~[upon the participant's~~
11 ~~separation from city service as a result of retirement,~~] a surplus of
12 such additional member contributions that are paid into the retirement
13 system's contingent reserve fund may be used for the sole purpose of
14 offsetting a deficit of basic member contributions.

15 § 15. Subparagraph (i) of paragraph 10 of subdivision e of section
16 604-h of the retirement and social security law, as amended by chapter
17 467 of the laws of 2017, is amended to read as follows:

18 (i) Such additional member contributions (and any interest thereon)
19 shall be paid into the contingent reserve fund of the retirement system
20 of which the participant is a member and shall not for any purpose be
21 deemed to be member contributions or accumulated contributions of a
22 member under section six hundred thirteen of this article or otherwise
23 while he or she is a participant in the twenty-five year retirement
24 program or otherwise, except that, ~~[upon the participant's separation~~
25 ~~from city service as a result of retirement,~~] a surplus of such addi-
26 tional member contributions that are paid into the retirement system's
27 contingent reserve fund may be used for the sole purpose of offsetting a
28 deficit of basic member contributions.

29 § 16. Subdivision h of section 613 of the retirement and social secu-
30 rity law, as added by chapter 467 of the laws of 2017, is amended to
31 read as follows:

32 h. Notwithstanding any other provision of law to the contrary, ~~[upon~~
33 ~~the participant's separation from city service as a result of retire-~~
34 ~~ment,~~] a participant may use any excess basic member contributions to
35 offset a deficit of additional member contributions as required pursuant
36 to sections six hundred four-a, six hundred four-b, six hundred four-c,
37 as added by chapter 96 of the laws of 1995, six hundred four-c, as added
38 by chapter 472 of the laws of 1995, six hundred four-d, six hundred
39 four-e, as added by chapter 576 of the laws of 2000, six hundred four-e,
40 as added by chapter 577 of the laws of 2000, six hundred four-f, as
41 added by chapter 559 of the laws of 2001, six hundred four-f, as added
42 by chapter 582 of the laws of 2001, six hundred four-g, and six hundred
43 four-h of this article. The use of basic member contributions to offset
44 a deficit of additional member contributions does not affect the
45 contributions' tax designation pursuant to section 414(h) of the Inter-
46 nal Revenue Code.

47 § 17. This act shall take effect immediately.

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

This proposed legislation would amend the contribution provisions applicable to certain New York City Employees' Retirement System (NYCERS) Special Plans subject to Retirement and Social Security Law (RSSL) Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement.

The Effective Date: Upon enactment.

PLANS IMPACTED BY THE PROPOSED LEGISLATION: The proposed legislation would cover those members of NYCERS who are participants in the following special plans requiring the payment of additional member contributions (Special Plans):

Article 14 Special Plans:

*Twenty-Year Retirement Program for New York City Correction Members below the Rank of Captain

*Twenty-Year Retirement Program for New York City Correction Members of the Rank of Captain or above

*Twenty-Year Retirement Program for New York City Correction Members

Article 15 Special Plans:

*Twenty-Year Retirement Program for New York City Sanitation Members

*Twenty-Five-Year and Age Fifty-Five Retirement Program for New York City Transit Authority Members

*Optional Twenty-Five-Year Early Retirement Program for Certain New York City Members

*Twenty-Year/Age Fifty Retirement Program for Triborough Bridge and Tunnel Members

*Age Fifty-Seven Retirement Program for Certain New York City Members

*Twenty-Five Year Retirement Program for Dispatcher Members

*Twenty-Five Year Retirement Program for EMT Members

*Twenty-Five Year Retirement Program for Deputy Sheriff Members

*Twenty-Five Year Retirement Program for Special Officer, Parking Control Specialist, School Safety Agent, Campus Peace Officer or New York City Taxi and Limousine Inspector Members

*Twenty-Five Year/Age Fifty Retirement Program for Automotive Members

*Twenty-Five Year Retirement Program for Police Communications Members

IMPACT ON BENEFITS PAYABLE: The proposed legislation would not affect the benefits payable to participants in the Special Plans. Rather, the proposed legislation would enable immediate reallocation of excess basic or additional member contributions to cover any deficits in such contribution accounts instead of performing such transfer of excess contributions at the date of retirement as permitted by Chapter 467 of the Laws of 2017.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation would not result in any change in employer contributions.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-26 dated May 4, 2018, was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2018 Legislative Session.



