



# 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

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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 2019 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 2019 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

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### Section I

#### Legislation Affecting the New York State and Local Retirement System

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CHAPTER NO.	PAGE	DESCRIPTION
251	3	Relates to sick leave for officers and employees with a qualifying World Trade Center condition <b>[S.5890-A/A.7819-A]</b>
252	8	Relates to providing a final average salary disability retirement benefit to certain participants in World Trade Center rescue, recovery, or cleanup operations <b>[S.5898-D/A.8278-C]</b>
253	11	Relates to extending the period of time to file an application for an accidental death benefit <b>[S.6313/A.7892]</b>
277	14	Authorizes the city of Oswego to offer an optional twenty year retirement plan to a named police officer <b>[A.6913/S.4790]</b>
288	16	Relates to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system <b>[A.8189/S.6385]</b>
304	21	Authorizes the city of Syracuse to offer an optional twenty year retirement program to police officer Thomas R. Nicolini <b>[S.5955/A.7890]</b>
353	23	Authorizes three firefighters in the City of Syracuse Fire Department, in the county of Onondaga, to elect to participate in an optional 20 year retirement program <b>[S.5956/A.6314]</b>
367	25	Authorizes Jason Allen to receive certain service credit under section 384-d of the retirement and social security law <b>[S.3778/A.6341]</b>
382	27	Relates to increasing certain special accidental death benefits <b>[A.4079-B/S.3168-B]</b>
400	33	Authorizes Dustin Waldron to receive certain service credit under section 384-d of the retirement and social security law <b>[S.3547/A.6738]</b>
469	35	Authorizes Brad Steve to receive certain service credit under section 384-d of the retirement and social security law <b>[S.3845/A.6342]</b>
490	37	Relates to discharged LGBT veterans; military service credit under Military Law Section 243 <b>[S.45-B/A.8097]</b>
589	83	Increases the amount of money a retiree may earn in a position of public service to \$35,000 <b>[S.1866-B/A.2858-B]</b>
604	87	Allows deputy sheriffs Matthew Ashton, Bradley Hamilton, and Joshua Whitney, to join the optional twenty-five year retirement plan, county of Washington <b>[S.5611/A.7434]</b>

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CHAPTER NO.	PAGE	DESCRIPTION
636	89	Authorizes the city of Newburgh, in the county of Orange, to offer police officer Samuel Kenan Jr. an optional 20 year retirement plan <b>[S.4135-A/A.7014-A]</b>
751	91	Allows individuals who became members of the New York State and Local Police and Fire Retirement System (PFRS) on or after July 1, 2009 and before January 9, 2010, to make an irrevocable election to become covered by the provisions of Tier 2 <b>[S.6367/A.7920-C]</b>

## CHAPTER TITLES

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### Section II

#### Vetoed Legislation Affecting the New York State and Local Retirement System

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VETO NO.	PAGE	DESCRIPTION
M.207	97	Grants membership in the New York state and local employees' retirement system to Adam Markel <b>[S.1577/A.7414]</b>
M.219	100	Relates to criminal justice faculty employed by a community college <b>[S.4308-A/A.7261-A]</b>
M.231	105	Authorizes retroactive tier III membership in the New York state and local employees' retirement system to Steven R. Grice <b>[S.6382/A.8261]</b>
M.235	108	Grants William J. Cooley additional service credit within the New York state and local police and fire retirement system <b>[S.4724/A.6977]</b>
M.236	111	Authorizes Patrick Humiston to receive certain service credit under section 384-d of the retirement and social security law <b>[S.4725/A.6998]</b>
M.246	114	Relates to disability benefits for firefighters employed by the division of military and naval affairs <b>[A.4436/S.3801]</b>
M.249	121	Relates to age and service eligibility requirements for ordinary retirement for members of the unified court system <b>[A.5940/S.3659]</b>
M.254	127	Relates to mandatory retirement age <b>[A.8003/S.6130-A]</b>
M.262	132	Relates to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system <b>[S.3675/A.4432]</b>
M.263	135	Relates to providing certain accidental disability retirement benefits for Nassau county fire marshals <b>[S.3813/A.5820]</b>
M.265	140	Includes SUNY police officers for purposes of presumption regarding impairment caused by heart disease <b>[S.3841/A.5301]</b>
M.266	144	Relates to disability retirement for members of the department of environmental conservation, forest rangers, university police officers and the regional state park police <b>[S.3922/A.6214]</b>
M.267	151	Relates to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs and correction officers in Nassau County <b>[S.3946/A.5021]</b>
M.274	155	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 <b>[S.5133/A.5324]</b>

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VETO NO.	PAGE	DESCRIPTION
M.275	160	Relates to establishing a twenty year retirement plan for members or officers of law enforcement <b>[S.5207/A.4431]</b>
M.283	166	Relates to transfer of retirement membership for certain employees <b>[S.6110-A/A.8008]</b>

## CHAPTER TITLES

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### Section III

#### Legislation Affecting Other New York Public Retirement Systems

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CHAPTER NO.	PAGE	DESCRIPTION
76	173	Relates to the rate of interest used in the actuarial valuation of certain liabilities <b>[S.4488-A/A.6596-A]</b>
249	177	Relates to the number of alternate physicians who may be appointed to NYCERS Medical Board <b>[S.1966-A/A.3593-A]</b>
250	179	Relates to disabilities of certain retired firefighters caused by cancer <b>[S.5246-A/A.7716-A]</b>
431	182	Relates to allowing certain members of the New York city police pension fund to receive a membership date in such pension fund attributable to service in certain cadet titles <b>[S.5903-A/A.7620-A]</b>



## CHAPTER TITLES

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### Section IV

#### Vetoed Legislation Affecting Other New York Public Retirement Systems

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VETO NO.	PAGE	DESCRIPTION
M.279	189	Relates to membership in the New York city teachers' retirement system <b>[S.5905-A/A.7874-A]</b>

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### Senate Bills

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5955	304	I	21
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7620	431	III	182
7716	250	III	179
7819	251	I	3
7890	304	I	21
7892	253	I	11
7920	751	I	91
8097	490	I	37
8189	288	I	16
8278	252	I	8

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# SECTION I

Legislation Affecting the  
New York State and Local Retirement System

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## STATE OF NEW YORK

5890--A

2019-2020 Regular Sessions

### IN SENATE

May 16, 2019

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the administrative code of the city of New York, in relation to sick leave for officers and employees with a qualifying World Trade Center condition; to amend the civil service law, in relation to the review of certain claims; and to amend chapter 273 of the laws of 2017 amending the general municipal law relating to granting sick leave for officers and employees with a qualifying World Trade Center condition, in relation to the reimbursement of any public authority or municipal corporation in a city with a population of less than one million people for the cost of certain line of duty sick leave

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

1 Section 1. Section 92-d of the general municipal law, as added by  
 2 chapter 273 of the laws of 2017, is amended to read as follows:  
 3 § 92-d. Sick leave for officers and employees with a qualifying World  
 4 Trade Center condition. **1. (a)** Notwithstanding any other law, rule or  
 5 regulation to the contrary, officers and employees of the state, a  
 6 public authority or any municipal corporation outside of a city with a  
 7 population of one million or more who ~~[filed a]~~ **have filed and received**  
 8 **approval for such filed** notice of participation in World Trade Center  
 9 rescue, recovery or cleanup operations and subsequently develop a quali-  
 10 fying World Trade Center condition, as defined in section two of the  
 11 retirement and social security law, ~~[while employed by the state, a~~  
 12 ~~public authority or such municipal corporation or public authority]~~  
 13 shall, **after the receipt of a written request for line of duty sick**  
 14 **leave,** be granted line of duty sick leave commencing on the date that  
 15 such employee was diagnosed with a qualifying World Trade Center condi-

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

LBD03751-03-9

1 tion regardless of whether such officer or employee was employed by his  
2 or her current employer at the time that such officer or employee  
3 participated in World Trade Center rescue, recovery or cleanup oper-  
4 ations. The officer or employee shall be compensated at his or her  
5 regular rate of pay for those regular work hours during which the offi-  
6 cer or employee is absent from work due to his or her qualifying World  
7 Trade Center condition. Such leave shall be provided without loss of an  
8 officer or employee's accrued sick leave.

9 (b) A public employer shall not take any adverse personnel action  
10 against a public employee regarding the employee's employment because  
11 either (i) the employee utilizes, or requests to utilize, sick leave or  
12 any other available leave due to a qualifying World Trade Center condi-  
13 tion, as such term is defined in section two of the retirement and  
14 social security law, or (ii) the employee utilizes or requests to  
15 utilize line of duty sick leave provided by this section.

16 (c) For purposes of this section, an "adverse personnel action" means  
17 any discipline, including issuing a notice of discipline, discharge,  
18 suspension, demotion, penalization, or discrimination against an employ-  
19 ee utilizing line of duty sick leave pursuant to paragraph (a) of this  
20 subdivision.

21 Nothing in this section shall limit an employer's power pursuant to  
22 any other provision of law to discipline an officer or employee by  
23 termination, reduction of salary, or any other appropriate measure; to  
24 terminate an appointee who has not completed his or her probationary  
25 term; and to apply for ordinary or accident disability retirement for an  
26 officer or employee.

27 § 2. Section 92-d of the general municipal law is amended by adding  
28 seven new subdivisions 2, 3, 4, 5, 6, 7 and 8 to read as follows:

29 2. (a) Notwithstanding any other law, rule or regulation to the contra-  
30 ry, officers and employees of a city with a population of one million or  
31 more who (i) do not receive benefits similar to those provided by this  
32 section pursuant to a collectively bargained agreement, section 14-122.1  
33 of the administrative code of the city of New York, section 15-108.1 of  
34 the administrative code of the city of New York, or other statutory  
35 provision and (ii) have filed and received approval for such filed  
36 notice of participation in World Trade Center rescue, recovery or clean-  
37 up operations and subsequently develop a qualifying World Trade Center  
38 condition, as defined in section two of the retirement and social secu-  
39 rity law, shall, after receipt of a written request for line of duty  
40 sick leave, be granted line of duty sick leave commencing on the date  
41 that such employee was diagnosed with a qualifying World Trade Center  
42 condition regardless of whether such officer or employee was employed by  
43 his or her current employer at the time that such officer or employee  
44 participated in World Trade Center rescue, recovery or cleanup oper-  
45 ations. The officer or employee shall be compensated at his or her regu-  
46 lar rate of pay for those regular work hours during which the officer or  
47 employee is absent from work due to his or her qualifying World Trade  
48 Center condition. Such leave shall be provided without loss of an offi-  
49 cer or employee's accrued sick leave.

50 (b) A public employer shall not take any adverse personnel action  
51 against a public employee regarding the employee's employment because  
52 either (i) the employee utilizes, or requests to utilize, sick leave or  
53 any other available leave due to a qualifying World Trade Center condi-  
54 tion, as such term is defined in section two of the retirement and  
55 social security law, or (ii) the employee utilizes or requests to  
56 utilize line of duty sick leave provided by this section.

1 (c) For purposes of this section, an "adverse personnel action" means  
2 any discipline, including issuing a notice of discipline, discharge,  
3 suspension, demotion, penalization, or discrimination against an employ-  
4 ee utilizing line of duty sick leave pursuant to subdivision one of this  
5 section.

6 Nothing in this section shall limit an employer's power pursuant to  
7 another provision of law to discipline an officer or employee by termi-  
8 nation, reduction of salary, or any other appropriate measure; to termi-  
9 nate an appointee who has not completed his or her probationary term;  
10 and to apply for ordinary or accident disability retirement for an offi-  
11 cer or employee.

12 3. For purposes of this section, "cost" shall mean the number of days  
13 of sick leave that must be restored to an officer or employee pursuant  
14 to subdivision one or two of this section multiplied by such officer or  
15 employee's wage rate at the time that such sick leave for which  
16 reimbursement is being sought was taken.

17 4. A request, for line of duty sick leave shall be in writing and  
18 include a waiver of the protection afforded to the officer or employee  
19 pursuant to the health insurance portability and accountability act to  
20 allow disclosure of the officer or employee's approved notice of partic-  
21 ipation and any medical records concerning such officer or employee's  
22 notice of participation or qualifying World Trade Center condition in  
23 the possession of the retirement system in which such officer or employ-  
24 ee is a member for the purpose of reviewing, processing and auditing his  
25 or her claim for line of duty sick leave. Such waiver shall be in the  
26 form required by the retirement system of which he or she is a member,  
27 along with the application for line of duty sick leave, with his or her  
28 employer.

29 5. Notwithstanding any provision of law to the contrary, upon request  
30 from the state, public authority or municipal corporation other than a  
31 city with a population of one million or more for a copy of an approved  
32 notice of participation in World Trade Center rescue, recovery or clean-  
33 up operations for an officer or employee, the retirement system in which  
34 such officer or employee is a member and to which such officer or  
35 employee filed his or her notice of participation in World Trade Center  
36 rescue, recovery or cleanup operations in accordance with paragraph (a)  
37 of subdivision thirty-six of section two of the retirement and social  
38 security law, such retirement system shall provide a verified copy of  
39 such approved notice of participation that includes the date that such  
40 notice was filed to such requestor. A copy of such verified notice of  
41 participation shall be filed with any claim for reimbursement submitted  
42 to the civil service commission pursuant to subdivision four of this  
43 section. Except as required for filing, review, and audit purposes, such  
44 verified notice of participation and all copies of such verified notice  
45 shall be confidential and not subject to disclosure pursuant to article  
46 six of the public officers law.

47 6. A public authority or municipal corporation other than a city with  
48 a population of one million or more shall submit any claim for  
49 reimbursement under this section to the civil service commission. In  
50 accordance with subdivision one-a of section six of the civil service  
51 law, the civil service commission shall review each claim to determine  
52 if such claim shall be approved, reduced, amended or rejected and shall  
53 notify the submitting public authority or municipal corporation, within  
54 sixty days of receipt of such claim, as to its determination. Such  
55 public authority or municipal corporation shall notify the civil service  
56 commission within thirty days after receipt of the civil service commis-



1 sion's notification, as to its acceptance or rejection of such determi-  
2 nation. Failure to so notify the civil service commission shall consti-  
3 tute an acceptance of the determination. If accepted by such public  
4 authority or municipal corporation, such acceptance shall constitute the  
5 final and conclusive determination for such claim. If rejected by such  
6 public authority or municipal corporation, such public authority or  
7 municipal corporation shall resubmit its claim, within thirty days after  
8 receipt of the civil service commission's notification, together with  
9 its reasons for objection and any additional documentation which may  
10 justify its claim. Upon receipt of a resubmitted claim, the civil  
11 service commission shall review such claim and within sixty days of  
12 receipt of such resubmitted claim, make a final determination as to the  
13 amount to be approved for such claim. If such public authority or munic-  
14 ipal corporation shall dispute such final determination it may commence  
15 an action, within sixty days of such final determination, in the court  
16 of claims which shall have jurisdiction to adjudicate the claim and  
17 enter judgment, which judgment shall be a final determination for  
18 purposes of this section and shall be payable in accordance with the  
19 provisions of this section.

20 7. The civil service commission shall certify all claims for which a  
21 final determination has been made. The civil service commission shall  
22 submit all certified claims to the comptroller of the department of  
23 audit and control on or before the first day of the immediately succeed-  
24 ing month during which such claim was certified.

25 8. All claims certified by the civil service commission shall be paid  
26 monthly and shall be paid upon a warrant from the comptroller.

27 § 3. Section 6 of the civil service law is amended by adding a new  
28 subdivision 1-a to read as follows:

29 1-a. Have the power to review claims for reimbursement submitted by  
30 public authorities or municipal corporations other than a city with a  
31 population of a million or more pursuant to section ninety-two-d of the  
32 general municipal law to determine if such claim shall be approved,  
33 reduced, amended or rejected. Such review and determination shall be  
34 made in accordance with section ninety-two-d of the general municipal  
35 law.

36 § 4. Section 2 of chapter 273 of the laws of 2017, amending the gener-  
37 al municipal law relating to granting sick leave for officers and  
38 employees with a qualifying World Trade Center condition, is amended to  
39 read as follows:

40 § 2. The state shall reimburse any public authority or municipal  
41 corporation [~~of less than one million~~] other than a city with a popu-  
42 lation of one million or more people for the cost of any line duty sick  
43 leave granted pursuant to this act. Such reimbursement shall be made in  
44 accordance with the provisions of section 92-d of the general municipal  
45 law.

46 § 5. The administrative code of the city of New York is amended by  
47 adding a new section 12-140 to read as follows:

48 § 12-140 Line of duty sick leave for World Trade Center rescue, recov-  
49 ery or cleanup operations. (a) Notwithstanding any other law, rule or  
50 regulation to the contrary, officers and employees of a city with a  
51 population of one million or more who (i) do not receive benefits simi-  
52 lar to those provided by this section pursuant to a collectively  
53 bargained agreement, section 14-122.1 of this code, section 15-108.1 of  
54 this code, or other statutory provision and (ii) filed and received  
55 approval for such filed notice of participation in World Trade Center  
56 rescue, recovery or cleanup operations and subsequently develop a quali-

1 fyng World Trade Center condition, as defined in section two of the  
2 retirement and social security law, shall, after receipt of a written  
3 request for line of duty sick leave, be granted line of duty sick leave  
4 commencing on the date that such employee was diagnosed with a qualify-  
5 ing World Trade Center condition regardless of whether such officer or  
6 employee was employed by his or her current employer at the time that  
7 such officer or employee participated in World Trade Center rescue,  
8 recovery or cleanup operations. The officer or employee shall be compen-  
9 sated at his or her regular rate of pay for those regular work hours  
10 during which the officer or employee is absent from work. Such leave  
11 shall be provided without loss of an officer or employee's accrued sick  
12 leave.

13 (b) A public employer shall not take any adverse personnel action  
14 against a public employee regarding the employee's employment because  
15 either (i) the employee utilizes, or requests to utilize, sick leave or  
16 any other available leave due to a qualifying World Trade Center condi-  
17 tion, as such term is defined in section two of the retirement and  
18 social security law, or (ii) the employee utilizes or requests to  
19 utilize line of duty sick leave provided by this section.

20 (c) For purposes of this section, an "adverse personnel action" means  
21 any discipline, including issuing a notice of discipline, discharge,  
22 suspension, demotion, penalization, or discrimination against an employ-  
23 ee utilizing line of duty sick leave pursuant to subdivision (a) of this  
24 section. Nothing in this section shall limit an employer's power pursu-  
25 ant to another provision of law to discipline an officer or employee by  
26 termination, reduction of salary, or any other appropriate measure; to  
27 terminate an appointee who has not completed his or her probationary  
28 term; and to apply for ordinary or accident disability retirement for an  
29 officer or employee.

30 § 6. The commissioner of the department of civil service, in consulta-  
31 tion with the state comptroller and the commissioner of the department  
32 of taxation and finance, shall promulgate rules and regulations to  
33 assist with the implementation of section 92-d of the general municipal  
34 law. Such rules and regulations shall be issued no later than 90 days  
35 after this act shall have become a law. Notwithstanding any other  
36 provisions to the contrary in the state administrative procedure act,  
37 such rules and regulations may be adopted on an emergency basis if  
38 necessary to meet such 90-day deadline.

39 § 7. The commissioner of the department of taxation and finance, in  
40 consultation with the state comptroller, shall issue guidance regarding  
41 the tax treatment to officers and employees who have received restored  
42 sick leave no later than sixty days after this act shall have become a  
43 law.

44 § 8. This act shall take effect immediately; provided that section one  
45 of this act shall be deemed to have been in full force and effect on the  
46 same date as chapter 273 of the laws of 2017; and provided further that  
47 this act shall apply to all claims for reimbursement filed pursuant to  
48 section 92-d of the general municipal law, as amended by this act; and  
49 provided further, that any officer or employee who is currently employed  
50 by a city with a population of one million or more who has been diag-  
51 nosed with a qualifying World Trade Center condition and is using sick  
52 leave due to such condition shall receive a restoration of such sick  
53 leave retroactive to the date such officer or employee was diagnosed  
54 with a qualifying World Trade Center condition.

STATE OF NEW YORK

5898--D

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. GAUGHRAN -- 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 -- 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 retirement and social security law, in relation to disability retirement benefits for certain participants in World Trade Center rescue, recovery, or cleanup operations

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

1 Section 1. Paragraph 4 of subdivision d of section 605 of the retire-  
2 ment and social security law is renumbered paragraph 5 and a new para-  
3 graph 4 is added to read as follows:

4 4. Notwithstanding any other law, rule or regulation to the contrary,  
5 any member who had an active membership in the New York state and local  
6 employees' retirement system or the New York state teachers' retirement  
7 system, when such member participated in World Trade Center rescue,  
8 recovery, or cleanup operations, as such participation is defined in  
9 section two of this chapter, who incurred a qualifying World Trade  
10 Center condition, as defined in section two of this chapter, that is  
11 determined to have been incurred in the performance and discharge of  
12 duty and is the natural and proximate result of an accident not caused  
13 by such member's own willful negligence, shall be paid a performance of  
14 duty disability retirement allowance equal to three-quarters of final  
15 average salary. The payment of such pension shall be subject to the  
16 provisions of section sixty-four of this chapter.

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

LBD08565-15-9

1 § 2. Section 507 of the retirement and social security law is amended  
2 by adding a new subdivision h-1 to read as follows:

3 **h-1. Notwithstanding any other law, rule or regulation to the contra-**  
4 **ry, any member who had an active membership in the New York state and**  
5 **local employees' retirement system or the New York state teachers'**  
6 **retirement system, when such member participated in World Trade Center**  
7 **rescue, recovery, or cleanup operations, as such participation is**  
8 **defined in section two of this chapter, who incurred a qualifying World**  
9 **Trade Center condition, as defined in section two of this chapter, that**  
10 **is determined to have been incurred in the performance and discharge of**  
11 **duty and is the natural and proximate result of an accident not caused**  
12 **by such member's own willful negligence, shall be paid a performance of**  
13 **duty disability retirement allowance equal to three-quarters of final**  
14 **average salary. The payment of such pension shall be subject to the**  
15 **provisions of section sixty-four of this chapter.**

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

19 § 4. This act shall take effect immediately and apply to all active  
20 members who are determined to have incurred a qualifying World Trade  
21 Center condition in the performance and discharge of duty that is the  
22 natural and proximate result of an accident not caused by such member's  
23 own willful negligence prior to the effective date of this act.

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

This bill would amend the benefits of certain members of public retirement systems who are subject to the provisions of Article 14 or Article 15 of the Retirement and Social Security Law who contract any form of disease or disability related to exposure to any elements in connection with the World Trade Center rescue, recovery or cleanup operations. The annual accidental disability benefit would be 75% of a member's final average salary less workers compensation, regardless of a member's plan coverage. Currently, eligible members receive the accidental disability benefit specified in the plan under which they are covered, which for most Article 14 and 15 members is 1/3 of final average salary. This improved benefit would be payable only to current members or their beneficiaries. Current retirees and their beneficiaries would not be affected by this bill.

If this bill is enacted, the cost of the revised benefit will depend upon the applicant's age, service, salary, plan, and benefit type otherwise payable, but is expected to cost up to 4 times final average salary per individual.

Insofar as this bill would affect the New York State and Local Employees' Retirement System, there are currently 610 active members, with a combined salary of \$6.4 million, who have filed an Application for World Trade Notice who could potentially receive benefits under this bill.

A precise cost for future years cannot be determined at this time. Any increased cost would be shared by the State of New York and participating employers of the New York State and Local Employees' 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated June 13, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-144, 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 Sections 507 and 605 of the Retirement and Social Security Law to allow any member of the New York State Teachers' Retirement System who had an active membership when such member participated in the World Trade Center rescue, recovery, or cleanup operations and who incurred a qualifying World Trade Center condition determined to have been incurred in the performance and discharge of duty to receive a performance of duty disability retirement benefit equal to 75% of final average salary. Currently an active member would receive an accidental disability retirement benefit which is generally one-third of final average salary. 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 bill would take effect immediately and apply to all active members who are determined to have incurred a qualifying World Trade Center condition in the performance and discharge of duty prior to the effective date of this act.

The cost, or additional present value of benefits, is estimated to be, on average, \$320,000 for each member who receives this performance of duty disability retirement benefit. Although the potential increase in an affected member's benefit is estimated to be large, the additional 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 because it is anticipated there would be few applications received for this performance of duty disability retirement benefit from our membership.

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 2019-31 dated June 17, 2019 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2019 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

STATE OF NEW YORK

6313

2019-2020 Regular Sessions

IN SENATE

June 4, 2019

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

AN ACT to amend the retirement and social security law, in relation to extending the period of time to file an application for an accidental death benefit after the death of a member of the New York state and local employees' retirement system or 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 section heading and the opening paragraph of subdivision a of section 61 of the retirement and social security law, as amended by chapter 336 of the laws of 1960, are amended to read as follows:

2 ~~Accidental~~ Accidental death benefit.  
3 An ~~accidental~~ accidental death benefit and the reserve-for-increased-take-home-pay shall be payable upon the death of a member if, upon application filed within ~~two~~ five years after the death of such member, the comptroller shall determine, on the basis of the evidence, that such member:

4 § 2. The opening paragraph of subdivision a of section 361 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

5 An accidental death benefit and the reserve-for-increased-take-home-pay shall be payable upon the death of a member if, upon application, filed within ~~two~~ five years after the death of such member the comptroller shall determine, on the basis of the evidence, that such member:

6 § 3. The opening paragraph of subdivision a of section 509 of the retirement and social security law, as amended by chapter 489 of the laws of 2008, is amended to read as follows:

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

LBD08969-04-9

1 The eligible beneficiary of a member in service, or a vested member  
2 that dies as a result of a qualifying World Trade Center condition as  
3 defined in section two of this chapter, shall be entitled to an acci-  
4 dental death benefit in the form of a pension equal to fifty percent of  
5 such member's final average salary if, upon application filed within  
6 [~~two~~] five years after the death of the member, the head of the retire-  
7 ment system determines that such member:

8 § 4. Subdivision a of section 607 of the retirement and social securi-  
9 ty law, as amended by chapter 582 of the laws of 2011, is amended to  
10 read as follows:

11 a. The eligible beneficiary of a member in service, or of a vested  
12 member who dies as a result of a qualifying World Trade Center condition  
13 as defined in section two of this chapter, shall be entitled to an acci-  
14 dental death benefit in the form of a pension equal to fifty percent of  
15 such member's wages earned during his or her last year of actual service  
16 or his or her annual wage rate if he or she was credited with less than  
17 one year of service since last becoming a member, if, upon application  
18 filed within [~~sixty days~~] five years after the death of the member, the  
19 head of the retirement system determines that such member died before  
20 the effective date of retirement, as the natural and proximate result of  
21 an accident not caused by his or her own willful negligence sustained in  
22 the performance of his or her duties in active service and while actual-  
23 ly a member of the retirement system.

24 Notwithstanding the provisions of section two hundred forty-two, two  
25 hundred forty-three or two hundred forty-four of the military law or the  
26 provisions of any other law to the contrary and solely for the purpose  
27 of determining eligibility for an accidental death benefit, a member  
28 shall be considered to have died as the natural and proximate result of  
29 an accident sustained in the performance of duty provided such member  
30 was on the payroll in the service upon which membership is based at the  
31 time he or she was ordered to active duty pursuant to Title 10 of the  
32 United States Code, with the armed forces of the United States or to  
33 service in the uniformed services pursuant to Chapter 43 of Title 38 of  
34 the United States Code and died while on such active duty or service in  
35 the uniformed services on or after June fourteenth, two thousand five.

36 Provided, however, the head of the retirement system in its sole  
37 discretion may accept an application for an accidental death benefit  
38 after the expiration of the [~~sixty day~~] applicable filing period, where,  
39 but only where, an ordinary death benefit has not been previously paid.

40 § 5. Notwithstanding any other provision of law to the contrary, the  
41 provisions of this act shall not be subject to the provisions of section  
42 twenty-five of the retirement and social security law requiring an  
43 appropriation in an amount equal to the value of the benefits associated  
44 with prior service when enacted on a statewide basis. This act extends  
45 the filing deadline for accidental death benefits from two to five years  
46 following the death of an active member occurring on or after January 1,  
47 2020. Since it is impossible to determine the number of members who  
48 could be affected by this act specifically, the number of members who  
49 participated in World Trade Center rescue, recovery or cleanup oper-  
50 ations and who will qualify for a death benefit, it cannot be readily  
51 determined the amount, if any, of an appropriation.

52 § 6. This act shall take effect January 1, 2020 and shall apply to the  
53 death of a member occurring on or after such date.

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

This bill would extend the filing deadline for accidental death bene-  
fits to 5 years following the death of an active member of certain

public retirement systems. Currently the filing deadline is 2 years. The filing extension will apply only to those deaths occurring on or after January 1, 2020. The provisions of Section 25 of the Retirement and Social Security Law (RSSL) will not apply.

If this bill is enacted, insofar as it would affect the New York State and Local Employees' Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS), it is estimated that there would be an average per person cost of approximately 3.5 times final salary on behalf of affected ERS members and 11 times final salary on behalf of affected PFRS members whose applications are filed within the extended period.

The number of members and retirees who could be affected by this legislation cannot be readily determined. Those costs arising in ERS would be borne by the State of New York and all the participating employers in ERS. Those costs arising in PFRS would be borne by the State of New York and all the participating employers in 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated May 13, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-113, prepared by the Actuary for the New York State and Local Retirement System.



STATE OF NEW YORK

6913

2019-2020 Regular Sessions

IN ASSEMBLY

March 27, 2019

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

AN ACT to authorize the city of Oswego, in the county of Oswego to offer an optional twenty-year retirement plan to police officer Zackary Quinones

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 Oswego, in the county of Oswego, a participating employer in  
3 the New York state and local police and fire retirement system, which  
4 previously elected to offer the optional twenty-year retirement plan,  
5 established pursuant to section 384-d of the retirement and social secu-  
6 rity law, to police officers employed by such city, is hereby authorized  
7 to make participation in such plan available to Zackary Quinones, a  
8 police officer employed by the city of Oswego, who, for reasons not  
9 ascribable to his own negligence, failed to make a timely application to  
10 participate in such optional twenty-year retirement plan. The city of  
11 Oswego may so elect by filing with the state comptroller, on or before  
12 December 31, 2019, a resolution of its own common council together with  
13 certification that such police officer did not bar himself from partic-  
14 ipation in such retirement plan as a result of his own negligence. Ther-  
15 eafter, such police officer may elect to be covered by the provisions of  
16 section 384-d of the retirement and social security law, and shall be  
17 entitled to the full rights and benefits associated with coverage under  
18 such section, by filing a request to that effect with the state comp-  
19 troller on or before June 30, 2020.

20 § 2. All past costs associated with implementing the provisions of  
21 this act shall be borne by the city of Oswego, and may be amortized over  
22 a period of ten years.

23 § 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.

LBD10750-05-9

This bill would allow the city of Oswego to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Zackary Quinones.

If this bill is enacted during the 2019 legislative session and this member becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$2,400 in the annual contributions of the city of Oswego for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of Zackary Quinones change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$10,100 which will be borne by the city of Oswego as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If the city of Oswego elects to amortize this cost over a 10 year period, the cost for the first year would be \$1,350.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 22, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-92, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

8189

2019-2020 Regular Sessions

IN ASSEMBLY

June 6, 2019

Introduced by M. of A. DINOWITZ -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 164 of the laws of 2017, relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system and chapter 400 of the laws of 2014, relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system, in relation to rates of pay on and after April 1, 2020; and to establish certain conditions relating to salary and compensation increases for 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. Section 1 of chapter 164 of the laws of 2017, relating to  
2 terms and conditions of employment of certain nonjudicial officers and  
3 employees of the unified court system, is amended to read as follows:

4 Section 1. Legislative findings. The legislature finds that a collec-  
5 tive bargaining agreement has been negotiated by the unified court  
6 system with an employee organization representing nonjudicial officers  
7 and employees in the state judiciary negotiating unit. The purpose of  
8 this act is to implement this agreement and to provide increases in  
9 compensation for nonjudicial officers and employees of the unified court  
10 system not in collective negotiating units. References in this act to  
11 the unified court system's classification structure shall mean the clas-  
12 sification structure established by the chief administrator of the  
13 courts on May 28, 1979, as amended since that date. References to the  
14 April, 2016 salary schedule shall mean the salary schedule promulgated  
15 by the chief administrator of the courts pursuant to subdivision (c) of  
16 section 2 of chapter 400 of the laws of 2014. References to the April,  
17 2017 salary schedule, the April, 2018 salary schedule [~~and~~], the April,  
18 2019 salary schedule and the April, 2020 salary schedule shall mean the

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

LBD13150-02-9

1 salary schedules promulgated by the chief administrator pursuant to  
 2 subdivisions (a), (b) [~~and~~], (c) and (d) of section two of this act,  
 3 respectively.

4 § 2. Section 2 of chapter 164 of the laws of 2017, relating to terms  
 5 and conditions of employment of certain nonjudicial officers and employ-  
 6 ees of the unified court system, is amended by adding a new subdivision  
 7 (d) to read as follows:

8 (d) Effective April 1, 2020, each of the rates of pay established by  
 9 the April, 2019 salary schedule shall be increased as follows:

10 (1) the maximum rate for each grade shall be increased by an amount  
 11 equal to 2 percent thereof (and then rounded up to the nearest dollar);

12 (2) the amount of the increment for each grade shall equal one-seventh  
 13 of the difference (rounded up to the nearest dollar) between the maximum  
 14 rate for such grade, as increased by paragraph (1) of this subdivision,  
 15 and 102 percent of the hiring rate for such grade on the April, 2019  
 16 salary schedule (rounded up to the nearest dollar); and

17 (3) the hiring, first, second, third, fourth, fifth and sixth year  
 18 rates of compensation for each grade shall equal the maximum rate for  
 19 such grade, as increased by paragraph (1) of this subdivision, minus 7,  
 20 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as  
 21 increased by paragraph (2) of this subdivision, respectively.

22 § 3. The opening paragraph of subdivision (a) of section 3 of chapter  
 23 164 of the laws of 2017, relating to terms and conditions of employment  
 24 of certain nonjudicial officers and employees of the unified court  
 25 system, is amended to read as follows:

26 Each nonjudicial officer and employee of the unified court system in a  
 27 position allocated to a salary grade in the unified court system's clas-  
 28 sification structure that is in the state judiciary negotiating unit or  
 29 that is not in any collective negotiating unit established pursuant to  
 30 article 14 of the civil service law, shall receive increased compen-  
 31 sation in accordance with this section. Longevity payments and increases  
 32 to basic annual salary, as provided in this section, shall be prorated  
 33 for any nonjudicial officer or employee whose position is part-time, or  
 34 who otherwise works part-time, and who is eligible, under the rules of  
 35 the chief judge of the state or an agreement between the state and an  
 36 employee organization pursuant to the provisions of article 14 of the  
 37 civil service law, to accrue annual and sick leave credits. Longevity  
 38 payments as provided in this section, and payments pursuant to paragraph  
 39 (3) of subdivision (d) of this section and paragraph (3) of subdivision  
 40 (d-1) of this section, shall be in addition to and shall not be a part  
 41 of an employee's basic annual salary; provided, however, they shall be  
 42 included as compensation for retirement purposes. For purposes of this  
 43 section:

44 § 4. Subdivision (d) of section 3 of chapter 164 of the laws of 2017,  
 45 relating to terms and conditions of employment of certain nonjudicial  
 46 officers and employees of the unified court system, is amended by adding  
 47 a new paragraph 3 to read as follows:

48 (3) Each such nonjudicial officer and employee in a title on such  
 49 date in the security series under the unified court system's classifica-  
 50 tion structure shall receive a payment equaling 500 dollars, if he or  
 51 she: (i) served the equivalent of 120 workdays in a title in such secu-  
 52 rity series during the preceding state fiscal year; and (ii) was author-  
 53 ized to carry a firearm while on duty at any time during the preceding  
 54 15 months. Such payment shall be prorated for any such nonjudicial offi-  
 55 cer or employee otherwise entitled thereto whose position is part-time,  
 56 but not compensated on a per diem or hourly basis.

1 § 5. Section 3 of chapter 164 of the laws of 2017, relating to terms  
2 and conditions of employment of certain nonjudicial officers and employ-  
3 ees of the unified court system, is amended by adding a new subdivision  
4 (d-1) to read as follows:

5 (d-1) Effective April 1, 2020:

6 (1) Each such nonjudicial officer and employee who is eligible to  
7 receive a full or partial increment of the grade of his or her position  
8 in accordance with provisions of the judiciary law shall receive such  
9 full or partial increment, to be determined in accordance with the  
10 April, 2019 salary schedule.