SECTION IV

Vetoed Legislation Affecting Other
New York Public Retirement Systems

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STATE OF NEW YORK

5731--A

2017-2018 Regular Sessions

IN SENATE

April 27, 2017

Introduced by Sens. PARKER, ADDABBO, ALCANTARA, BAILEY, HAMILTON, PERSAUD, SANDERS, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to the definition of overtime ceiling

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

1 Section 1. Subdivision 1 of section 601 of the retirement and social
2 security law, as amended by chapter 368 of the laws of 2017, is amended
3 to read as follows:

4 1. (a) "Wages" shall mean regular compensation earned by and paid to a
5 member by a public employer, except that for members who first join the
6 New York state and local employees' retirement system or the New York
7 state teachers' retirement system on or after January first, two thou-
8 sand ten, overtime compensation paid in any year in excess of the over-
9 time ceiling, as defined by this subdivision, shall not be included in
10 the definition of wages.

11 (b) "Overtime compensation" shall mean, for purposes of this section,
12 compensation paid under any law or policy under which employees are paid
13 at a rate greater than their standard rate for additional hours worked
14 beyond those required, including compensation paid under section one
15 hundred thirty-four of the civil service law and section ninety of the
16 general municipal law.

17 (c) The "overtime ceiling" shall mean fifteen thousand dollars per
18 annum on January first, two thousand ten, and shall be increased by
19 three per cent each year thereafter, provided, however, that:

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

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1 (i) for members who first become members of a public retirement system
2 of the state on or after April first, two thousand twelve, **other than a**
3 **pension authorized under section six hundred four-b of this article,**
4 "overtime ceiling" shall mean fifteen thousand dollars per annum on
5 April first, two thousand twelve, and shall be increased each year there-
6 eafter by a percentage to be determined annually by reference to the
7 consumer price index (all urban consumers, CPI-U, U.S. city average, all
8 items, 1982-84=100), published by the United States bureau of labor
9 statistics, for each applicable calendar year. Said percentage shall
10 equal the annual inflation as determined from the increase in the
11 consumer price index in the one year period ending on the December thir-
12 ty-first preceding the overtime ceiling adjustment effective on the
13 ensuing April first.

14 (ii) Commencing January first, two thousand eighteen, and each year
15 thereafter, the overtime ceiling percentage shall be increased by an
16 amount equal to the annual inflation as determined from the increase in
17 the consumer price index in the one year period ending on the September
18 thirtieth prior to the overtime ceiling adjustment effective on the
19 ensuing January first.

20 (d) For members who first join a public retirement system of the state
21 on or after April first, two thousand twelve, the following items shall
22 not be included in the definition of wages: 1. wages in excess of the
23 annual salary paid to the governor pursuant to section three of article
24 four of the state constitution, 2. lump sum payments for deferred
25 compensation, sick leave, accumulated vacation or other credits for time
26 not worked, 3. any form of termination pay, 4. any additional compen-
27 sation paid in anticipation of retirement, and 5. in the case of employ-
28 ees who receive wages from three or more employers in a twelve month
29 period, the wages paid by the third and each additional employer.

30 § 2. This act shall take effect immediately.

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

SUMMARY OF BILL: The proposed legislation would amend the definition of "Wages" contained in Section 601 of the Retirement and Social Security Law (RSSL) to make inapplicable the Overtime Ceiling for Tier 6 New York City Transit Authority (NYCTA) members subject to the 25-Year and Age 55 Retirement Program contained in RSSL Section 604-b (the 55/25 NYCTA Plan).

Effective Date: Upon enactment.

CURRENT PROVISIONS: Wages, as defined in RSSL Section 601(1), is regular compensation earned by and paid to a member by a public employer. Wages, among other things, are used to determine Tier 6 contribution rates and to calculate Final Average Salary. The wages of certain members, including Tier 6 55/25 NYCTA Plan participants, are capped by an Overtime Ceiling of \$15,000 as of April 1, 2012. Each year thereafter, the Overtime Ceiling is increased by a percentage determined by reference to a specifically identified Consumer Price Index (CPI). For calendar year 2017, the Overtime Ceiling is \$16,406.