11 (2) Each such nonjudicial officer and employee shall be placed in his  
12 or her grade on the April, 2020 salary schedule in the manner provided  
13 as follows:

14 (i) If his or her basic annual salary under the April, 2019 salary  
15 schedule, including any increase pursuant to paragraph (1) of this  
16 subdivision, is identical with the hiring, first year, second year,  
17 third year, fourth year, fifth year, sixth year or maximum rate of  
18 compensation of the grade of his or her position, that basic annual  
19 salary shall be increased to the corresponding rate of compensation in  
20 such grade as established by the April, 2020 salary schedule; or

21 (ii) If his or her basic annual salary under the April, 2019 salary  
22 schedule, including any increase pursuant to paragraph (1) of this  
23 subdivision, is not identical with the hiring, first year, second year,  
24 third year, fourth year, fifth year, sixth year or maximum rate of  
25 compensation of the grade of his or her position, that basic annual  
26 salary shall be increased by an amount equaling 2 percent thereof (and  
27 then rounded up to the nearest dollar).

28 (3) Each such nonjudicial officer and employee in a title on such date  
29 in the security series under the unified court system's classification  
30 structure shall receive a payment equaling 750 dollars, if he or she:

31 (i) served the equivalent of 120 workdays in a title in such security  
32 series during the preceding state fiscal year; and (ii) was authorized  
33 to carry a firearm while on duty at any time during the preceding 15  
34 months. Such payment shall be prorated for any such nonjudicial officer  
35 or employee otherwise entitled thereto whose position is part-time, but  
36 not compensated on a per diem or hourly basis.

37 § 6. Section 4 of chapter 164 of the laws of 2017, relating to terms  
38 and conditions of employment of certain nonjudicial officers and employ-  
39 ees of the unified court system, is amended by adding a new subdivision  
40 (e) to read as follows:

41 (e) Effective April 1, 2020, the basic annual salary of each such  
42 nonjudicial officer and employee shall be increased by an amount equal  
43 to 2 percent thereof (and then rounded up to the nearest dollar).

44 § 7. Subdivision (i) of section 3 of chapter 400 of the laws of 2014,  
45 relating to terms and conditions of employment of certain nonjudicial  
46 officers and employees of the unified court system, is amended to read  
47 as follows:

48 (i) Effective April 1, 2016 and each April 1 thereafter, each such  
49 nonjudicial officer and employee in the employ of the unified court  
50 system who has completed at least 4 years of continuous service at a  
51 basic annual salary rate equal to or higher than the maximum rate of the  
52 employee's salary grade as of the preceding March 31 shall receive an  
53 annual longevity payment equaling: (i) 2,250 dollars, if he or she has  
54 completed less than 8 years of such service as of such date, or 2,300  
55 dollars, if such date is March 31, 2020 or later; or (ii) 4,600 dollars,  
56 if he or she has completed at least 8 but less than 13 years of such

1 service as of such date, or 4,700 dollars, if such date is March 31,  
2 2020 or later; or (iii) 6,900 dollars, if he or she has completed at  
3 least 13 years of such service as of such date.

4 § 8. Subparagraph (iii) of paragraph 1 of subdivision (a) of section 5  
5 of chapter 164 of the laws of 2017, relating to terms and conditions of  
6 employment of certain nonjudicial officers and employees of the unified  
7 court system, is amended to read as follows:

8 (iii) 4,200 dollars annually, during the fiscal year commencing April  
9 1, 2019 and 4,300 dollars during each fiscal year commencing [~~each~~] on  
10 or after April 1 [~~thereafter~~], 2020.

11 § 9. Subparagraph (iii) of paragraph 2 of subdivision (a) of section 5  
12 of chapter 164 of the laws of 2017, relating to terms and conditions of  
13 employment of certain nonjudicial officers and employees of the unified  
14 court system, is amended to read as follows:

15 (iii) 2,100 dollars annually, during the fiscal year commencing April  
16 1, 2019 and 2,150 dollars during each fiscal year commencing [~~each~~] on  
17 or after April 1 [~~thereafter~~], 2020.

18 § 10. Collective bargaining agreement required. The provisions of  
19 sections three, four, five, six, seven, eight and nine of this act shall  
20 not be implemented for nonjudicial officers and employees in a collec-  
21 tive negotiating unit established pursuant to article 14 of the civil  
22 service law until the chief administrator of the courts shall have noti-  
23 fied the comptroller that the members of such negotiating unit have  
24 ratified a written collective bargaining agreement with the state pursu-  
25 ant to article 14 of the civil service law which provides therefor and  
26 delivered to the comptroller a copy of such agreement; and any increase  
27 in compensation, including increases in basic annual salary, increments  
28 or partial increments, lump sum payments, or longevity payments,  
29 provided by sections three, four, five, six, seven, eight and nine of  
30 this act or otherwise authorized by law:

31 (a) may be withheld in whole or in part from any nonjudicial officer  
32 and employee not in a collective negotiating unit when in the opinion of  
33 the chief administrator, such increase is not warranted or is not appro-  
34 priate; and

35 (b) shall not preclude any other increases in compensation for such a  
36 nonjudicial officer or employee as may be authorized by law.

37 § 11. Date of entitlement. Notwithstanding the provisions of this act  
38 or any other law, each increase in salary or compensation for nonjudi-  
39 cial officers or employees provided by this act shall be added to the  
40 salary or compensation of such officer or employee at the beginning of  
41 the payroll period the first day of which is nearest to the effective  
42 date of such increase as provided in this act; provided, however, for  
43 the purposes of determining the salary of such officer or employee upon  
44 reclassification, reallocation, appointment, promotion, transfer,  
45 demotion, reinstatement or other change of status, such salary increase  
46 shall be deemed to be effective on the date thereof as prescribed in  
47 this act, and the payment thereof pursuant to this section on the date  
48 prior thereto instead of on such effective date, shall not operate to  
49 confer any additional salary rights or benefits on such officer or  
50 employee.

51 § 12. Deferred payment of salary increase. Notwithstanding the  
52 provisions of this act or any other law, commencing April 1, 2020, and  
53 pending payment pursuant to this act of the basic annual salaries of  
54 incumbents of positions subject to this act commencing April 1, 2020,  
55 such incumbents shall receive, as partial compensation for services  
56 rendered, the rate of compensation otherwise payable in their respective

1 positions pursuant to law then in effect. An incumbent holding a posi-  
2 tion subject to this act at any time during the period from April 1,  
3 2020 until the time when basic annual salaries are first paid pursuant  
4 to this act for such service in excess of the compensation actually  
5 received therefor shall be entitled to a lump sum payment for the  
6 difference between the salary to which such incumbent is entitled for  
7 such service and the compensation actually received therefor. Such lump  
8 sum payment shall be made as soon as practicable.

9 § 13. This act shall take effect immediately and shall be deemed to  
10 have been in full force and effect on and after April 1, 2019.

STATE OF NEW YORK

5955

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

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

AN ACT to authorize the city of Syracuse, in the county of Onondaga to offer an optional twenty year retirement plan to police officer Thomas R. Nicolini

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 Syracuse, 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 twenty year retirement  
5 plan, established pursuant to section 384-d of the retirement and social  
6 security law, to police officers employed by such town, is hereby  
7 authorized to make participation in such plan available to Thomas R.  
8 Nicolini, a police officer employed by the city of Syracuse with a start  
9 date of July 23, 1999, who, for reasons not ascribable to his own negli-  
10 gence, failed to make a timely application to participate in such  
11 optional twenty year retirement plan. The city of Syracuse may so elect  
12 by filing with the state comptroller, within six months from the effec-  
13 tive date of this act, a resolution of its town board together with  
14 certification that such police officer did not bar himself from partic-  
15 ipation in such retirement plan as a result of his own negligence. Ther-  
16 eafter, such police officer may elect to be covered by the provisions of  
17 section 384-d of the retirement and social security law, and shall be  
18 entitled to the full rights and benefits associated with coverage under  
19 such section, by filing a request to that effect with the state comp-  
20 troller within six months from the effective date of such resolution.

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

23 § 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.

LBD11463-03-9



This bill will allow the City of Syracuse to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Thomas R. Nicolini.

If this bill is enacted during the 2019 legislative session, we anticipate that there will be an increase of approximately \$9,500 in the annual contributions of the City of Syracuse for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of Officer Nicolini change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$384,000 which will be borne by the City of Syracuse as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated May 15, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-110, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

5956

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

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

AN ACT to authorize Morgan McDole, Baraaka J. Titus and David Dunlap, to elect to participate in the optional twenty year retirement plan for firefighters employed by the City of Syracuse Fire Department in the county of Onondaga

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 Syracuse Fire Department, in the county of Onondaga, a  
3 participating employer in the New York state and local police and fire  
4 retirement system, which previously elected to offer the optional twenty  
5 year retirement plan, established pursuant to section 384-d of the  
6 retirement and social security law, to firefighters employed by such  
7 fire district, is hereby authorized to make participation in such plan  
8 available to Morgan McDole, Baraaka J. Titus and David Dunlap; fire-  
9 fighters employed by such fire department, who, for reasons not ascriba-  
10 ble to their own negligence, failed to make a timely application to  
11 participate in such optional twenty year retirement plan. Thereafter,  
12 Morgan McDole, Baraaka J. Titus and David Dunlap may elect to be covered  
13 by the provisions of section 384-d of the retirement and social security  
14 law, and shall be entitled to the full rights and benefits associated  
15 with coverage under such section, by filing a request to that effect  
16 with the state comptroller within six months from the effective date of  
17 this act.

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

21 § 3. Notwithstanding any other provision of law to the contrary, this  
22 act shall be contingent upon the City of Syracuse Fire Department Board  
23 of Fire Commissioners passing a resolution requesting the enactment of

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

LBD07045-04-9

1 this legislation and providing copies of such resolution to each house  
2 of the legislature.

3 § 4. This act shall take effect immediately.

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

This bill would allow the City of Syracuse to reopen the provisions of Section 384-d of the Retirement and Social Security Law for firefighters Morgan McDole, Baraaka J. Titus and David Dunlap.

If this bill is enacted during the 2019 legislative session and these members become covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$21,000 in the annual contributions of the City of Syracuse for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of these members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$339,000 which will be borne by the City of Syracuse as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If the City of Syracuse elects to amortize this cost over a 10 year period, the cost for the first year would be \$45,100.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 26, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-84, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

3778

2019-2020 Regular Sessions

IN SENATE

February 14, 2019

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

AN ACT to authorize Jason Allen to receive certain service credit under section 384-d of the retirement and social security law

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 Jason Allen, a member of the New York State and local police and fire  
3 retirement system, who was employed as a police officer with the village  
4 of Wolcott, from September 10, 1999 through November 24, 2000, and who,  
5 through no fault of his own, failed to file a timely application to  
6 participate in the special twenty year retirement plan contained in  
7 section 384-d of the retirement and social security law resulting in the  
8 crediting of his service with the village of Wolcott in the general  
9 retirement plan contained in section 375-i of such law, shall be given  
10 full credit in the special twenty year retirement plan for such addi-  
11 tional cost of such service upon the election of the village of Wolcott  
12 to assume the additional cost of such service. The village of Wolcott  
13 may so elect by filing a resolution of its local legislative body  
14 together with certification that such police officer did not bar himself  
15 from participation in such retirement plan as a result of his own negli-  
16 gence.

17 § 2. All employer past service costs associated with implementing the  
18 provisions of this act shall be borne by the village of Wolcott 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 grant Jason Allen, a Tier 2 member of the New York State and Local Police and Fire Retirement System, additional service creditable under the provisions of section 384-d of the Retirement and Social Security Law, for time worked as a police officer of the Village

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

LBD09493-02-9

of Wolcott between September 1999 and November 2000. Such service is currently creditable in the age 55 retirement plan on section 375-c, but not in the 20 year plan of section 384-d. Jason Allen is currently employed by the Town of Irondequoit.

If this legislation is enacted during the 2019 legislative session, we estimate there will be an immediate past service cost of approximately \$53,800, which would be borne by the Village of Wolcott as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If this cost is amortized over 10 years, the cost for the first year, including interest, would be \$7,160.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgement of an attorney.

This estimate, dated February 13, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-50, prepared by the Actuary for the New York State and Local Retirement System.

## STATE OF NEW YORK

4079--B

2019-2020 Regular Sessions

### IN ASSEMBLY

February 1, 2019

Introduced by M. of A. JOYNER, LUPARDO, VANEL, WILLIAMS, HYNDMAN, ORTIZ, D'URSO, LENTOL, ENGLEBRIGHT, CRESPO, ZEBROWSKI, JAFFEE, DICKENS, BRAUNSTEIN, MOSLEY, BARRON, GUNTHER, TAYLOR, RAMOS, ARROYO, LAVINE, PERRY, DenDEKKER, COOK, BARNWELL, BLAKE, DAVILA -- Multi-Sponsored by -- M. of A. DINOWITZ, EPSTEIN, HEVESI, SIMON -- read once and referred to the Committee on Governmental Employees -- 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 179 of the laws of 2018, is amended to read  
 3 as follows:  
 4 c. Commencing July first, two thousand [~~eighteen~~] **nineteen** the special  
 5 accidental death benefit paid to a widow or widower or the deceased  
 6 member's children under the age of eighteen or, if a student, under the  
 7 age of twenty-three, if the widow or widower has died, shall be esca-  
 8 lated by adding thereto an additional percentage of the salary of the  
 9 deceased member (as increased pursuant to subdivision b of this section)  
 10 in accordance with the following schedule:  
 11 calendar year of death  
 12 of the deceased member per centum  
 13 1977 or prior [~~236%~~] **246.1%**  
 14 1978 [~~226.2%~~] **236%**  
 15 1979 [~~216.7%~~] **226.2%**  
 16 1980 [~~207.5%~~] **216.7%**  
 17 1981 [~~198.5%~~] **207.5%**

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

LBD07653-06-9

1	1982	[ <del>189.8%</del> ]	<u>198.5%</u>
2	1983	[ <del>181.4%</del> ]	<u>189.8%</u>
3	1984	[ <del>173.2%</del> ]	<u>181.4%</u>
4	1985	[ <del>165.2%</del> ]	<u>173.2%</u>
5	1986	[ <del>157.5%</del> ]	<u>165.2%</u>
6	1987	[ <del>150.0%</del> ]	<u>157.5%</u>
7	1988	[ <del>142.7%</del> ]	<u>150.0%</u>
8	1989	[ <del>135.7%</del> ]	<u>142.7%</u>
9	1990	[ <del>128.8%</del> ]	<u>135.7%</u>
10	1991	[ <del>122.1%</del> ]	<u>128.8%</u>
11	1992	[ <del>115.7%</del> ]	<u>122.1%</u>
12	1993	[ <del>109.4%</del> ]	<u>115.7%</u>
13	1994	[ <del>103.3%</del> ]	<u>109.4%</u>
14	1995	[ <del>97.4%</del> ]	<u>103.3%</u>
15	1996	[ <del>91.6%</del> ]	<u>97.4%</u>
16	1997	[ <del>86.0%</del> ]	<u>91.6%</u>
17	1998	[ <del>80.6%</del> ]	<u>86.0%</u>
18	1999	[ <del>75.4%</del> ]	<u>80.6%</u>
19	2000	[ <del>70.2%</del> ]	<u>75.4%</u>
20	2001	[ <del>65.3%</del> ]	<u>70.2%</u>
21	2002	[ <del>60.5%</del> ]	<u>65.3%</u>
22	2003	[ <del>55.8%</del> ]	<u>60.5%</u>
23	2004	[ <del>51.3%</del> ]	<u>55.8%</u>
24	2005	[ <del>46.9%</del> ]	<u>51.3%</u>
25	2006	[ <del>42.6%</del> ]	<u>46.9%</u>
26	2007	[ <del>38.4%</del> ]	<u>42.6%</u>
27	2008	[ <del>34.4%</del> ]	<u>38.4%</u>
28	2009	[ <del>30.5%</del> ]	<u>34.4%</u>
29	2010	[ <del>26.7%</del> ]	<u>30.5%</u>
30	2011	[ <del>23.0%</del> ]	<u>26.7%</u>
31	2012	[ <del>19.4%</del> ]	<u>23.0%</u>
32	2013	[ <del>15.9%</del> ]	<u>19.4%</u>
33	2014	[ <del>12.6%</del> ]	<u>15.9%</u>
34	2015	[ <del>9.3%</del> ]	<u>12.6%</u>
35	2016	[ <del>6.1%</del> ]	<u>9.3%</u>
36	2017	[ <del>3.0%</del> ]	<u>6.1%</u>
37	2018	[ <del>0.0%</del> ]	<u>3.0%</u>
38	<b>2019</b>		<u><b>0.0%</b></u>

39 § 2. Subdivision c of section 361-a of the retirement and social secu-  
 40 rity law, as amended by chapter 179 of the laws of 2018, is amended to  
 41 read as follows:

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

49	calendar year of death		
50	of the deceased member	per centum	
51	1977 or prior	[ <del>236%</del> ]	<u>246.1%</u>
52	1978	[ <del>226.2%</del> ]	<u>236%</u>
53	1979	[ <del>216.7%</del> ]	<u>226.2%</u>
54	1980	[ <del>207.5%</del> ]	<u>216.7%</u>
55	1981	[ <del>198.5%</del> ]	<u>207.5%</u>
56	1982	[ <del>189.8%</del> ]	<u>198.5%</u>

1	1983	[ <del>181.4%</del> ]	<u>189.8%</u>
2	1984	[ <del>173.2%</del> ]	<u>181.4%</u>
3	1985	[ <del>165.2%</del> ]	<u>173.2%</u>
4	1986	[ <del>157.5%</del> ]	<u>165.2%</u>
5	1987	[ <del>150.0%</del> ]	<u>157.5%</u>
6	1988	[ <del>142.7%</del> ]	<u>150.0%</u>
7	1989	[ <del>135.7%</del> ]	<u>142.7%</u>
8	1990	[ <del>128.8%</del> ]	<u>135.7%</u>
9	1991	[ <del>122.1%</del> ]	<u>128.8%</u>
10	1992	[ <del>115.7%</del> ]	<u>122.1%</u>
11	1993	[ <del>109.4%</del> ]	<u>115.7%</u>
12	1994	[ <del>103.3%</del> ]	<u>109.4%</u>
13	1995	[ <del>97.4%</del> ]	<u>103.3%</u>
14	1996	[ <del>91.6%</del> ]	<u>97.4%</u>
15	1997	[ <del>86.0%</del> ]	<u>91.6%</u>
16	1998	[ <del>80.6%</del> ]	<u>86.0%</u>
17	1999	[ <del>75.4%</del> ]	<u>80.6%</u>
18	2000	[ <del>70.2%</del> ]	<u>75.4%</u>
19	2001	[ <del>65.3%</del> ]	<u>70.2%</u>
20	2002	[ <del>60.5%</del> ]	<u>65.3%</u>
21	2003	[ <del>55.8%</del> ]	<u>60.5%</u>
22	2004	[ <del>51.3%</del> ]	<u>55.8%</u>
23	2005	[ <del>46.9%</del> ]	<u>51.3%</u>
24	2006	[ <del>42.6%</del> ]	<u>46.9%</u>
25	2007	[ <del>38.4%</del> ]	<u>42.6%</u>
26	2008	[ <del>34.4%</del> ]	<u>38.4%</u>
27	2009	[ <del>30.5%</del> ]	<u>34.4%</u>
28	2010	[ <del>26.7%</del> ]	<u>30.5%</u>
29	2011	[ <del>23.0%</del> ]	<u>26.7%</u>
30	2012	[ <del>19.4%</del> ]	<u>23.0%</u>
31	2013	[ <del>15.9%</del> ]	<u>19.4%</u>
32	2014	[ <del>12.6%</del> ]	<u>15.9%</u>
33	2015	[ <del>9.3%</del> ]	<u>12.6%</u>
34	2016	[ <del>6.1%</del> ]	<u>9.3%</u>
35	2017	[ <del>3.0%</del> ]	<u>6.1%</u>
36	2018	[ <del>0.0%</del> ]	<u>3.0%</u>
37	<b>2019</b>		<u><b>0.0%</b></u>

38 § 3. This act shall take effect July 1, 2019.

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 2019.

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 \$547,000 above the approximately \$12.5 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.



The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 24, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-38, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY OF BILL: 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: July 1, 2019.

BACKGROUND: 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 NYCRS 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 if a student. If neither a 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.

IMPACT ON BENEFITS: 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.

Under the proposed legislation, effective July 1, 2019, 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 - PRESENT VALUES: Based on the Eligible Beneficiaries of deceased NYCERS members who would be impacted by this proposed legislation and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) by approximately \$49.2 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: 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 Actuary assumes that the SADB benefit will continue to increase 3% per year in the future in determining the 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. There will, however, be a decrease in employer contributions if the proposed legislation is not enacted.

In accordance with Administrative Code of the City of New York (ACCNY) Section 13-638.2(k-2), new Unfunded Accrued Liability 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. However, since changes in the SADB COLA paid are not known in advance, the decrease in expected pension payments due to this legislation not passing would be treated as an actuarial gain. These actuarial gains would be amortized over a 15-year period (14 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This would result in a decrease in NYCERS annual employer contributions of approximately \$5.8 million each year.

OTHER COSTS: Not measured in this Fiscal Note are the following:

- \* The initial, additional administrative costs of NYCERS, POLICE, and FIRE and other New York City agencies to implement the proposed legislation.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the PVFB and annual employer contributions if this proposed legislation fails to pass, would be reflected for the first time in the Final June 30, 2020 actuarial valuations of NYCERS, POLICE, and FIRE. In accordance with the OYLM used to determine employer contributions, the decrease in employer contributions would first be reflected in Fiscal Year 2022.

CENSUS DATA: The estimates presented herein are based on upon the census data for such Eligible Beneficiaries provided by the NYCERS.

Retirement System	Number of Decreased Members with	Annual Accidental Death Benefit
-------------------	-------------------------------------	------------------------------------

	Eligible Survivors	Prior to Proposed July 1, 2019 Increase (\$ Millions)
NYCERS	39	\$ 3.1
POLICE	398	44.0
FIRE	<u>631</u>	<u>74.1</u>
Total	1,068	\$121.2

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2018 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2020 employer contributions of NYCERS, POLICE, and FIRE.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

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, 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 2019-21 dated May 17, 2019 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 2019 Legislative Session.

STATE OF NEW YORK

3547

2019-2020 Regular Sessions

IN SENATE

February 8, 2019

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

AN ACT to authorize Dustin Waldron to receive certain service credit under section 384-d of the retirement and social security law

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 East Aurora, in the county of Erie, a participating  
3 employer in the New York state and local police and fire retirement  
4 system, which previously elected to offer the optional twenty-year  
5 retirement plan, established pursuant to section 384-d of the retirement  
6 and social security law, to police officers employed by such village, is  
7 hereby authorized to make participation in such plan available to Dustin  
8 Waldron, a police officer employed by such village, who, for reasons not  
9 ascribable to his own negligence, failed to make a timely application to  
10 participate in such optional twenty-year retirement plan. Thereafter,  
11 Dustin Waldron may elect to be covered by the provisions of section  
12 384-d of the retirement and social security law, and shall be entitled  
13 to the full rights and benefits associated with coverage under such  
14 section as well as section 384-e of such law, provided that a request to  
15 that effect is filed with the state comptroller within one year from the  
16 effective date of this act.

17 § 2. All past service costs associated with implementing the  
18 provisions of this act shall be borne by the village of East Aurora and  
19 may be amortized over a period of five years.

20 § 3. This act shall take effect immediately.

Fiscal Note.--Pursuant to Legislative Law, Section 50:

This bill would allow the Village of East Aurora to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for police officer Dustin Waldron.

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

LBD07650-03-9

If this bill is enacted during the 2019 legislative session and Dustin Waldron becomes covered under the provisions of Section 384-d together with Section 384-e, we anticipate that there will be an increase of approximately \$8,500 in the annual contributions of the village of East Aurora for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of Dustin Waldron change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$75,700 which will be borne by the village of East Aurora as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If the village of East Aurora elects to amortize this cost over a 5 year period, the cost for the first year would be \$17,300.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 6, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-35, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

3845

2019-2020 Regular Sessions

IN SENATE

February 19, 2019

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

AN ACT to authorize Brad Steve to receive certain service credit under section 384-d of the retirement and social security law

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 Brad Steve, a member of the New York State and local police and fire  
3 retirement system, who was employed as a police officer with the village  
4 of Clyde, from August 1, 1997 through September 30, 1999, and who,  
5 through no fault of his own, failed to file a timely application to  
6 participate in the special twenty year retirement plan contained in  
7 section 384-d of the retirement and social security law resulting in the  
8 crediting of his service with the village of Clyde in the general  
9 retirement plan contained in section 375-i of such law, shall be given  
10 full credit in the special twenty year retirement plan for such addi-  
11 tional cost of such service upon the election of the village of Clyde to  
12 assume the additional cost of such service. The village of Clyde may so  
13 elect by filing a resolution of its local legislative body together with  
14 certification that such police officer did not bar himself from partic-  
15 ipation in such retirement plan as a result of his own negligence.

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

19 § 3. This act shall take effect immediately.

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

This bill will grant Brad Steve, a Tier 2 member of the New York State and Local Police and Fire Retirement System, additional service creditable under the provisions of section 384-d of the Retirement and Social Security Law, for time worked as a police officer of the Village of Clyde between August 1997 and September 1999. Such service is currently

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

LBD09494-02-9

creditable in the age 55 retirement plan of section 375-c, but not in the 20 year plan of section 384-d. Brad Steve is currently employed by the Town of Brighton.

If this legislation is enacted during the 2019 legislative session, there will not be any additional costs.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 15, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-51, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

45--B

Cal. No. 1020

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. HOYLMAN, ADDABBO, GIANARIS, KAPLAN, KRUEGER, MAYER, MONTGOMERY, RIVERA, SERRANO, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs-- 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, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law, the civil service law, the county law, the economic development law, the education law, the election law, the general construction law, the general municipal law, the military law, the correction law, the environmental conservation law, the general business law, the highway law, the insurance law, the judiciary law, the private housing finance law, the public health law, the public housing law, the public officers law, the real property tax law, the social services law, the tax law, the town law, the vehicle and traffic law, and the workers' compensation law, in relation to veterans with qualifying conditions and discharged LGBT veterans

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

1 Section 1. Section 350 of the executive law is amended by adding two  
2 new subdivisions 8 and 9 to read as follows:

3 **8. The term "qualifying condition" means a diagnosis of post-traumatic**  
4 **stress disorder or traumatic brain injury made by, or an experience of**  
5 **military sexual trauma, as described in 38 USC 1720D, as amended from**  
6 **time to time, disclosed to, an individual licensed to provide health**  
7 **care services at a United States Department of Veterans Affairs facili-**  
8 **ty. The division shall develop a standardized form used to confirm that**  
9 **the veteran has a qualifying condition under this subdivision.**

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

LBD00460-08-9



1 9. The term "discharged LGBT veteran" means a veteran who was  
2 discharged less than honorably from military or naval service due to  
3 their sexual orientation or gender identity or expression, as those  
4 terms are defined in section two hundred ninety-two of this chapter, or  
5 statements, consensual sexual conduct, or consensual acts relating to  
6 sexual orientation, gender identity or expression, or the disclosure of  
7 such statements, conduct, or acts, that were prohibited by the military  
8 or naval service at the time of discharge. The division shall establish  
9 a consistent and uniform process to determine whether a veteran quali-  
10 fies as a discharged LGBT veteran under this subdivision, including, at  
11 a minimum, standards for verifying a veteran's status as a discharged  
12 LGBT veteran, and a method of demonstrating eligibility as a discharged  
13 LGBT veteran.

14 § 2. Paragraph (b) of subdivision 5 of section 50 of the civil service  
15 law, as amended by chapter 35 of the laws of 2018, is amended to read as  
16 follows:

17 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
18 sion, the state civil service department, subject to the approval of the  
19 director of the budget, a municipal commission, subject to the approval  
20 of the governing board or body of the city or county, as the case may  
21 be, or a regional commission or personnel officer, pursuant to govern-  
22 mental agreement, may elect to waive application fees, or to abolish  
23 fees for specific classes of positions or types of examinations or  
24 candidates, or to establish a uniform schedule of reasonable fees  
25 different from those prescribed in paragraph (a) of this subdivision,  
26 specifying in such schedule the classes of positions or types of exam-  
27 inations or candidates to which such fees shall apply; provided, howev-  
28 er, that fees shall be waived for candidates who certify to the state  
29 civil service department, a municipal commission or a regional commis-  
30 sion that they are unemployed and primarily responsible for the support  
31 of a household, or are receiving public assistance. Provided further,  
32 the state civil service department shall waive the state application fee  
33 for examinations for original appointment for all veterans. Notwith-  
34 standing any other provision of law, for purposes of this section, the  
35 term "veteran" shall mean a person who has served in the armed forces of  
36 the United States or the reserves thereof, or in the army national  
37 guard, air national guard, New York guard, or the New York naval mili-  
38 tia, and who (1) has been honorably discharged or released from such  
39 service under honorable conditions, or (2) has a qualifying condition,  
40 as defined in section three hundred fifty of the executive law, and has  
41 received a discharge other than bad conduct or dishonorable from such  
42 service, or (3) is a discharged LGBT veteran, as defined in section  
43 three hundred fifty of the executive law, and has received a discharge  
44 other than bad conduct or dishonorable from such service. The term  
45 "armed forces" shall mean the army, navy, air force, marine corps, and  
46 coast guard.

47 § 3. Paragraph (b) of subdivision 1 of section 75 of the civil service  
48 law, as amended by chapter 350 of the laws of 1989, is amended to read  
49 as follows:

50 (b) a person holding a position by permanent appointment or employment  
51 in the classified service of the state or in the several cities, coun-  
52 ties, towns, or villages thereof, or in any other political or civil  
53 division of the state or of a municipality, or in the public school  
54 service, or in any public or special district, or in the service of any  
55 authority, commission or board, or in any other branch of public  
56 service, who was honorably discharged or released under honorable

1 circumstances from the armed forces of the United States including (i)  
 2 having a qualifying condition as defined in section three hundred fifty  
 3 of the executive law, and receiving a discharge other than bad conduct  
 4 or dishonorable from such service, or (ii) being a discharged LGBT  
 5 veteran, as defined in section three hundred fifty of the executive law,  
 6 and receiving a discharge other than bad conduct or dishonorable from  
 7 such service, having served therein as such member in time of war as  
 8 defined in section eighty-five of this chapter, or who is an exempt  
 9 volunteer firefighter as defined in the general municipal law, except  
 10 when a person described in this paragraph holds the position of private  
 11 secretary, cashier or deputy of any official or department, or

12 § 4. Paragraph (a) of subdivision 1 of section 85 of the civil service  
 13 law, as amended by chapter 333 of the laws of 1993, is amended to read  
 14 as follows:

15 (a) The terms "veteran" and "non-disabled veteran" mean a member of  
 16 the armed forces of the United States who served therein in time of war,  
 17 who was honorably discharged or released under honorable circumstances  
 18 from such service including (i) having a qualifying condition as defined  
 19 in section three hundred fifty of the executive law, and receiving a  
 20 discharge other than bad conduct or dishonorable from such service, or  
 21 (ii) being a discharged LGBT veteran, as defined in section three  
 22 hundred fifty of the executive law, and receiving a discharge other than  
 23 bad conduct or dishonorable from such service, who is a citizen of the  
 24 United States or an alien lawfully admitted for permanent residence in  
 25 the United States and who is a resident of the state of New York at the  
 26 time of application for appointment or promotion or at the time of  
 27 retention, as the case may be.

28 § 5. Subparagraph 2 of paragraph (b) of subdivision 1 of section 85 of  
 29 the civil service law, as amended by chapter 616 of the laws of 1995, is  
 30 amended to read as follows:

31 (2) A veteran who served in world war II, who continued to serve in  
 32 the armed forces of the United States after the second day of September,  
 33 nineteen hundred forty-five, or who was employed by the War Shipping  
 34 Administration or Office of Defense Transportation or their agents as a  
 35 merchant seaman documented by the United States Coast Guard or Depart-  
 36 ment of Commerce, or as a civil servant employed by the United States  
 37 Army Transport Service (later redesignated as the United States Army  
 38 Transportation Corps, Water Division) or the Naval Transportation  
 39 Service; and who served satisfactorily as a crew member during the peri-  
 40 od of armed conflict, December seventh, nineteen hundred forty-one, to  
 41 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
 42 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
 43 terms are defined under federal law (46 USCA 10301 & 10501) and further  
 44 to include "near foreign" voyages between the United States and Canada,  
 45 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
 46 going service or foreign waters and who has received a Certificate of  
 47 Release or Discharge from Active Duty and a discharge certificate, or an  
 48 Honorable Service Certificate/Report of Casualty, from the Department of  
 49 Defense, or who served as a United States civilian employed by the Amer-  
 50 ican Field Service and served overseas under United States Armies and  
 51 United States Army Groups in world war II during the period of armed  
 52 conflict, December seventh, nineteen hundred forty-one through May  
 53 eighth, nineteen hundred forty-five, and who (i) was discharged or  
 54 released therefrom under honorable [~~conditions,~~ circumstances or (ii)  
 55 has a qualifying condition, as defined in section three hundred fifty of  
 56 the executive law, and has received a discharge other than bad conduct

1 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
2 an, as defined in section three hundred fifty of the executive law, and  
3 has received a discharge other than bad conduct or dishonorable from  
4 such service, or who served as a United States civilian Flight Crew and  
5 Aviation Ground Support Employee of Pan American World Airways or one of  
6 its subsidiaries or its affiliates and served overseas as a result of  
7 Pan American's contract with Air Transport Command or Naval Air Trans-  
8 port Service during the period of armed conflict, December fourteenth,  
9 nineteen hundred forty-one through August fourteenth, nineteen hundred  
10 forty-five, and who (iv) was discharged or released therefrom under  
11 honorable [~~conditions,~~] circumstances or (v) has a qualifying condition,  
12 as defined in section three hundred fifty of the executive law, and has  
13 received a discharge other than bad conduct or dishonorable from such  
14 service, or (vi) is a discharged LGBT veteran, as defined in section  
15 three hundred fifty of the executive law, and has received a discharge  
16 other than bad conduct or dishonorable from such service, and who is  
17 certified, as hereinbefore provided, by the United States veterans'  
18 administration as receiving disability payments upon the certification  
19 of such veterans' administration for a disability incurred by him in  
20 such service on or before the date that world war II is declared termi-  
21 nated.

22 § 6. Section 86 of the civil service law, as amended by chapter 476 of  
23 the laws of 2018, is amended to read as follows:

24 § 86. Transfer of veterans or exempt volunteer firefighters upon abol-  
25 ition of positions. If the position in the non-competitive or in the  
26 labor class held by any honorably discharged veteran of the armed forces  
27 of the United States or by any veteran of the armed forces of the United  
28 States released under honorable circumstances from such service includ-  
29 ing (i) having a qualifying condition as defined in section three  
30 hundred fifty of the executive law, and receiving a discharge other than  
31 bad conduct or dishonorable from such service, or (ii) being a  
32 discharged LGBT veteran, as defined in section three hundred fifty of  
33 the executive law, and receiving a discharge other than bad conduct or  
34 dishonorable from such service, who served therein in time of war as  
35 defined in section eighty-five of this chapter, or by an exempt volun-  
36 teer firefighter as defined in the general municipal law, shall become  
37 unnecessary or be abolished for reasons of economy or otherwise, the  
38 honorably discharged veteran or exempt volunteer firefighter holding  
39 such position shall not be discharged from the public service but shall  
40 be transferred to a similar position wherein a vacancy exists, and shall  
41 receive the same compensation therein. It is hereby made the duty of all  
42 persons clothed with the power of appointment to make such transfer  
43 effective. The right to transfer herein conferred shall continue for a  
44 period of one year following the date of abolition of the position, and  
45 may be exercised only where a vacancy exists in an appropriate position  
46 to which transfer may be made at the time of demand for transfer. Where  
47 the positions of more than one such veteran or exempt volunteer fire-  
48 fighter are abolished and a lesser number of vacancies in similar posi-  
49 tions exist to which transfer may be made, the veterans or exempt volun-  
50 teer firefighters whose positions are abolished shall be entitled to  
51 transfer to such vacancies in the order of their original appointment in  
52 the service. Nothing in this section shall be construed to apply to the  
53 position of private secretary, cashier or deputy of any official or  
54 department. This section shall have no application to persons encom-  
55 passed by section eighty-a of this chapter.