IMPACT ON CURRENT PROVISIONS: Under the proposed legislation, the Overtime Ceiling would become inapplicable to Tier 6 55/25 NYCTA Plan participants. As a result, any prospective Tier 6 55/25 NYCTA Plan participant's overtime earnings exceeding the yearly Overtime Ceiling would be included in determining Tier 6 contributions, contribution rates, and in calculating Final Average Salary. To the extent a Tier 6 55/25 NYCTA Plan participant earns overtime exceeding the applicable Overtime Ceiling and such earnings fall within the participant's Final

Average Salary period, the participant may be entitled to a higher annual pension calculation.

FINANCIAL IMPACT - CHANGES IN PROJECTED ACTUARIAL PRESENT VALUE OF FUTURE EMPLOYER CONTRIBUTIONS AND PROJECTED EMPLOYER CONTRIBUTIONS: In accordance with Administrative Code of the City of New York (ACCNY) Section 13.638.2(k-2), new Unfunded Accrued Liability (UAL) attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2017, the remaining working lifetime of the Tier 6 55/25 NYCTA Plan participants is approximately 18 years. For purposes of this Fiscal Note, the change in UAL was amortized over an 18-year period (17 payments under the One-Year Lag Methodology) using level dollar payments.

The following Table 1 presents an estimate of the increases in the Actuarial Present Value (APV) of future employer contributions and in the annual employer contributions to the New York City Employees' Retirement System (NYCERS) for Fiscal Years 2019 through 2023 due to the removal of the Overtime Ceiling for Tier 6 Transit members based on the applicable actuarial assumptions and methods noted therein:

TABLE 1

Fiscal Year	Increase in APV of Future Employer Contributions (\$ Millions)	Increase in Employer Contributions (\$ Millions)
2019	\$55.1	\$4.7
2020	68.5	5.7
2021	78.6	6.5
2022	88.1	7.4
2023	96.8	8.3

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the APV of future employer contributions and annual employer contributions would be reflected for the first time in the June 30, 2017 actuarial valuation of NYCERS. In accordance with the One-Year Lag Methodology (OYLM) used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2019.

OTHER COSTS: Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of NYCERS to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefits (OPEB) costs.

CENSUS DATA: The estimates presented herein are based on census data used in the Preliminary June 30, 2017 (LAG) actuarial valuations of NYCERS to determine the Preliminary Fiscal Year 2019 employer contributions.

The 9,822 Tier 6 55/25 NYCTA members had an average age of approximately 41.1 years, average service of approximately 2.4 years, and an average salary of approximately \$68,740 as of June 30, 2017.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the APV of future employer contributions and annual employer contributions presented herein have been calculated based on the same actuarial assumptions and methods in effect for the June 30, 2017 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2019 employer contributions of NYCERS. Please note these assumptions and methods are subject to change

as this valuation is not considered final until the end of Fiscal Year 2019.

New entrants were projected to replace the members expected to leave the active population to maintain a steady-state population. New entrant ages, salaries, and future salary increases are consistent with those used in projections for the New York City Office of Management and Budget in April 2018.

The following Table 2 presents the total number of active Tier 6 25/55 NYCTA Plan participants used in the projections, assuming a level work force, and the cumulative number (i.e. net of withdrawals) of such participants as of each June 30 from 2017 through 2021.

TABLE 2

June 30	Tier 1, 2 & 4	Tier 6	Total
2017	26,747	9,822	36,569
2018	24,191	12,378	36,569
2019	22,152	14,417	36,569
2020	20,266	16,303	36,569
2021	18,551	18,018	36,569

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-25 dated May 3, 2018 was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2018 Legislative Session.

VETO MESSAGE - No. 312

TO THE SENATE:

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

Senate Bill Number 5731-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to the definition of overtime ceiling"

NOT APPROVED

This bill would remove the hard cap on annual overtime accruals in the pension calculation for certain Tier 6 New York City Transit Authority (NYCT) workers, which would provide these workers with increased pensions.

This bill raises concerns. It presents an unfunded cost to New York

City which could constrain the city's ability to deliver vital public services. Furthermore, it undermines pension reforms intended to mitigate unsustainable pension growth and taxpayer spending. For these reasons I am constrained to veto this bill at this time.

While I am vetoing this bill, I recognize that these transit workers have been and continue to be essential to the smooth and orderly operations of our subways. Accordingly, my administration is committed to working with the Metropolitan Transportation Authority, NYCT, and the Transport Workers Union to facilitate a plan to address this unique matter.

STATE OF NEW YORK

8070

IN SENATE

March 26, 2018

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

AN ACT granting retroactive membership in the teachers' retirement system to Margaret Russo

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

1 Section 1. Notwithstanding any other law to the contrary, Margaret
2 Russo, who was employed as a part-time employee with the Brooklyn public
3 library with a start date of January 1, 1970 until May 1971, and who is
4 currently a member of the teachers' retirement system of the city of New
5 York, who through no fault of her own did not become a member of the
6 teachers' retirement system of the city of New York on January 1, 1970
7 when first employed by the Brooklyn public library shall be deemed to
8 have been a member of the teachers' retirement system of the city of New
9 York on such date.

10 § 2. No contributions made to the teachers' retirement system of the
11 city of New York by Margaret Russo shall be returned or refunded to her
12 pursuant to this act.

13 § 3. This act shall take effect immediately.

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

SUMMARY OF BILL: The proposed legislation would deem Margaret Russo, an active Tier 4 member of the New York City Teachers' Retirement System (TRS), to be a Tier 1 member with a Membership Date of January 1, 1970.

Effective Date: Upon enactment.

BACKGROUND - GENERAL: Ms. Russo is currently a Tier 4 TRS member with a Membership Date of October 1, 1995.

If the proposed legislation is passed, Ms. Russo would be reclassified as a Tier 1 member as if she had joined a public retirement system within the state upon her commencement of employment with the Brooklyn Public Library on January 1, 1970.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: The estimated financial impact of this proposal has been calculated based on the difference between the actuarial present value of (1) the Tier 1 benefits Ms. Russo would be expected to receive if this proposed legislation were enacted (including two years of additional service credit under Chapter 126 of the Laws of 2000) and (2) the Tier 4 benefits that Ms. Russo is currently expected to receive.

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

LBD09917-04-8

Because Tier 1 TRS members are generally permitted to take an actuarial reduction of their retirement allowance to account for deficits in member contributions, for purposes of this fiscal note it is assumed that Ms. Russo would not pay any owed member contributions resulting from the reclassification. Based on the actuarial assumptions and methods described herein, as well as the application of Tier 1 benefit calculation provisions, it is estimated that Ms. Russo's Actuarial Present Value of Benefits (APVB) and Actuarial Accrued Liability (AAL) would increase by approximately \$178,000 and \$161,000, respectively, as of June 30, 2017.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with the Administrative Code of the City of New York (ACCNY) Section 13-638.2(k-2), new Unfunded Accrued Liability (UAL) attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes.

For this proposed legislation, the increase in the UAL was amortized over Ms. Russo's expected remaining working lifetime of three years (two payments under the One-Year Lag Methodology), which results in an increase in employer contributions of approximately \$98,000 per year.

CONTRIBUTION TIMING: If enacted during the 2018 Legislative Session, the Tier shift of Ms. Russo would likely first be reflected in the June 30, 2018 census data. In accordance with the One-Year Lag Methodology used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2020.

OTHER COSTS: Not measured in this Fiscal Note are any administrative costs associated with implementing this proposed legislation.

CENSUS DATA: Census data used for the calculations presented herein is the census data collected for the June 30, 2017 (Lag) valuation of TRS. As of June 30, 2017 Ms. Russo had 24 years of service, was approximately age 66, and had a salary of approximately \$145,000.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional APVB, UAL, and employer contributions presented herein have been calculated based on the same actuarial assumptions and methods in effect for the June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of TRS except that the actuarial method includes a change in the application of the Entry Age Normal cost method. Please note these assumptions and methods are subject to change as this valuation is not considered final until the end of the Fiscal Year 2018.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pensions Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-08 dated March 23, 2018, was prepared by the Chief Actuary for the New York City Teachers' Retirement System. This estimate is intended for use only during the 2018 Legislative Session.