1 § 7. Section 831 of the county law, as added by chapter 653 of the  
2 laws of 1986, is amended to read as follows:

3 § 831. Soldier burial plots in Dutchess county. The legislature of the  
4 county of Dutchess may authorize the purchase of burial plots and  
5 provide for marker settings and perpetual care and maintenance of such  
6 plots in one or more of the cemeteries of the county of Dutchess for  
7 deceased veterans, who, at the time of death, were residents of the  
8 county of Dutchess and who (i) were discharged from the armed forces of  
9 the United States either honorably or under honorable circumstances, or  
10 (ii) had a qualifying condition, as defined in section three hundred  
11 fifty of the executive law, and received a discharge other than bad  
12 conduct or dishonorable, or (iii) were a discharged LGBT veteran, as  
13 defined in section three hundred fifty of the executive law, and  
14 received a discharge other than bad conduct or dishonorable. The expense  
15 thereof shall be a county charge.

16 § 8. Subdivision 6 of section 210 of the economic development law, as  
17 added by chapter 398 of the laws of 2018, is amended to read as follows:

18 6. "Veteran" shall mean a person who served in [~~and who has received~~  
19 ~~an honorable or general discharge from,~~] the United States army, navy,  
20 air force, marines, coast guard, and/or reserves thereof, and/or in the  
21 army national guard, air national guard, New York guard and/or New York  
22 naval militia and who (a) has received an honorable or general discharge  
23 from such service, or (b) has a qualifying condition, as defined in  
24 section three hundred fifty of the executive law, and has received a  
25 discharge other than bad conduct or dishonorable from such service, or  
26 (c) is a discharged LGBT veteran, as defined in section three hundred  
27 fifty of the executive law, and has received a discharge other than bad  
28 conduct or dishonorable from such service.

29 § 9. Paragraph c of subdivision 1 of section 360 of the education law,  
30 as amended by chapter 699 of the laws of 2005, is amended to read as  
31 follows:

32 c. Adopt and enforce campus rules and regulations not inconsistent  
33 with the vehicle and traffic law relating to parking, vehicular and  
34 pedestrian traffic, and safety. Such rules and regulations may include  
35 provisions for the disposition of abandoned vehicles, removal by towing  
36 or otherwise of vehicles parked in violation of such rules at the  
37 expense of the owner, the payment of fees for the registration or park-  
38 ing of such vehicles, provided that such campus rules and regulations  
39 may provide that any veteran attending the state university as a student  
40 shall be exempt from any fees for parking or registering a motor vehi-  
41 cle, and the assessment of administrative fines upon the owner or opera-  
42 tor of such vehicles for each violation of the regulations. However, no  
43 such fine may be imposed without a hearing or an opportunity to be heard  
44 conducted by an officer or board designated by the board of trustees.  
45 Such fines, in the case of an officer or employee of state university,  
46 may be deducted from the salary or wages of such officer or employee  
47 found in violation of such regulations, or in the case of a student of  
48 state university found in violation of such regulations, the university  
49 may withhold his grades and transcripts until such time as any fine is  
50 paid. For purposes of this subdivision, the term "veteran" shall mean a  
51 member of the armed forces of the United States who served in such armed  
52 forces in time of war and who (i) was honorably discharged or released  
53 under honorable circumstances from such service, or (ii) has a qualify-  
54 ing condition, as defined in section three hundred fifty of the execu-  
55 tive law, and has received a discharge other than bad conduct or  
56 dishonorable from such service, or (iii) is a discharged LGBT veteran,

1 as defined in section three hundred fifty of the executive law, and has  
2 received a discharge other than bad conduct or dishonorable from such  
3 service.

4 § 10. The opening paragraph of subdivision 6 of section 503 of the  
5 education law, as amended by chapter 616 of the laws of 1995, is amended  
6 to read as follows:

7 Credit for service in war after world war I, which shall mean military  
8 service during the period commencing the first day of July, nineteen  
9 hundred forty, and terminating the thirtieth day of June, nineteen  
10 hundred forty-seven, or during the period commencing the twenty-seventh  
11 day of June, nineteen hundred fifty, and terminating the thirty-first  
12 day of January, nineteen hundred fifty-five, or during both such peri-  
13 ods, as a member of the armed forces of the United States, of any person  
14 who (i) has been honorably discharged or released under honorable  
15 circumstances from such service, or (ii) has a qualifying condition, as  
16 defined in section three hundred fifty of the executive law, and has  
17 received a discharge other than bad conduct or dishonorable from such  
18 service, or (iii) is a discharged LGBT veteran, as defined in section  
19 three hundred fifty of the executive law, and has received a discharge  
20 other than bad conduct or dishonorable from such service, or service by  
21 one who was employed by the War Shipping Administration or Office of  
22 Defense Transportation or their agents as a merchant seaman documented  
23 by the United States Coast Guard or Department of Commerce, or as a  
24 civil servant employed by the United States Army Transport Service  
25 (later redesignated as the United States Army Transportation Corps,  
26 Water Division) or the Naval Transportation Service; and who served  
27 satisfactorily as a crew member during the period of armed conflict,  
28 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
29 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
30 foreign, intercoastal, or coastwise service as such terms are defined  
31 under federal law (46 USCA 10301 & 10501) and further to include "near  
32 foreign" voyages between the United States and Canada, Mexico, or the  
33 West Indies via ocean routes, or public vessels in oceangoing service or  
34 foreign waters and who has received a Certificate of Release or  
35 Discharge from Active Duty and a discharge certificate, or an Honorable  
36 Service Certificate/Report of Casualty, from the Department of Defense  
37 or who served as a United States civilian employed by the American Field  
38 Service and served overseas under United States Armies and United States  
39 Army Groups in world war II during the period of armed conflict, Decem-  
40 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
41 hundred forty-five, and (iv) who was discharged or released therefrom  
42 under honorable conditions, or (v) has a qualifying condition, as  
43 defined in section three hundred fifty of the executive law, and has  
44 received a discharge other than bad conduct or dishonorable from such  
45 service, or (vi) is a discharged LGBT veteran, as defined in section  
46 three hundred fifty of the executive law, and has received a discharge  
47 other than bad conduct or dishonorable from such service, or who served  
48 as a United States civilian Flight Crew and Aviation Ground Support  
49 Employee of Pan American World Airways or one of its subsidiaries or its  
50 affiliates and served overseas as a result of Pan American's contract  
51 with Air Transport Command or Naval Air Transport Service during the  
52 period of armed conflict, December fourteenth, nineteen hundred forty-  
53 one through August fourteenth, nineteen hundred forty-five, and who  
54 (vii) was discharged or released therefrom under honorable conditions,  
55 or (viii) has a qualifying condition, as defined in section three  
56 hundred fifty of the executive law, and has received a discharge other

1 than bad conduct or dishonorable from such service, or (ix) is a  
 2 discharged LGBT veteran, as defined in section three hundred fifty of  
 3 the executive law, and has received a discharge other than bad conduct  
 4 or dishonorable from such service, and who was a teacher in the public  
 5 schools of this state at the time of his entrance into the armed forces  
 6 of the United States, provided no compensation was received under the  
 7 provisions of section two hundred forty-two of the military law, and who  
 8 returned to public school teaching following discharge or completion of  
 9 advanced education provided under servicemen's readjustment act of nine-  
 10 teen hundred forty-four, or who following such discharge or release  
 11 entered into a service which would qualify him pursuant to section  
 12 forty-three of the retirement and social security law to transfer his  
 13 membership in the New York state teachers' retirement system, shall be  
 14 provided as follows, any provisions of section two hundred forty-three  
 15 of the military law to the contrary notwithstanding.

16 § 11. Subdivision 7 of section 503 of the education law, as amended by  
 17 chapter 40 of the laws of 1967, is amended to read as follows:

18 7. A teacher, who was a member of the New York state teachers retire-  
 19 ment system but who withdrew his accumulated contributions immediately  
 20 prior to his entry into, or during his service in the armed forces of  
 21 the United States in war after World War I, who (i) has been honorably  
 22 discharged or released from service, or (ii) has a qualifying condition,  
 23 as defined in section three hundred fifty of the executive law, and has  
 24 received a discharge other than bad conduct or dishonorable from such  
 25 service, or (iii) is a discharged LGBT veteran, as defined in section  
 26 three hundred fifty of the executive law, and has received a discharge  
 27 other than bad conduct or dishonorable from such service, provided no  
 28 compensation was received under the provisions of section two hundred  
 29 forty-two of the military law, and who returned to public school teach-  
 30 ing in the state of New York following such discharge or release, or  
 31 following completion of advanced education provided under servicemen's  
 32 readjustment act of nineteen hundred forty-four, any provisions of  
 33 section two hundred forty-three of the military law to the contrary  
 34 notwithstanding, will be entitled to credit for service in war after  
 35 World War I, cost free, provided, however, that such credit will not be  
 36 allowed until he claims and pays for all prior teaching service credited  
 37 to him at the time of his termination of membership in the New York  
 38 state teachers retirement system, and provided further that claim for  
 39 such service in war after World War I shall be filed by the member with  
 40 the retirement board before the first day of July, nineteen hundred  
 41 sixty-eight.

42 § 12. Paragraph c of subdivision 9 of section 503 of the education  
 43 law, as added by chapter 801 of the laws of 1962 and as renumbered by  
 44 chapter 41 of the laws of 1966, is amended to read as follows:

45 c. (i) has been honorably discharged or released under honorable  
 46 circumstances from such service, or (ii) has a qualifying condition, as  
 47 defined in section three hundred fifty of the executive law, and has  
 48 received a discharge other than bad conduct or dishonorable from such  
 49 service, or (iii) is a discharged LGBT veteran, as defined in section  
 50 three hundred fifty of the executive law, and has received a discharge  
 51 other than bad conduct or dishonorable from such service, and

52 § 13. Paragraph a of subdivision 10 of section 503 of the education  
 53 law, as amended by chapter 616 of the laws of 1995, is amended to read  
 54 as follows:

55 a. In addition to credit for military service pursuant to section two  
 56 hundred forty-three of the military law and subdivisions six through

1 nine of this section, a member employed as a full-time teacher by an  
2 employer as defined in subdivision three of section five hundred one of  
3 ~~[the education law]~~ this article and who joined the retirement system  
4 prior to July first, nineteen hundred seventy-three, may obtain credit  
5 for military service not in excess of three years and not otherwise  
6 creditable under section two hundred forty-three of the military law and  
7 subdivisions six through nine of this section, rendered on active duty  
8 in the armed forces of the United States during the period commencing  
9 July first, nineteen hundred forty, and terminating December thirty-  
10 first, nineteen hundred forty-six, or on service by one who was employed  
11 by the War Shipping Administration or Office of Defense Transportation  
12 or their agents as a merchant seaman documented by the United States  
13 Coast Guard or Department of Commerce, or as a civil servant employed by  
14 the United States Army Transport Service (later redesignated as the  
15 United States Army Transportation Corps, Water Division) or the Naval  
16 Transportation Service; and who served satisfactorily as a crew member  
17 during the period of armed conflict, December seventh, nineteen hundred  
18 forty-one, to August fifteenth, nineteen hundred forty-five, aboard  
19 merchant vessels in oceangoing, i.e., foreign, intercoastal, or coast-  
20 wise service as such terms are defined under federal law (46 USCA 10301  
21 & 10501) and further to include "near foreign" voyages between the  
22 United States and Canada, Mexico, or the West Indies via ocean routes,  
23 or public vessels in oceangoing service or foreign waters and who has  
24 received a Certificate of Release or Discharge from Active Duty and a  
25 discharge certificate, or an Honorable Service Certificate/Report of  
26 Casualty, from the Department of Defense or on service by one who served  
27 as a United States civilian employed by the American Field Service and  
28 served overseas under United States Armies and United States Army Groups  
29 in world war II during the period of armed conflict, December seventh,  
30 nineteen hundred forty-one through May eighth, nineteen hundred forty-  
31 five, and who (i) was discharged or released therefrom under honorable  
32 conditions, or (ii) has a qualifying condition, as defined in section  
33 three hundred fifty of the executive law, and has received a discharge  
34 other than bad conduct or dishonorable from such service, or (iii) is a  
35 discharged LGBT veteran, as defined in section three hundred fifty of  
36 the executive law, and has received a discharge other than bad conduct  
37 or dishonorable from such service, or on service by one who served as a  
38 United States civilian Flight Crew and Aviation Ground Support Employee  
39 of Pan American World Airways or one of its subsidiaries or its affil-  
40 iates and served overseas as a result of Pan American's contract with  
41 Air Transport Command or Naval Air Transport Service during the period  
42 of armed conflict, December fourteenth, nineteen hundred forty-one  
43 through August fourteenth, nineteen hundred forty-five, and who (iv) was  
44 discharged or released therefrom under honorable conditions, or (v) has  
45 a qualifying condition, as defined in section three hundred fifty of the  
46 executive law, and has received a discharge other than bad conduct or  
47 dishonorable from such service, or (vi) is a discharged LGBT veteran, as  
48 defined in section three hundred fifty of the executive law, and has  
49 received a discharge other than bad conduct or dishonorable from such  
50 service, by a person who was a resident of New York state at the time of  
51 entry into such service and at the time of being discharged therefrom  
52 under honorable circumstances, and who makes the payments required in  
53 accordance with the provisions of this subdivision.  
54 However, no military service shall be creditable under this subdivi-  
55 sion in the case of a member who is receiving a military pension (other

1 than for disability) for military service in the armed forces of the  
2 United States.

3 § 14. Paragraph a of subdivision 10-a of section 503 of the education  
4 law, as amended by chapter 616 of the laws of 1995, is amended to read  
5 as follows:

6 a. In addition to credit for military service pursuant to section two  
7 hundred forty-three of the military law and subdivisions six through  
8 nine of this section, a member who joined the retirement system prior to  
9 July first, nineteen hundred seventy-three, and who was not eligible for  
10 credit for military service under subdivision ten of this section as a  
11 result of being on a leave of absence without pay between July twenti-  
12 eth, nineteen hundred seventy-six and October fifteenth, nineteen  
13 hundred seventy-seven or on leave of absence with less than full pay  
14 between July twentieth, nineteen hundred seventy-six and October  
15 fifteenth, nineteen hundred seventy-seven, may obtain credit for mili-  
16 tary service not in excess of three years and not otherwise creditable  
17 under section two hundred forty-three of the military law and subdivi-  
18 sions six through nine of this section, rendered on active duty in the  
19 armed forces of the United States during the period commencing July  
20 first, nineteen hundred forty, and terminating December thirty-first,  
21 nineteen hundred forty-six, or on service by one who was employed by the  
22 War Shipping Administration or Office of Defense Transportation or their  
23 agents as a merchant seaman documented by the United States Coast Guard  
24 or Department of Commerce, or as a civil servant employed by the United  
25 States Army Transport Service (later redesignated as the United States  
26 Army Transportation Corps, Water Division) or the Naval Transportation  
27 Service; and who served satisfactorily as a crew member during the peri-  
28 od of armed conflict, December seventh, nineteen hundred forty-one, to  
29 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
30 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
31 terms are defined under federal law (46 USCA 10301 & 10501) and further  
32 to include "near foreign" voyages between the United States and Canada,  
33 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
34 going service or foreign waters and who has received a Certificate of  
35 Release or Discharge from Active Duty and a discharge certificate, or an  
36 Honorable Service Certificate/Report of Casualty, from the Department of  
37 Defense, or on service by one who served as a United States civilian  
38 employed by the American Field Service and served overseas under United  
39 States Armies and United States Army Groups in world war II during the  
40 period of armed conflict, December seventh, nineteen hundred forty-one  
41 through May eighth, nineteen hundred forty-five, and who (i) was  
42 discharged or released therefrom under honorable conditions, or (ii) has  
43 a qualifying condition, as defined in section three hundred fifty of the  
44 executive law, and has received a discharge other than bad conduct or  
45 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
46 as defined in section three hundred fifty of the executive law, and has  
47 received a discharge other than bad conduct or dishonorable from such  
48 service, or on service by one who served as a United States civilian  
49 Flight Crew and Aviation Ground Support Employee of Pan American World  
50 Airways or one of its subsidiaries or its affiliates and served overseas  
51 as a result of Pan American's contract with Air Transport Command or  
52 Naval Air Transport Service during the period of armed conflict, Decem-  
53 ber fourteenth, nineteen hundred forty-one through August fourteenth,  
54 nineteen hundred forty-five, and who (iv) was discharged or released  
55 therefrom under honorable conditions, or (v) has a qualifying condition,  
56 as defined in section three hundred fifty of the executive law, and has



1 received a discharge other than bad conduct or dishonorable from such  
2 service, or (vi) is a discharged LGBT veteran, as defined in section  
3 three hundred fifty of the executive law, and has received a discharge  
4 other than bad conduct or dishonorable from such service, by a person  
5 who was a resident of New York state at the time of entry into such  
6 service and at the time of being discharged therefrom under honorable  
7 circumstances, and who makes the payments required in accordance with  
8 the provisions of this subdivision.

9 However, no military service shall be creditable under this subdivi-  
10 sion in the case of a member who is receiving a military pension (other  
11 than for disability) for military service in the armed forces of the  
12 United States.