VETO MESSAGE - No. 322

TO THE SENATE:

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

Senate Bill Number 7134, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing county correction officers with a special optional twenty year retirement plan"

Senate Bill Number 7140, 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 in Nassau county"

Senate Bill Number 7525, entitled:

"AN ACT to amend the retirement and social security law, in relation to death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof"

Senate Bill Number 8070, entitled:

"AN ACT granting retroactive membership in the teachers' retirement system to Margaret Russo"

Senate Bill Number 8284, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs

associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be

addressed in the context of annual budget negotiations, I am constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

7780

IN SENATE

February 22, 2018

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

AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera

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

1 Section 1. Notwithstanding the provisions of any general or special
2 law, rule or regulation to the contrary, Mark Rivera who was previously
3 employed by the New York City police department as a police officer and
4 was a Tier 3 member of the Police Pension Fund at the time of his death
5 on March 21, 2015 shall be eligible to apply for membership in Enhanced
6 Tier 3, if within one year from the effective date of this act, Abigail
7 Rivera, the widow of Mark Rivera, shall file with the retirement system
8 an application for membership Enhanced Tier 3 of the Police Pension
9 Fund, and Abigail Rivera may also file for any retirement options or
10 death benefits that would have been available to Mark Rivera if he had
11 been a member of Enhanced Tier 3 on the date of his death. Any amounts
12 paid by the police pension fund to Mark Rivera, his estate or Abigail
13 Rivera prior to the filing of the application for benefits pursuant to
14 this act shall be deducted from the benefit payable thereafter.

15 § 2. All costs pursuant to this act shall be borne by the City of New
16 York.

17 § 3. This act shall take effect immediately.

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

SUMMARY OF BILL: The proposed legislation would permit Ms. Rivera, within one year of the effective date, to posthumously elect the Tier 3 Enhanced Plan on behalf of her deceased husband, and to apply for any benefits applicable to such Plan.

Effective Date for this proposed legislation: Upon enactment.

BACKGROUND - GENERAL: Mark Rivera died as a Tier 3 Revised member of the New York City Police Pension Fund (POLICE) on March 21, 2015. His

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

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surviving spouse, Ms. Rivera, received an ordinary death benefit equal to a lump sum benefit based on salary and member contributions according to the provisions of a Tier 3 revised member.

After his death, beginning in September 8, 2016, certain Tier 3 Revised members could elect to join the Tier 3 Enhanced Plan which, among other things, extended the statutory presumptions contained in the Heart Bill (General Municipal Law (GML) § 207-k) to Enhanced Plan members pursuant to Chapter 298 of the Laws of 2016. Tier 3 police officers became eligible to participate in the Enhanced Plan on April 10, 2017 pursuant to Part SSS of Chapter 59 of the Laws of 2017.

If this legislation is passed, Officer Rivera's death could potentially be deemed as a Line of Duty death under such presumption, entitling his spouse to receive an Accidental Death Benefit pursuant to Retirement and Social Security Law (RSSL) Section 509 and a Special Accidental Death Benefit (SADB) under GML Section 208-f, less any amount previously paid as an ordinary death benefit.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: The estimated financial impact of this proposal has been calculated as of June 30, 2017 equal to (1) minus (2), where:

(1) is the sum of the Accidental Death and SADB benefits Officer Rivera's spouse would have received from March 21, 2015 through June 30, 2017 and the actuarial present value of the retirement benefits expected to be received by his spouse in the future if this proposed legislation were enacted, and

(2) is the value of the amount of ordinary death benefits already paid.

Based on the actuarial assumptions and methods described herein, the enactment of this proposed legislation, to the extent Ms. Rivera is awarded the Accidental Death and SADB benefits for her lifetime, would increase the Actuarial Present Value of Benefits (APVB) and the Unfunded Accrued Liability (UAL) of POLICE by approximately \$1.9 million as of June 30, 2017. This calculation does not reflect the offset for a Social Security death benefit, if any, payable to Ms. Rivera.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Section 13.638.2(k-2) of the Administrative Code of the City of New York (ACCNY), new UAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes.

For this proposed legislation, since Officer Rivera is deceased and therefore has no remaining working lifetime, the entire increase in UAL of \$1.9 million would be recognized in the first year.

CENSUS DATA: These estimates are based on data provided by POLICE which was not audited but was checked for reasonableness. Below is a summary of the data provided:

- * Ordinary Death Benefit Lump Sum: \$167,000
- * Accidental Death Benefit (City): \$25,343
- * SADB (State): \$58,854

CONTRIBUTION TIMING: If enacted during the 2018 Legislative Session before June 30, 2018, the benefits payable to Ms. Rivera would likely first be reflected in the June 30, 2018 census data. In accordance with the One-Year Lag Methodology used to determine employer contributions, increased employer contributions will be reflected in Fiscal Year 2020.

OTHER COSTS: Not measured in this Fiscal Note is the impact on administrative costs.