13 § 15. Paragraph (b) of subdivision 1 of section 668 of the education  
14 law, as amended by chapter 616 of the laws of 1995, is amended to read  
15 as follows:

16 (b) December seven, nineteen hundred forty-one to December thirty-one,  
17 nineteen hundred forty-six, or have been employed by the War Shipping  
18 Administration or Office of Defense Transportation or their agents as a  
19 merchant seaman documented by the United States Coast Guard or Depart-  
20 ment of Commerce, or as a civil servant employed by the United States  
21 Army Transport Service (later redesignated as the United States Army  
22 Transportation Corps, Water Division) or the Naval Transportation  
23 Service; and who served satisfactorily as a crew member during the peri-  
24 od of armed conflict, December seventh, nineteen hundred forty-one, to  
25 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
26 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
27 terms are defined under federal law (46 USCA 10301 & 10501) and further  
28 to include "near foreign" voyages between the United States and Canada,  
29 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
30 going service or foreign waters and who has received a Certificate of  
31 Release or Discharge from Active Duty and a discharge certificate, or an  
32 Honorable Service Certificate/Report of Casualty, from the Department of  
33 Defense or have served as a United States civilian employed by the Amer-  
34 ican Field Service and served overseas under United States Armies and  
35 United States Army Groups in world war II during the period of armed  
36 conflict, December seventh, nineteen hundred forty-one through May  
37 eighth, nineteen hundred forty-five, and who (i) was discharged or  
38 released therefrom under honorable conditions, or (ii) has a qualifying  
39 condition, as defined in section three hundred fifty of the executive  
40 law, and has received a discharge other than bad conduct or dishonorable  
41 from such service, or (iii) is a discharged LGBT veteran, as defined in  
42 section three hundred fifty of the executive law, and has received a  
43 discharge other than bad conduct or dishonorable from such service, or  
44 have served as a United States civilian Flight Crew and Aviation Ground  
45 Support Employee of Pan American World Airways or one of its subsid-  
46 iaries or its affiliates and served overseas as a result of Pan Ameri-  
47 can's contract with Air Transport Command or Naval Air Transport Service  
48 during the period of armed conflict, December fourteenth, nineteen  
49 hundred forty-one through August fourteenth, nineteen hundred forty-  
50 five, and who (iv) was discharged or released therefrom under honorable  
51 conditions, or (v) has a qualifying condition, as defined in section  
52 three hundred fifty of the executive law, and has received a discharge  
53 other than bad conduct or dishonorable from such service, or (vi) is a  
54 discharged LGBT veteran, as defined in section three hundred fifty of  
55 the executive law, and has received a discharge other than bad conduct  
56 or dishonorable from such service.

1 § 16. Paragraph (b) of subdivision 2 of section 668 of the education  
2 law, as amended by chapter 390 of the laws of 1995, is amended to read  
3 as follows:

4 (b) (i) is an honorably discharged veteran of the United States or  
5 member of the armed forces of the United States, or (ii) has a qualify-  
6 ing condition, as defined in section three hundred fifty of the execu-  
7 tive law, and has received a discharge other than bad conduct or  
8 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
9 as defined in section three hundred fifty of the executive law, and has  
10 received a discharge other than bad conduct or dishonorable from such  
11 service, who is a resident of the state of New York, and who has a  
12 current disability of forty percent or more as a result of an injury or  
13 illness which is incurred or was incurred during such military service;  
14 or

15 § 17. Subdivision 1 of section 668-c of the education law, as added by  
16 chapter 474 of the laws of 2000, is amended to read as follows:

17 1. Eligible students. Awards shall be made to Vietnam veterans' resi-  
18 dent children born with Spina Bifida enrolled in approved undergraduate  
19 or graduate programs at degree granting institutions. For the purpose of  
20 this section, "Vietnam veteran" shall mean a person who served in Indo-  
21 china at any time from the twenty-second day of December, nineteen  
22 hundred sixty-one, to and including the seventh day of May, nineteen  
23 hundred seventy-five and (a) was honorably discharged from the armed  
24 forces of the United States, or (b) has a qualifying condition, as  
25 defined in section three hundred fifty of the executive law, and has  
26 received a discharge other than bad conduct or dishonorable from the  
27 armed forces of the United States, or (c) is a discharged LGBT veteran,  
28 as defined in section three hundred fifty of the executive law, and has  
29 received a discharge other than bad conduct or dishonorable from the  
30 armed forces of the United States; "born with Spina Bifida" shall mean a  
31 diagnosis at birth of such disease inclusive of all forms, manifesta-  
32 tions, complications and associated medical conditions thereof, but  
33 shall not include Spina Bifida Occulta. Such diagnosis shall be in  
34 accordance with the provisions of the federal Spina Bifida program and  
35 shall be documented by the United States Administration of Veterans'  
36 Affairs.

37 § 18. Subdivision 1 of section 669-a of the education law, as amended  
38 by section 2 of part N of chapter 57 of the laws of 2008, is amended to  
39 read as follows:

40 1. As used in this section, the following terms shall have the follow-  
41 ing meanings:

42 a. "Vietnam veteran" means (i) a person who is a resident of this  
43 state, (ii) who served in the armed forces of the United States in Indo-  
44 china at any time from the twenty-eighth day of February, nineteen  
45 hundred sixty-one, to and including the seventh day of May, nineteen  
46 hundred seventy-five, and (iii) who was either discharged therefrom  
47 under honorable conditions, including but not limited to honorable  
48 discharge, discharge under honorable conditions, or general discharge,  
49 or has a qualifying condition, as defined in section three hundred fifty  
50 of the executive law, and has received a discharge other than bad  
51 conduct or dishonorable from such service, or is a discharged LGBT  
52 veteran, as defined in section three hundred fifty of the executive law,  
53 and has received a discharge other than bad conduct or dishonorable from  
54 such service.

55 b. "Persian Gulf veteran" means (i) a person who is a resident of this  
56 state, (ii) who served in the armed forces of the United States in the

1 hostilities that occurred in the Persian Gulf from the second day of  
2 August, nineteen hundred ninety through the end of such hostilities, and  
3 (iii) who was either discharged therefrom under honorable conditions,  
4 including but not limited to honorable discharge, discharge under honor-  
5 able conditions, or general discharge, or has a qualifying condition, as  
6 defined in section three hundred fifty of the executive law, and has  
7 received a discharge other than bad conduct or dishonorable from such  
8 service, or is a discharged LGBT veteran, as defined in section three  
9 hundred fifty of the executive law, and has received a discharge other  
10 than bad conduct or dishonorable from such service.

11 c. "Afghanistan veteran" means (i) a person who is a resident of this  
12 state, (ii) who served in the armed forces of the United States in the  
13 hostilities that occurred in Afghanistan from the eleventh day of  
14 September, two thousand one, to the end of such hostilities, and (iii)  
15 who was either discharged therefrom under honorable conditions, includ-  
16 ing but not limited to honorable discharge, discharge under honorable  
17 conditions, or general discharge, or has a qualifying condition, as  
18 defined in section three hundred fifty of the executive law, and has  
19 received a discharge other than bad conduct or dishonorable from such  
20 service, or is a discharged LGBT veteran, as defined in section three  
21 hundred fifty of the executive law, and has received a discharge other  
22 than bad conduct or dishonorable from such service.

23 d. "Other eligible combat veteran" means: an individual who (i) is a  
24 resident of this state, (ii) served in the armed forces of the United  
25 States in hostilities that occurred after February twenty-eighth, nine-  
26 teen hundred sixty-one, as evidenced by their receipt of an Armed Forces  
27 Expeditionary Medal, Navy Expeditionary Medal, or Marine Corps Expedi-  
28 tionary Medal, and (iii) was either discharged under honorable condi-  
29 tions, including but not limited to honorable discharge, discharge under  
30 honorable conditions, or general discharge, or has a qualifying condi-  
31 tion, as defined in section three hundred fifty of the executive law,  
32 and has received a discharge other than bad conduct or dishonorable from  
33 such service, or is a discharged LGBT veteran, as defined in section  
34 three hundred fifty of the executive law, and has received a discharge  
35 other than bad conduct or dishonorable from such service.

36 e. "Part time study" means enrollment for at least three but less than  
37 twelve semester hours per semester, or the equivalent, in an approved  
38 undergraduate or graduate program.

39 f. "Approved vocational training programs" means programs offered by  
40 agencies approved by the commissioner for funding pursuant to this  
41 section. The commissioner shall approve only such non-credit programs  
42 which are at least three hundred twenty clock hours in length, and which  
43 meet standards of instructional quality established in regulations by  
44 the commissioner. These standards shall include, but not be limited to,  
45 qualifications of administrative and instructional personnel, quality of  
46 facilities and equipment, recordkeeping, admission, grading, attendance,  
47 and record of placement of completers which meets standards of accepta-  
48 bility as established by the commissioner.

49 § 19. Subdivision 15 of section 1-104 of the election law is amended  
50 to read as follows:

51 15. The term "veterans' hospital" means any sanitarium, hospital,  
52 soldiers' and sailors' home, United States Veterans' Administration  
53 Hospital, or other home or institution, which is used, operated and  
54 conducted exclusively for the care, maintenance and treatment of persons  
55 serving in [~~or honorably discharged from~~] the military or naval service  
56 or coast guard of the United States or the state of New York, or persons

1 who (a) were honorably discharged from such service, or (b) have a qual-  
2 ifying condition, as defined in section three hundred fifty of the exec-  
3 utive law, and have received a discharge other than bad conduct or  
4 dishonorable from such service, or (c) are a discharged LGBT veteran, as  
5 defined in section three hundred fifty of the executive law, and have  
6 received a discharge other than bad conduct or dishonorable from such  
7 service.

8 § 20. Subdivision 4 of section 5-210 of the election law, as amended  
9 by chapter 179 of the laws of 2005, is amended to read as follows:

10 4. Any qualified person who has been honorably discharged from the  
11 military after the twenty-fifth day before a general election, or who  
12 has a qualifying condition, as defined in section three hundred fifty of  
13 the executive law, and has received a discharge other than bad conduct  
14 or dishonorable from the military after the twenty-fifth day before a  
15 general election, or who is a discharged LGBT veteran, as defined in  
16 section three hundred fifty of the executive law, and has received a  
17 discharge other than bad conduct or dishonorable from the military after  
18 the twenty-fifth day before a general election, or who has become a  
19 naturalized citizen after the twenty-fifth day before a general election  
20 may personally register at the board of elections in the county of his  
21 or her residence and vote in the general election held at least ten days  
22 after such registration.

23 § 21. Subdivision 13 of section 353 of the executive law, as added by  
24 chapter 652 of the laws of 2007, is amended to read as follows:

25 13. To make application to the government of the United States or any  
26 political subdivision, agency or instrumentality thereof, for funds for  
27 the purpose of providing an optional fund for the burial of [~~honorably~~  
28 ~~discharged~~] veterans who (i) were honorably discharged or (ii) had a  
29 qualifying condition, as defined in section three hundred fifty of this  
30 article, and received a discharge other than bad conduct or dishonor-  
31 able, or (iii) were a discharged LGBT veteran, as defined in section  
32 three hundred fifty of this article, and received a discharge other than  
33 bad conduct or dishonorable, in any not-for-profit cemetery corporation  
34 in this state; provided, however, that all costs associated with the  
35 establishment of such optional fund shall be borne by the political  
36 subdivision, agency or instrumentality with which the division has  
37 contracted.

38 § 22. The opening paragraph of subdivision 2 of section 354-c of the  
39 executive law, as added by chapter 652 of the laws of 2007, is amended  
40 to read as follows:

41 As provided in subdivision thirteen of section three hundred fifty-  
42 three of this article, there is hereby established within the division a  
43 New York state veterans burial fund for honorably discharged members of  
44 the armed forces of the United States who were residents of New York  
45 state at the time of his or her death who (i) were honorably discharged  
46 from such service, or (ii) had a qualifying condition, as defined in  
47 section three hundred fifty of this article, and received a discharge  
48 other than bad conduct or dishonorable from such service, or (iii) were  
49 discharged LGBT veterans, as defined in section three hundred fifty of  
50 this article, and received a discharge other than bad conduct or  
51 dishonorable from such service.

52 § 23. Paragraph a of subdivision 1 of section 364 of the executive  
53 law, as amended by chapter 333 of the laws of 1993, subparagraph 5 as  
54 amended by chapter 616 of the laws of 1995, and subparagraph 7 as  
55 amended by chapter 179 of the laws of 2006, is amended to read as  
56 follows:

1 a. The word "veteran," as used in this article shall be taken to mean  
2 and include any person who is a resident of the state of New York, and  
3 who (i) has been or may be given an honorable, general or ordinary  
4 discharge or any other form of release from such service, except a  
5 dishonorable discharge, a bad conduct discharge, an undesirable  
6 discharge, a discharge without honor or a discharge for the good of the  
7 service, or (ii) has a qualifying condition, as defined in section three  
8 hundred fifty of this article, and has received a discharge other than  
9 bad conduct or dishonorable from such service, or (iii) is a discharged  
10 LGBT veteran, as defined in section three hundred fifty of this article,  
11 and has received a discharge other than bad conduct or dishonorable from  
12 such service, and who [~~(i)~~] (iv) was a recipient of the armed forces  
13 expeditionary medal, the navy expeditionary medal or the marine corps  
14 expeditionary medal for participation in operations in Lebanon from June  
15 first, nineteen hundred eighty-three to December first, nineteen hundred  
16 eighty-seven, in Grenada from October twenty-third, nineteen hundred  
17 eighty-three to November twenty-first, nineteen hundred eighty-three, or  
18 in Panama from December twentieth, nineteen hundred eighty-nine to Janu-  
19 ary thirty-first, nineteen hundred ninety, or [~~(ii)~~] (v) served on  
20 active duty for ninety days or more in the armed forces of the United  
21 States during any one of the following wars or hostilities:  
22 (1) in the Spanish-American war from the twenty-first day of April,  
23 eighteen hundred ninety-eight to the eleventh day of April, eighteen  
24 hundred ninety-nine, inclusive;  
25 (2) in the Philippine insurrection or the China relief expedition from  
26 the eleventh day of April, eighteen hundred ninety-nine to the fourth  
27 day of July, nineteen hundred two, inclusive;  
28 (3) in the Mexican border campaign from the ninth day of May, nineteen  
29 hundred sixteen, to the fifth day of April, nineteen hundred seventeen,  
30 inclusive;  
31 (4) in world war I from the sixth day of April, nineteen hundred  
32 seventeen to the eleventh day of November, nineteen hundred eighteen,  
33 inclusive;  
34 (5) in world war II from the seventh day of December, nineteen hundred  
35 forty-one to the thirty-first day of December, nineteen hundred forty-  
36 six, inclusive, or who was employed by the War Shipping Administration  
37 or Office of Defense Transportation or their agents as a merchant seaman  
38 documented by the United States Coast Guard or Department of Commerce,  
39 or as a civil servant employed by the United States Army Transport  
40 Service (later redesignated as the United States Army Transportation  
41 Corps, Water Division) or the Naval Transportation Service; and who  
42 served satisfactorily as a crew member during the period of armed  
43 conflict, December seventh, nineteen hundred forty-one, to August  
44 fifteenth, nineteen hundred forty-five, aboard merchant vessels in  
45 oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
46 terms are defined under federal law (46 USCA 10301 & 10501) and further  
47 to include "near foreign" voyages between the United States and Canada,  
48 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
49 going service or foreign waters and who has received a Certificate of  
50 Release or Discharge from Active Duty and a discharge certificate, or an  
51 Honorable Service Certificate/Report of Casualty, from the Department of  
52 Defense, or who served as a United States civilian employed by the Amer-  
53 ican Field Service and served overseas under United States Armies and  
54 United States Army Groups in world war II during the period of armed  
55 conflict, December seventh, nineteen hundred forty-one through May  
56 eighth, nineteen hundred forty-five, and who (i) was discharged or

1 released therefrom under honorable conditions, or (ii) has a qualifying  
2 condition, as defined in section three hundred fifty of this article,  
3 and has received a discharge other than bad conduct or dishonorable from  
4 such service, or (iii) is a discharged LGBT veteran, as defined in  
5 section three hundred fifty of this article, and has received a  
6 discharge other than bad conduct or dishonorable from such service, or  
7 who served as a United States civilian Flight Crew and Aviation Ground  
8 Support Employee of Pan American World Airways or one of its subsid-  
9 iaries or its affiliates and served overseas as a result of Pan Ameri-  
10 can's contract with Air Transport Command or Naval Air Transport Service  
11 during the period of armed conflict, December fourteenth, nineteen  
12 hundred forty-one through August fourteenth, nineteen hundred forty-  
13 five, and who (iv) was discharged or released therefrom under honorable  
14 conditions, or (v) has a qualifying condition, as defined in section  
15 three hundred fifty of this article, and has received a discharge other  
16 than bad conduct or dishonorable from such service, or (vi) is a  
17 discharged LGBT veteran, as defined in section three hundred fifty of  
18 this article, and has received a discharge other than bad conduct or  
19 dishonorable from such service;

20 (6) in the Korean hostilities from the twenty-seventh day of June,  
21 nineteen hundred fifty to the thirty-first day of January, nineteen  
22 hundred fifty-five, inclusive;

23 (7) in the Vietnam conflict from the twenty-eighth day of February,  
24 nineteen hundred sixty-one to the seventh day of May, nineteen hundred  
25 seventy-five;

26 (8) in the Persian Gulf conflict from the second day of August, nine-  
27 teen hundred ninety to the end of such conflict.

28 § 24. Section 369-a of the executive law, as added by chapter 557 of  
29 the laws of 2013, is amended to read as follows:

30 § 369-a. Legislative findings. The legislature hereby finds that it is  
31 estimated that over the next five years, forty-four thousand veterans  
32 are expected to return to this state from their military posts, making  
33 the Empire State home to one of the largest veteran populations in the  
34 country. Shockingly, the unemployment rate for Post-9/11 veterans in New  
35 York was 10.7% in two thousand twelve, which is nearly one percent high-  
36 er than the national average and higher than the state's overall 8.2%  
37 unemployment rate. The legislature has found previously that it is in  
38 the interest of the state to ensure that returning veterans have employ-  
39 ment opportunities available upon their separation from military  
40 service.

41 The state already encourages private businesses to hire military  
42 veterans through tax credits and other economic incentives. In addition,  
43 the legislature has previously found that state agencies spend millions  
44 of dollars annually on temporary staff hired from temporary employment  
45 service companies to cover temporary staffing needs. These temporary  
46 state jobs could serve as a bridge for recently discharged military  
47 veterans who have yet to find full-time permanent work. In addition,  
48 these temporary assignments could serve to develop the next generation  
49 of the state workforce and help with succession planning for the current  
50 workforce.

51 The legislature declares it to be the policy of this state to use  
52 ~~[honorably discharged]~~ veterans for temporary appointments in state  
53 agencies rather than utilizing temporary employment service companies in  
54 order to provide employment opportunities for returning military veter-  
55 ans.

1 § 25. Subdivision 7 of section 369-h of the executive law, as added by  
2 chapter 22 of the laws of 2014, is amended to read as follows:

3 7. "Veteran" shall mean a person who served in [~~and who has received~~  
4 ~~an honorable or general discharge from,~~] the United States army, navy,  
5 air force, marines, coast guard, and/or reserves thereof, and/or in the  
6 army national guard, air national guard, New York guard and/or the New  
7 York naval militia, and who (i) has received an honorable or general  
8 discharge from such service, or (ii) has a qualifying condition, as  
9 defined in section three hundred fifty of this chapter, and has received  
10 a discharge other than bad conduct or dishonorable from such service, or  
11 (iii) is a discharged LGBT veteran, as defined in section three hundred  
12 fifty of this chapter, and has received a discharge other than bad  
13 conduct or dishonorable from such service.

14 § 26. Section 13-a of the general construction law, as amended by  
15 chapter 616 of the laws of 1995, is amended to read as follows:

16 § 13-a. Armed forces of the United States. "Armed forces of the United  
17 States" means the army, navy, marine corps, air force and coast guard,  
18 including all components thereof, and the national guard when in the  
19 service of the United States pursuant to call as provided by law. Pursu-  
20 ant to this definition no person shall be considered a member or veteran  
21 of the armed forces of the United States unless his or her service ther-  
22 ein is or was on a full-time active duty basis, other than active duty  
23 for training or he or she was employed by the War Shipping Adminis-  
24 tration or Office of Defense Transportation or their agents as a  
25 merchant seaman documented by the United States Coast Guard or Depart-  
26 ment of Commerce, or as a civil servant employed by the United States  
27 Army Transport Service (later redesignated as the United States Army  
28 Transportation Corps, Water Division) or the Naval Transportation  
29 Service; and who served satisfactorily as a crew member during the peri-  
30 od of armed conflict, December seventh, nineteen hundred forty-one, to  
31 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
32 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
33 terms are defined under federal law (46 USCA 10301 & 10501) and further  
34 to include "near foreign" voyages between the United States and Canada,  
35 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
36 going service or foreign waters and who has received a Certificate of  
37 Release or Discharge from Active Duty and a discharge certificate, or an  
38 Honorable Service Certificate/Report of Casualty, from the Department of  
39 Defense or he or she served as a United States civilian employed by the  
40 American Field Service and served overseas under United States Armies  
41 and United States Army Groups in world war II during the period of armed  
42 conflict, December seventh, nineteen hundred forty-one through May  
43 eighth, nineteen hundred forty-five, and (i) was discharged or released  
44 therefrom under honorable conditions, or (ii) has a qualifying condi-  
45 tion, as defined in section three hundred fifty of the executive law,  
46 and has received a discharge other than bad conduct or dishonorable from  
47 such service, or (iii) is a discharged LGBT veteran, as defined in  
48 section three hundred fifty of the executive law, and has received a  
49 discharge other than bad conduct or dishonorable from such service, or  
50 he or she served as a United States civilian Flight Crew and Aviation  
51 Ground Support Employee of Pan American World Airways or one of its  
52 subsidiaries or its affiliates and served overseas as a result of Pan  
53 American's contract with Air Transport Command or Naval Air Transport  
54 Service during the period of armed conflict, December fourteenth, nine-  
55 teen hundred forty-one through August fourteenth, nineteen hundred  
56 forty-five, and (iv) was discharged or released therefrom under honor-

1 able conditions, or (v) has a qualifying condition, as defined in  
 2 section three hundred fifty of the executive law, and has received a  
 3 discharge other than bad conduct or dishonorable from such service, or  
 4 (vi) is a discharged LGBT veteran, as defined in section three hundred  
 5 fifty of the executive law, and has received a discharge other than bad  
 6 conduct or dishonorable from such service.

7 § 27. Paragraph (a) of subdivision 1 of section 148 of the general  
 8 municipal law, as amended by chapter 613 of the laws of 1986, is amended  
 9 to read as follows:

10 (a) The board of supervisors in each of the counties, or the board of  
 11 estimate in the city of New York, shall designate some proper person,  
 12 association or commission, other than that designated for the care of  
 13 burial of public charges or criminals, who shall cause to be interred  
 14 the body of any ~~honorably discharged~~ member of the armed forces of the  
 15 United States who (i) was honorably discharged from such service or (ii)  
 16 had a qualifying condition, as defined in section three hundred fifty of  
 17 the executive law, and received a discharge other than bad conduct or  
 18 dishonorable from such service, or (iii) was a discharged LGBT veteran,  
 19 as defined in section three hundred fifty of the executive law, and  
 20 received a discharge other than bad conduct or dishonorable from such  
 21 service, or the body of any minor child or either parent, or the spouse  
 22 or unremarried surviving spouse of any such member of the armed forces  
 23 of the United States, if such person shall hereafter die in a county or  
 24 in the city of New York without leaving sufficient means to defray his  
 25 or her funeral expenses.

26 § 28. Paragraph (b) of subdivision 2 of section 148 of the general  
 27 municipal law, as amended by chapter 63 of the laws of 1976, is amended  
 28 to read as follows:

29 (b) The headstone at the grave of the spouse or surviving spouse of  
 30 such ~~honorably discharged~~ member of the armed forces of the United  
 31 States shall contain the name of the deceased, the war in which his or  
 32 her spouse served and, if possible, the organization to which he or she  
 33 belonged or in which he or she served.

34 § 29. Subdivision 1-b of section 247 of the military law, as amended  
 35 by section 26 of part AA of chapter 56 of the laws of 2019, is amended  
 36 to read as follows:

37 1-b. The adjutant general is hereby authorized to present in the name  
 38 of the legislature of the state of New York, a certificate, to be known  
 39 as the "Cold War Certificate", bearing a suitable inscription, to any  
 40 person: (i) who is a citizen of the state of New York or (ii) who was a  
 41 citizen of the state of New York while serving in the armed forces of  
 42 the United States; (iii) who served in the United States Armed Forces  
 43 during the period of time from September second, nineteen hundred  
 44 forty-five through December twenty-sixth, nineteen hundred ninety-one,  
 45 commonly known as the Cold War Era; and (iv) who was honorably  
 46 discharged or released under honorable circumstances during the Cold War  
 47 Era, or has a qualifying condition, as defined in section three hundred  
 48 fifty of the executive law, and received a discharge other than bad  
 49 conduct or dishonorable during the Cold War Era, or is a discharged LGBT  
 50 veteran, as defined in section three hundred fifty of the executive law,  
 51 and received a discharge other than bad conduct or dishonorable during  
 52 the Cold War Era. Not more than one Cold War Certificate shall be  
 53 awarded or presented, under the provisions of this subdivision, to any  
 54 person whose entire service subsequent to the time of the receipt of  
 55 such medal shall not have been honorable. In the event of the death of  
 56 any person during or subsequent to the receipt of such certificate it



1 shall be presented to such representative of the deceased as may be  
2 designated. The adjutant general, in consultation with the director of  
3 the division of veterans' services, shall make such rules and regu-  
4 lations as may be deemed necessary for the proper presentation and  
5 distribution of the certificate.

6 § 30. Paragraph 1 of subdivision (a) of section 42 of the correction  
7 law, as amended by chapter 139 of the laws of 2014, is amended to read  
8 as follows:

9 1. There shall be within the commission a citizen's policy and  
10 complaint review council. It shall consist of nine persons to be  
11 appointed by the governor, by and with the advice and consent of the  
12 senate. One person so appointed shall have served in the armed forces of  
13 the United States in any foreign war, conflict or military occupation,  
14 who **(i) was discharged therefrom under other than dishonorable condi-**  
15 **tions, or (ii) has a qualifying condition, as defined in section three**  
16 **hundred fifty of the executive law, and has received a discharge other**  
17 **than bad conduct or dishonorable from such service, or (iii) is a**  
18 **discharged LGBT veteran, as defined in section three hundred fifty of**  
19 **the executive law, and has received a discharge other than bad conduct**  
20 **or dishonorable from such service,** or shall be a duly licensed mental  
21 health professional who has professional experience or training with  
22 regard to post-traumatic stress syndrome. One person so appointed shall  
23 be an attorney admitted to practice in this state. One person so  
24 appointed shall be a former inmate of a correctional facility. One  
25 person so appointed shall be a former correction officer. One person so  
26 appointed shall be a former resident of a division for youth secure  
27 center or a health care professional duly licensed to practice in this  
28 state. One person so appointed shall be a former employee of the office  
29 of children and family services who has directly supervised youth in a  
30 secure residential center operated by such office. In addition, the  
31 governor shall designate one of the full-time members other than the  
32 chairman of the commission as chairman of the council to serve as such  
33 at the pleasure of the governor.

34 § 31. Subdivision 5 of section 605 of the education law, as separately  
35 amended by chapters 645 and 844 of the laws of 1975, is amended to read  
36 as follows:

37 5. Regents scholarships for war veterans. Regents scholarships for war  
38 veterans shall be awarded on a competitive basis, for study beginning  
39 with the college year nineteen hundred seventy-five--nineteen hundred  
40 seventy-six. Six hundred such scholarships shall be awarded in such year  
41 to veterans of the armed forces of the United States who have served on  
42 active duty (other than for training) between October one, nineteen  
43 hundred sixty-one and March twenty-nine, nineteen hundred seventy-three,  
44 and who on the date by which applications are required to be submitted  
45 **(a) have been released from such active duty on conditions not other**  
46 **than honorable, or (b) have a qualifying condition, as defined in**  
47 **section three hundred fifty of the executive law, and have received a**  
48 **discharge other than bad conduct or dishonorable from such service, or**  
49 **(c) are discharged LGBT veterans, as defined in section three hundred**  
50 **fifty of the executive law, and have received a discharge other than bad**  
51 **conduct or dishonorable from such service.** Such scholarships shall be  
52 allocated to each county in the state in the same ratio that the number  
53 of legal residents in such county, as determined by the most recent  
54 federal census, bears to the total number of residents in the state;  
55 provided, however, that no county shall be allocated fewer scholarships

1 than such county received during the year nineteen hundred sixty-eight-  
2 -sixty-nine.

3 § 32. Subparagraph 3 of paragraph b of subdivision 3 of section 663 of  
4 the education law, as added by chapter 101 of the laws of 1992, is  
5 amended to read as follows:

6 (3) The applicant was enlisted in full time active military service in  
7 the armed forces of the United States and (i) has been honorably  
8 discharged from such service, or (ii) has a qualifying condition, as  
9 defined in section three hundred fifty of the executive law, and has  
10 received a discharge other than bad conduct or dishonorable from such  
11 service, or (iii) is a discharged LGBT veteran, as defined in section  
12 three hundred fifty of the executive law, and has received a discharge  
13 other than bad conduct or dishonorable from such service, and, provided,  
14 however, that the applicant has not and will not be claimed as a depend-  
15 ent by either parent for purposes of either federal or state income tax.

16 § 33. Subdivision 1 of section 3202 of the education law, as amended  
17 by chapter 106 of the laws of 2003, is amended to read as follows:

18 1. A person over five and under twenty-one years of age who has not  
19 received a high school diploma is entitled to attend the public schools  
20 maintained in the district in which such person resides without the  
21 payment of tuition. Provided further that such person may continue to  
22 attend the public school in such district in the same manner, if tempo-  
23 rarily residing outside the boundaries of the district when relocation  
24 to such temporary residence is a consequence of such person's parent or  
25 person in parental relationship being called to active military duty,  
26 other than training. Notwithstanding any other provision of law to the  
27 contrary, the school district shall not be required to provide transpor-  
28 tation between a temporary residence located outside of the school  
29 district and the school the child attends. A veteran of any age who  
30 shall have served as a member of the armed forces of the United States  
31 and who (a) shall have been discharged therefrom under conditions other  
32 than dishonorable, or (b) has a qualifying condition, as defined in  
33 section three hundred fifty of the executive law, and has received a  
34 discharge other than bad conduct or dishonorable from such service, or  
35 (c) is a discharged LGBT veteran, as defined in section three hundred  
36 fifty of the executive law, and has received a discharge other than bad  
37 conduct or dishonorable from such service, may attend any of the public  
38 schools of the state upon conditions prescribed by the board of educa-  
39 tion, and such veterans shall be included in the pupil count for state  
40 aid purposes. A nonveteran under twenty-one years of age who has  
41 received a high school diploma shall be permitted to attend classes in  
42 the schools of the district in which such person resides or in a school  
43 of a board of cooperative educational services upon payment of tuition  
44 under such terms and conditions as shall be established in regulations  
45 promulgated by the commissioner; provided, however, that a school  
46 district may waive the payment of tuition for such nonveteran, but in  
47 any case such a nonveteran who has received a high school diploma shall  
48 not be counted for any state aid purposes. Nothing herein contained  
49 shall, however, require a board of education to admit a child who  
50 becomes five years of age after the school year has commenced unless his  
51 birthday occurs on or before the first of December.

52 § 34. Subdivision 4 of section 11-0715 of the environmental conserva-  
53 tion law, as amended by section 6 of part R of chapter 58 of the laws of  
54 2013, is amended to read as follows:

55 4. A person, resident in the state for at least thirty days immediate-  
56 ly prior to the date of application, who (a) has been honorably

1 discharged from service in the armed forces of the United States, or (b)  
2 has a qualifying condition, as defined in section three hundred fifty of  
3 the executive law, and has received a discharge other than bad conduct  
4 or dishonorable from such service, or (c) is a discharged LGBT veteran,  
5 as defined in section three hundred fifty of the executive law, and has  
6 received a discharge other than bad conduct or dishonorable from such  
7 service, and is certified as having a forty percent or greater service-  
8 connected disability is entitled to receive all licenses, privileges,  
9 tags, and permits authorized by this title for which he or she is eligi-  
10 ble, except turkey permits, renewable each year for a five dollar fee.

11 § 35. Subparagraph (iv) of paragraph c of subdivision 1 of section  
12 13-0328 of the environmental conservation law, as amended by chapter 21  
13 of the laws of 2019, is amended to read as follows:

14 (iv) licenses shall be issued only to persons who demonstrate in a  
15 manner acceptable to the department that they received an average of at  
16 least fifteen thousand dollars of income over three consecutive years  
17 from commercial fishing or fishing, or who successfully complete a  
18 commercial food fish apprenticeship pursuant to subdivision seven of  
19 this section. As used in this subparagraph, "commercial fishing" means  
20 the taking and sale of marine resources including fish, shellfish, crus-  
21 tacea or other marine biota and "fishing" means commercial fishing and  
22 carrying fishing passengers for hire. Individuals who wish to qualify  
23 based on income from "fishing" must hold a valid marine and coastal  
24 district party and charter boat license. No more than ten percent of the  
25 licenses issued each year based on income eligibility pursuant to this  
26 paragraph shall be issued to applicants who qualify based solely upon  
27 income derived from operation of or employment by a party or charter  
28 boat. For the income evaluation of this subdivision, the department may  
29 consider persons who would otherwise be eligible but for having served  
30 in the United States armed forces on active duty, provided that such  
31 individual (1) has received an honorable or general discharge, or (2)  
32 has a qualifying condition, as defined in section three hundred fifty of  
33 the executive law, and has received a discharge other than bad conduct  
34 or dishonorable from such service, or (3) is a discharged LGBT veteran,  
35 as defined in section three hundred fifty of the executive law, and has  
36 received a discharge other than bad conduct or dishonorable from such  
37 service, shall not be deemed ineligible.

38 § 36. Subdivision 1 of section 130 of the executive law, as amended by  
39 section 1 of subpart D of part II of chapter 55 of the laws of 2019, is  
40 amended to read as follows:

41 1. The secretary of state may appoint and commission as many notaries  
42 public for the state of New York as in his or her judgment may be deemed  
43 best, whose jurisdiction shall be co-extensive with the boundaries of  
44 the state. The appointment of a notary public shall be for a term of  
45 four years. An application for an appointment as notary public shall be  
46 in form and set forth such matters as the secretary of state shall  
47 prescribe. Every person appointed as notary public must, at the time of  
48 his or her appointment, be a citizen of the United States and either a  
49 resident of the state of New York or have an office or place of business  
50 in New York state. A notary public who is a resident of the state and  
51 who moves out of the state but still maintains a place of business or an  
52 office in New York state does not vacate his or her office as a notary  
53 public. A notary public who is a nonresident and who ceases to have an  
54 office or place of business in this state, vacates his or her office as  
55 a notary public. A notary public who is a resident of New York state and  
56 moves out of the state and who does not retain an office or place of

1 business in this state shall vacate his or her office as a notary  
 2 public. A non-resident who accepts the office of notary public in this  
 3 state thereby appoints the secretary of state as the person upon whom  
 4 process can be served on his or her behalf. Before issuing to any appli-  
 5 cant a commission as notary public, unless he or she be an attorney and  
 6 counsellor at law duly admitted to practice in this state or a court  
 7 clerk of the unified court system who has been appointed to such posi-  
 8 tion after taking a civil service promotional examination in the court  
 9 clerk series of titles, the secretary of state shall satisfy himself or  
 10 herself that the applicant is of good moral character, has the equiv-  
 11 alent of a common school education and is familiar with the duties and  
 12 responsibilities of a notary public; provided, however, that where a  
 13 notary public applies, before the expiration of his or her term, for  
 14 reappointment with the county clerk or where a person whose term as  
 15 notary public shall have expired applies within six months thereafter  
 16 for reappointment as a notary public with the county clerk, such quali-  
 17 fying requirements may be waived by the secretary of state, and further,  
 18 where an application for reappointment is filed with the county clerk  
 19 after the expiration of the aforementioned renewal period by a person  
 20 who failed or was unable to re-apply by reason of his or her induction  
 21 or enlistment in the armed forces of the United States, such qualifying  
 22 requirements may also be waived by the secretary of state, provided such  
 23 application for reappointment is made within a period of one year after  
 24 the military discharge of the applicant under conditions other than  
 25 dishonorable, or if the applicant has a qualifying condition, as defined  
 26 in section three hundred fifty of this chapter, within a period of one  
 27 year after the applicant has received a discharge other than bad conduct  
 28 or dishonorable from such service, or if the applicant is a discharged  
 29 LGBT veteran, as defined in section three hundred fifty of this chapter,  
 30 within a period of one year after the applicant has received a discharge  
 31 other than bad conduct or dishonorable from such service. In any case,  
 32 the appointment or reappointment of any applicant is in the discretion  
 33 of the secretary of state. The secretary of state may suspend or remove  
 34 from office, for misconduct, any notary public appointed by him or her  
 35 but no such removal shall be made unless the person who is sought to be  
 36 removed shall have been served with a copy of the charges against him or  
 37 her and have an opportunity of being heard. No person shall be appointed  
 38 as a notary public under this article who has been convicted, in this  
 39 state or any other state or territory, of a crime, unless the secretary  
 40 makes a finding in conformance with all applicable statutory require-  
 41 ments, including those contained in article twenty-three-A of the  
 42 correction law, that such convictions do not constitute a bar to  
 43 appointment.