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APVB, UAL, and employer contributions presented herein has been calculated based on the same

actuarial assumptions and methods in effect for the June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of POLICE, including an annual Actuarial Interest Rate (AIR) assumption of 7.0% (net of Investment Expenses). Please note these assumptions and methods are subject to change as this valuation is not considered final until the end of the City's Fiscal Year 2018.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-05 dated February 16, 2018, was prepared by the Chief Actuary for the New York City Police Pension Fund. This estimate is intended for use only during the 2018 Legislative Session.

VETO MESSAGE - No. 362

TO THE SENATE:

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

Senate Bill Number 4634-A, entitled:

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

Senate Bill Number 7780, entitled:

"AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera"

Senate Bill Number 8011, entitled:

"AN ACT to authorize the granting of retirement service credit in the New York state and local police and fire retirement system to Anthony D. Katsur for service as a university police officer"

Senate Bill Number 8066, entitled:

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

Senate Bill Number 8118, entitled:

"AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families"

Senate Bill Number 8276, entitled:

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

Senate Bill Number 8293, entitled:

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

Senate Bill Number 8598, entitled:

"AN ACT granting retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide State and local public employees with a variety of enhanced retirement benefits without offering any funding sources to cover their costs in the current fiscal year or in future years.

I have vetoed similar or identical bills in each of the past several years because the costs imposed were not accounted for in the State's financial plan. In order to provide all of the benefits associated with these bills, the State and its localities would be required to pay millions of dollars in costs. As the Legislature has failed to appropriate any funds to pay for these benefits, I cannot support a package of bills that would necessarily impose a substantial and unplanned burden on New York State taxpayers.

Moreover, these costs will also place an undue fiscal pressure on local governments who provide vital services to their residents. Fixed costs associated with pension enhancements hinder the ability of local governments to function within current property tax levels and negatively impact the State's economic competitiveness. As such costs must be addressed in the context of annual budget negotiations, I am therefore constrained to veto these bills.

Even where a bill provides an opt-in for local governments, the issue of expanded benefits needs further study in the context of the state budget process to ensure the fiscal viability for municipalities.

Finally, these bills would establish a negative precedent for other employees to seek similar unfunded benefits.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8844-A

Cal. No. 1402

IN SENATE

May 24, 2018

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

AN ACT to amend the education law, in relation to providing for the automatic enrollment of employees of the city of New York eligible to join the New York city board of education retirement system

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

1 Section 1. Paragraph (b) of subdivision 18 of section 2575 of the
2 education law, as added by chapter 536 of the laws of 1986, is amended
3 to read as follows:
4 (b) (1) Notwithstanding the provisions of paragraph (a) of subdivision
5 one of this section or any provision of the rules and regulations or any
6 other provision of law to the contrary, membership in the board of
7 education retirement system shall include any provisional employee in
8 education service who elects to become a member in the manner prescribed
9 by the applicable provisions of subparagraph two [~~or~~], subparagraph
10 three **or subparagraph four** of this paragraph.
11 (2) Any such provisional employee who is not a member of the New York
12 city employees' retirement system at the time he or she elects to become
13 a member of the board of education retirement system may make such an
14 election of membership by filing with the board of education retirement
15 system a duly executed and acknowledged application for membership.
16 (3) Any such provisional employee who is a member of the New York city
17 employees' retirement system at the time he or she elects to become a
18 member of the board of education retirement system may make such an
19 election of membership by filing simultaneously with the board of educa-
20 tion retirement system a duly executed and acknowledged application for
21 membership and a duly executed and acknowledged request that his or her
22 membership and service credit in the New York city employees' retirement
23 system be transferred to the board of education retirement system.
24 **(4)(i) Beginning July first, two thousand nineteen, upon the entry**
25 **into employment of any employee eligible to elect membership in the**
26 **retirement system pursuant to subparagraphs one, two and three of this**
27 **paragraph or any other applicable provision of law, and provided such**

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

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1 employee is not a member in the retirement system or any other public
2 retirement system of the city or state of New York as of such entry date
3 in covered employment, such employee shall be enrolled in the retirement
4 system effective ninety-one days after the commencement of employment.
5 Notwithstanding the preceding, if such employee files with the retire-
6 ment system an application to opt out of membership within ninety days
7 after commencement of employment, the retirement system shall refrain
8 from enrolling such employee unless and until such employee subsequently
9 files an application for membership with the retirement system, or is
10 otherwise subsequently mandated to enroll by the rules and regulations
11 of the retirement system or any applicable law. The automatic enrollment
12 of eligible employees as provided for in this subparagraph shall not be
13 construed to modify the right of eligible employees to join the retire-
14 ment system as of the first date of covered employment by filing an
15 application for membership with the retirement system. The employer
16 shall inform the employee in writing of the right to join the system as
17 well as the fact that the employee shall be enrolled in the retirement
18 system on the ninety-first day after commencement of employment, unless
19 such employee files with the retirement system an application to opt out
20 of membership prior to such date. Any eligible employee who elects to
21 opt out of membership in the retirement system within the ninety day
22 period shall retain the right to join such system by subsequently filing
23 an application for membership so long as such employee remains in
24 covered employment.

25 (ii) Every current employee who is eligible for membership in the
26 retirement system on July first, two thousand nineteen, and who is not a
27 member in the retirement system or any other public retirement system of
28 the city or state of New York, shall be enrolled in the retirement
29 system effective October first, two thousand nineteen, unless such
30 employee files with the retirement system an application to opt out of
31 membership before October first, two thousand nineteen. Such automatic
32 enrollment in the retirement system shall not be construed to waive any
33 of the eligibility requirements for previous service credit.

34 (iii) The automatic enrollment of eligible employees as provided for
35 in this subparagraph shall not be construed to modify the rights and
36 obligations of any employee whose participation in the retirement system
37 is mandated by the rules and regulations of the retirement system or any
38 applicable law, and such mandated members may not opt out of membership.

39 (iv) If an employee who is automatically enrolled in the retirement
40 system pursuant to the provisions of this paragraph is a member of a
41 union, the retirement system shall provide written notice to the union
42 of the employee's enrollment within thirty days of the employee's
43 enrollment in the retirement system.

44 § 2. Paragraph (f) of subdivision 18 of section 2575 of the education
45 law, as added by chapter 749 of the laws of 1992, is amended to read as
46 follows:

47 (f) Notwithstanding the provisions of paragraph (a) of subdivision one
48 of this section or any provision of the rules and regulations or any
49 other provision of law to the contrary, membership in the board of
50 education retirement system shall include any person employed by the New
51 York city police department in the title of school crossing guard who
52 becomes a member in the manner prescribed by the provisions of subdivi-
53 sion g of section 13-638.4 of the administrative code of the city of New
54 York or by the provisions of subparagraph four of paragraph (b) of this
55 subdivision.

1 § 3. This act shall take effect July 1, 2019. Effective immediately
 2 the addition, amendment and/or repeal of any rule or regulation neces-
 3 sary for the implementation of this act on its effective date are
 4 authorized to be made on or before such date.

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

SUMMARY OF BILL: This proposed legislation would amend Section 2575 of the Education Law to require new and existing New York City Board of Education Retirement System (BERS) eligible employees, who are not mandated to join BERS and who are not otherwise already a member in a public retirement system within the State, to be enrolled into BERS membership within stated time periods unless the employees timely opt out of such membership.

Under current law, certain BERS eligible employees have the option of joining BERS by filing an application for membership at any time during employment with a BERS participating employer. Permanent employees in the competitive or labor class, who are employed in BERS eligible positions, are currently mandated into BERS membership.

The proposed legislation would require BERS to enroll new eligible employees into BERS membership, within 90 days of employment, unless the employee files an application with BERS to opt out of membership within the 90-day period. An existing eligible employee who is not already a BERS member will be enrolled a a BERS member on October 1, 2019, unless such employee files an application with BERS to opt out of membership by September 30, 2019.

A BERS eligible employee who timely opts out of BERS automatic enrollment may still join BERS at any time during employment with anticipating employer upon the filing of an application. A BERS eligible employee who would be subject to automatic enrollment may voluntarily join BERS prior to the automatic enrollment date. The proposed legislation would have no effect on employees who are, under existing provisions of law, required to become BERS members.

The proposed legislation also requires BERS participating employers to provide written notice of the applicable provisions to new employees, and requires BERS to provide written notice to the employee's union within 30 days of the employee's enrollment into BERS.

Effective Date: July 1, 2019.

FINANCIAL IMPACT - ADDITIONAL ANNUAL EMPLOYER CONTRIBUTIONS: If enacted into law, the ultimate employer cost for this proposed legislation would be based on the number, ages, years of service, and salary of those employees that would otherwise not have elected to become members of BERS.

To prepare this Fiscal Note, the Office of the Actuary (OA) was supplied a file of 28,289 individuals who are not currently members of BERS but could voluntarily elect to participate. This group consist of 26,179 part-time and 2,110 full-time employees, is 64% female, and has an average age of 30.8, average annual salary of approximately \$22,410, and average service since date of hire of 2.5 years. The OA was advised that employees in Payroll Codes 056, 744, 745, 746, and 747 work part-time and earned 0.72 years, 0.44 years, 0.80 years, 0.60 years, and 0.06 years of service per year on average, respectively. Employees in Payroll Codes 740 and 742 are generally full-time employees. Finally, the OA was advised that approximately 73% of eligible employees eventually join BERS. These assumptions are reflected in the OA's calculations.

Based on this data and these statistics, and assuming no BERS eligible employee opts out of participation, the OA has estimated the following costs for this legislation:

* The additional annual employer contribution will be \$19.1 million if no prior years of service are purchased by these individuals.

* The additional annual employer contribution will be \$28.4 million if all years of prior service eligible for buyback are purchased by these individuals.

Note that the fiscal year's additional annual employer contribution will likely be significantly larger than those amounts due to the acceleration of membership for certain individuals. The present value of future liabilities for both contribution streams, however, will be the same.

These estimates assume that the fractional years of service as described above remains unchanged in the future. These estimates also assume a level workforce (i.e. the number, salary, age, and service characteristics of the added group remain approximately the same in future years). Finally, for purposes of determining the portion of annual employer contribution attributable to the buyback of prior service, we have assumed an amortization period of 15 years (14 payments under the Lag methodology used in the actuarial valuation).

CONTRIBUTION TIMING: Since the proposed legislation required BERS to enroll all existing eligible employees (who are not already members and who do not opt out) into BERS on October 1, 2019, the increase in employer contributions for BERS would likely first be reflected in Fiscal Year 2020.

OTHER COSTS: Not measured in this Fiscal Note are the following potential costs:

* The additional administrative costs to BERS and its participating employers to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs. Since a retiree who receives a pension from one of the New York City Retirement Systems is eligible for OPEB, there is potential for additional OPEB costs if this proposed legislation is enacted.

ACTUARIAL ASSUMPTIONS AND METHODS: In addition to the assumptions above, the additional employer contributions presented herein have been calculated based on the same actuarial assumptions and methods in effect for the June, 30 2017 (Lag) actuarial valuation used to determine the Preliminary Fiscal Year 2019 employer contributions of BERS. Please note these assumptions and methods are subject to change as this valuation is not considered final until end of the Fiscal Year 2019.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-28 dated May 18, 2018, was prepared by the Chief Actuary for the New York City Board of Education Retirement System. This estimate is intended for use only during the 2018 Legislative Session.

VETO MESSAGE - No. 378

TO THE SENATE:

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

Senate Bill Number 8844-A, entitled:

"AN ACT to amend the education law, in relation to providing for the automatic enrollment of employees of the city of New York eligible to join the New York city board of education retirement system"

NOT APPROVED

This bill would create automatic enrollment in the New York City Board of Education Retirement System for certain New York City Department of Education and New York City Police Department provisional employees. Under this bill, employees would be given a 90-day window in which to opt-out of joining the Retirement System.

These employees are currently eligible to join the Retirement System; they are permitted to opt-in to join at any time. The current system offers workers options to retain more of their income and to use or invest it as they choose, including within the pension system. However, this bill would remove those options for tens of thousands of workers.

Additionally, the fiscal note accompanying this bill places its estimated cost at between \$19.1-\$28.4 million, which would be borne by New York City. Yet, the Legislature does not provide any funding to cover this cost. I have vetoed similar bills in the past because the costs imposed were not accounted for in the State's financial plan. These added pension system costs would place added fiscal pressure on New York City in its ability to provide vital services to its residents, and ultimately added financial burden upon the State. Such financial decisions must be addressed within the context of the annual budget negotiations.

I vetoed a prior version of this bill in 2017 (Veto No. 180) for these same reasons. For these reasons, I am constrained to veto this bill. However, I will work with the Legislature in the coming state budget negotiations to determine if a solution to this issue can be accomplished.

The bill is disapproved.

(signed) ANDREW M. CUOMO

Z01748

Rev. 2/19

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