44 § 37. Subdivisions 1, 2, and 3 of section 32 of the general business  
 45 law, subdivisions 1 and 3 as amended by chapter 650 of the laws of 1976  
 46 and subdivision 2 as amended by chapter 321 of the laws of 1955, are  
 47 amended to read as follows:

48 1. Every [~~honorably discharged~~] member of the armed forces of the  
 49 United States[~~7~~] who (a) was honorably discharged from such service, or  
 50 (b) has a qualifying condition, as defined in section three hundred  
 51 fifty of the executive law, and has received a discharge other than bad  
 52 conduct or dishonorable from such service, or (c) is a discharged LGBT  
 53 veteran, as defined in section three hundred fifty of the executive law,  
 54 and has received a discharge other than bad conduct or dishonorable from  
 55 such service, and who is a resident of this state and a veteran of any  
 56 war, or who shall have served in the armed forces of the United States

1 overseas, and the surviving spouse of any such veteran, if a resident of  
2 the state, shall have the right to hawk, peddle, vend and sell goods,  
3 wares or merchandise or solicit trade upon the streets and highways  
4 within the county of his or her residence, as the case may be, or if  
5 such county is embraced wholly by a city, within such city, by procuring  
6 a license for that purpose to be issued as herein provided. No part of  
7 the lands or premises under the jurisdiction of the division of the  
8 state fair in the department of agriculture and markets, shall be deemed  
9 a street or highway within the meaning of this section.

10 2. Any such former member of the armed forces of the United States may  
11 present to the clerk of any county in which he has resided for a period  
12 of at least six months, his original certificate of [~~honorable~~] release  
13 or discharge from active duty, or a copy thereof duly certified by the  
14 recording officer or a certificate in lieu of lost discharge issued by a  
15 department of the armed forces of the United States which shall show  
16 that the person presenting it is a veteran of any war, or that he has  
17 served overseas in the armed forces of the United States. He shall also  
18 fill out a blank which shall when filled out state his name, residence  
19 at the time of application, nature of goods to be sold, and if the  
20 applicant is working on commission or percentage for any person, firm or  
21 corporation, the name and business address of such person, firm or  
22 corporation. This statement shall be signed by the applicant in the  
23 presence of the county clerk, or a deputy designated by him, and the  
24 name on this application and on the original certificate of [~~honorable~~]  
25 release or discharge from active duty shall be compared by the county  
26 clerk to ascertain if the person so applying is the same person named in  
27 the original certificate of [~~honorable~~] release or discharge from active  
28 duty. Such county clerk when so satisfied shall issue, without cost, to  
29 such former member of the armed forces of the United States, a license  
30 certifying him to be entitled to the benefits of this section.

31 3. A copy of this statement shall be attached to the license granted  
32 by the county clerk and shall remain attached thereto. On presentation  
33 to such clerk of the affidavit of such surviving spouse and two other  
34 residents of the county, that he or she is such surviving spouse, accom-  
35 panied by such original certificate of [~~honorable~~] release or discharge  
36 from active duty of his or her deceased spouse, and the filing of the  
37 statement hereinabove required, such county clerk shall issue, without  
38 cost to the surviving spouse, a license certifying the surviving spouse  
39 to be entitled to the benefits of this section.

40 § 38. Section 35 of the general business law, as amended by chapter  
41 550 of the laws of 1978, is amended to read as follows:

42 § 35. Municipal regulations. This article shall not affect the appli-  
43 cation of any ordinance, by-law or regulation of a municipal corporation  
44 relating to hawkers and peddlers within the limits of such corporations,  
45 but the provisions of this article are to be complied with in addition  
46 to the requirements of any such ordinance, by-law or regulation;  
47 provided, however, that no such by-law, ordinance or regulation shall  
48 prevent or in any manner interfere with the hawking or peddling, without  
49 the use of any but a hand driven vehicle, in any street, avenue, alley,  
50 lane or park of a municipal corporation, by any honorably discharged  
51 member of the armed forces of the United States who (1) was honorably  
52 discharged from such service, or (2) has a qualifying condition, as  
53 defined in section three hundred fifty of the executive law, and has  
54 received a discharge other than bad conduct or dishonorable from such  
55 service, or (3) is a discharged LGBT veteran, as defined in section  
56 three hundred fifty of the executive law, and has received a discharge

1 other than bad conduct or dishonorable from such service, and who is  
2 physically disabled as a result of injuries received while in the  
3 service of said armed forces and the holder of a license granted pursu-  
4 ant to section thirty-two of this article.

5 § 39. Paragraph (a) of subdivision 1 of section 35-a of the general  
6 business law, as added by chapter 227 of the laws of 1998, is amended to  
7 read as follows:

8 (a) In cities having a population of one million or more, the official  
9 designated by a local law or ordinance to issue a local license to hawk,  
10 peddle, vend and sell goods, wares or merchandise or solicit trade upon  
11 the streets and highways within such city shall issue specialized vend-  
12 ing licenses to ~~[honorably discharged]~~ members of the armed forces of  
13 the United States who (i) were honorably discharged from such service,  
14 or (ii) have a qualifying condition, as defined in section three hundred  
15 fifty of the executive law, and received a discharge other than bad  
16 conduct or dishonorable from such service, or (iii) are a discharged  
17 LGBT veteran, as defined in section three hundred fifty of the executive  
18 law, and received a discharge other than bad conduct or dishonorable  
19 from such service, and who are physically disabled as a result of inju-  
20 rries received while in the service of said armed forces and who are  
21 eligible to hold licenses granted pursuant to section thirty-two of this  
22 article. Such specialized vending licenses shall authorize holders ther-  
23 eof to hawk or peddle within such city in accordance with the provisions  
24 contained in this section. Specialized vending licenses issued under  
25 this section shall permit the holders thereof to vend on any block face,  
26 and no licensee authorized under this section shall be restricted in any  
27 way from vending in any area, except as provided in this section.

28 § 40. Paragraph (b) of subdivision 3 of section 69-p of the general  
29 business law, as amended by chapter 575 of the laws of 1993, is amended  
30 to read as follows:

31 (b) In the case of persons who are or were in the military service and  
32 (i) have been or will be discharged under conditions other than  
33 dishonorable, or (ii) have a qualifying condition, as defined in section  
34 three hundred fifty of the executive law, and received a discharge other  
35 than bad conduct or dishonorable from such service, or (iii) are  
36 discharged LGBT veterans, as defined in section three hundred fifty of  
37 the executive law, and have received a discharge other than bad conduct  
38 or dishonorable from such service, the period of two years specified in  
39 subdivision one of this section need not be continuous. The length of  
40 time such person was engaged in the business of installing, servicing or  
41 maintaining security or fire alarm systems before entering the military  
42 service may be added to any period of time during which such person was  
43 or is engaged in the business of installing, servicing or maintaining  
44 security or fire alarm systems after the termination of military  
45 service.

46 § 41. The closing paragraph of section 435 of the general business  
47 law, as added by chapter 801 of the laws of 1946, is amended to read as  
48 follows:

49 In the case of persons who are or were in the military service and (a)  
50 have been or will be discharged under conditions other than dishonor-  
51 able, or (b) have a qualifying condition, as defined in section three  
52 hundred fifty of the executive law, and received a discharge other than  
53 bad conduct or dishonorable from such service, or (c) are discharged  
54 LGBT veterans, as defined in section three hundred fifty of the execu-  
55 tive law, and have received a discharge other than bad conduct or  
56 dishonorable from such service, the period of one year specified in

1 subdivision one of this section and the period of six months specified  
 2 in subdivision two of this section need not be continuous. The length of  
 3 time such person was engaged in the practice of barbering before enter-  
 4 ing the military service may be added to any period of time during which  
 5 such person was or is engaged in the practice of barbering after the  
 6 termination of military service.

7 § 42. Subdivision 1 of section 77 of the general municipal law, as  
 8 amended by chapter 476 of the laws of 2018, is amended to read as  
 9 follows:

10 1. A municipal corporation may lease, for not exceeding five years, to  
 11 a post or posts of the Grand Army of the Republic, Veterans of Foreign  
 12 Wars of the United States, American Legion, Catholic War Veterans, Inc.,  
 13 Disabled American Veterans, the Army and Navy Union, U.S.A., Marine  
 14 Corps League, AMVETS, American Veterans of World War II, Jewish War  
 15 Veterans of the United States, Inc., Italian American War Veterans of  
 16 the United States, Incorporated, Masonic War Veterans of the State of  
 17 New York, Inc., Veterans of World War I of the United States of America  
 18 Department of New York, Inc., Polish-American Veterans of World War II,  
 19 Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Sche-  
 20 nectady, N.Y., Inc., Polish Legion of American Veterans, Inc., Vietnam  
 21 Veterans of America or other veteran organization of [~~honorably~~  
 22 ~~discharged~~] members of the armed forces of the United States who (a)  
 23 were honorably discharged from such service or (b) have a qualifying  
 24 condition, as defined in section three hundred fifty of the executive  
 25 law, and received a discharge other than bad conduct or dishonorable  
 26 from such service, or (c) are discharged LGBT veterans, as defined in  
 27 section three hundred fifty of the executive law, and received a  
 28 discharge other than bad conduct or dishonorable from such service, or  
 29 to an incorporated organization or an association of either active or  
 30 exempt volunteer firefighters, a public building or part thereof,  
 31 belonging to such municipal corporation, except schoolhouses in actual  
 32 use as such, without expense, or at a nominal rent, fixed by the board  
 33 or council having charge of such buildings and provide furniture and  
 34 furnishings, and heat, light and janitor service therefor, in like  
 35 manner.

36 § 43. Section 117-c of the highway law, as added by chapter 387 of the  
 37 laws of 1998, is amended to read as follows:

38 § 117-c. Hawking, peddling, vending, sale of goods, wares or merchan-  
 39 dise; Erie county; certain areas. Notwithstanding any law to the contra-  
 40 ry, except section thirty-five of the general business law, the county  
 41 of Erie shall have the power to enact a local law prohibiting hawking,  
 42 peddling, vending and sale of goods, wares or merchandise or sollicita-  
 43 tion of trade in the right-of-way of county roads adjacent to arenas,  
 44 stadiums, auditoriums or like facilities, which contain fifty thousand  
 45 or more seats, which are used for events likely to attract large numbers  
 46 of spectators, including but not limited to home games of a National  
 47 Football League franchise. Provided, however, that the power to enact  
 48 such local law shall be subject to the requirement that provision be  
 49 made, by lease agreement, regulation or otherwise, for the hawking,  
 50 peddling, vending and sales of goods, wares or merchandise or sollicita-  
 51 tion of trade in designated vending areas on the ground of county-owned  
 52 lands leased for use as an arena, stadium or auditorium or like facility  
 53 which contain fifty thousand or more seats; and further provided that  
 54 [~~honorably discharged~~] members of the armed forces of the United States  
 55 who (a) were honorably discharged from such service, or (b) have a qual-  
 56 ifying condition, as defined in section three hundred fifty of the exec-

1 utive law, and received a discharge other than bad conduct or dishonor-  
2 able from such service, or (c) are discharged LGBT veterans, as defined  
3 in section three hundred fifty of the executive law, and received a  
4 discharge other than bad conduct or dishonorable from such service, and  
5 who are entitled to hawk, vend, sell or peddle merchandise in the public  
6 right-of-way pursuant to sections thirty-two and thirty-five of the  
7 general business law, shall be given first preference in any assignment  
8 or vending locations or in the allocation of such locations.

9 § 44. Subparagraph (F) of paragraph 3 of subsection (e) of section  
10 2104 of the insurance law, as amended by chapter 687 of the laws of  
11 2003, is amended to read as follows:

12 (F) served as a member of the armed forces of the United States at any  
13 time, and shall (i) have been discharged under conditions other than  
14 dishonorable, or (ii) has a qualifying condition, as defined in section  
15 three hundred fifty of the executive law, and has received a discharge  
16 other than bad conduct or dishonorable from such service, or (iii) is a  
17 discharged LGBT veteran, as defined in section three hundred fifty of  
18 the executive law, and has received a discharge other than bad conduct  
19 or dishonorable from such service, and who within three years prior to  
20 his entry into the armed forces held a license as insurance broker for  
21 similar lines, provided his application for such license is filed before  
22 one year from the date of final discharge; or

23 § 45. Paragraph 2 of subsection (f) of section 2104 of the insurance  
24 law is amended to read as follows:

25 (2) No license fee shall be required of any person who served as a  
26 member of the armed forces of the United States at any time, and who (A)  
27 shall have been discharged, under conditions other than dishonorable, or  
28 (B) has a qualifying condition, as defined in section three hundred  
29 fifty of the executive law, and has received a discharge other than bad  
30 conduct or dishonorable from such service, or (C) is a discharged LGBT  
31 veteran, as defined in section three hundred fifty of the executive law,  
32 and has received a discharge other than bad conduct or dishonorable from  
33 such service, in a current licensing period, for the duration of such  
34 period.

35 § 46. Paragraph 11 of subsection (j) of section 2103 of the insurance  
36 law, as added by chapter 769 of the laws of 1984, is amended to read as  
37 follows:

38 (11) No license fee shall be required of any person who served as a  
39 member of the armed forces of the United States at any time and who (A)  
40 shall have been discharged therefrom, under conditions other than  
41 dishonorable, or (B) has a qualifying condition, as defined in section  
42 three hundred fifty of the executive law, and has received a discharge  
43 other than bad conduct or dishonorable from such service, or (C) is a  
44 discharged LGBT veteran, as defined in section three hundred fifty of  
45 the executive law, and has received a discharge other than bad conduct  
46 or dishonorable from such service, in a current licensing period, for  
47 the duration of such period.

48 § 47. Paragraph 2 of subsection (i) of section 2108 of the insurance  
49 law is amended to read as follows:

50 (2) No license fee shall be required of any person who served as a  
51 member of the armed forces of the United States at any time and who (A)  
52 shall have been discharged, under conditions other than dishonorable, or  
53 (B) has a qualifying condition, as defined in section three hundred  
54 fifty of the executive law, and has received a discharge other than bad  
55 conduct or dishonorable from such service, or (C) is a discharged LGBT  
56 veteran, as defined in section three hundred fifty of the executive law,



1 and has received a discharge other than bad conduct or dishonorable from  
2 such service, in a current licensing period, for the duration of such  
3 period.

4 § 48. Paragraph 10 of subsection (h) of section 2137 of the insurance  
5 law, as added by chapter 499 of the laws of 2009, is amended to read as  
6 follows:

7 (10) No license fee shall be required of any person who served as a  
8 member of the armed forces of the United States at any time and who (A)  
9 shall have been discharged therefrom, under conditions other than  
10 dishonorable, or (B) has a qualifying condition, as defined in section  
11 three hundred fifty of the executive law, and has received a discharge  
12 other than bad conduct or dishonorable from such service, or (C) is a  
13 discharged LGBT veteran, as defined in section three hundred fifty of  
14 the executive law, and has received a discharge other than bad conduct  
15 or dishonorable from such service, in a current licensing period, for  
16 the duration of such period.

17 § 49. Paragraph 11 of subsection (i) of section 2139 of the insurance  
18 law, as added by section 14 of part V of chapter 57 of the laws of 2014,  
19 is amended to read as follows:

20 (11) No license fee shall be required of any person who served as a  
21 member of the armed forces of the United States at any time, and who (A)  
22 shall have been discharged therefrom under conditions other than  
23 dishonorable, or (B) has a qualifying condition, as defined in section  
24 three hundred fifty of the executive law, and has received a discharge  
25 other than bad conduct or dishonorable from such service, or (C) is a  
26 discharged LGBT veteran, as defined in section three hundred fifty of  
27 the executive law, and has received a discharge other than bad conduct  
28 or dishonorable from such service, in a current licensing period for the  
29 duration of such period.

30 § 50. Section 466 of the judiciary law, as amended by chapter 455 of  
31 the laws of 1960, is amended to read as follows:

32 § 466. Attorney's oath of office. Each person, admitted as prescribed  
33 in this chapter must, upon his or her admission, take the constitutional  
34 oath of office in open court, and subscribe the same in a roll or book,  
35 to be kept in the office of the clerk of the appellate division of the  
36 supreme court for that purpose.

37 Any person now in actual service in the armed forces of the United  
38 States or whose induction or enlistment therein is imminent, or within  
39 sixty days after ~~he~~ such person (1) has been honorably discharged, or  
40 (2) has received a discharge other than bad conduct or dishonorable from  
41 such service, if such person has a qualifying condition, as defined in  
42 section three hundred fifty of the executive law, or (3) has received a  
43 discharge other than bad conduct or dishonorable from such service, if  
44 such person is a discharged LGBT veteran, as defined in section three  
45 hundred fifty of the executive law, if the appellate division of the  
46 supreme court in the department in which such person resides is not in  
47 session, may subscribe and take the oath before a justice of that court,  
48 with the same force and effect as if it were taken in open court, except  
49 that in the first department the oath must be taken before the presiding  
50 justice or, in his or her absence, before the senior justice.

51 § 51. Subdivision 3 of section 20 of the military law, as added by  
52 chapter 825 of the laws of 1950, is amended to read as follows:

53 3. Any person who has served as a commissioned or warrant officer in  
54 the organized militia or in the armed forces of the United States and  
55 (a) has been honorably discharged therefrom, or (b) has a qualifying  
56 condition, as defined in section three hundred fifty of the executive

1 law, and has received a discharge other than bad conduct or dishonorable  
2 from such service, or (c) is a discharged LGBT veteran, as defined in  
3 section three hundred fifty of the executive law, and has received a  
4 discharge other than bad conduct or dishonorable from such service, may  
5 be commissioned and placed on the state reserve list in the highest  
6 grade previously held by him after complying with such conditions as may  
7 be prescribed by regulations issued pursuant to this chapter.

8 § 52. Subdivision 2 of section 238 of the military law, as amended by  
9 chapter 302 of the laws of 1967, is amended to read as follows:

10 2. Any person, except members of the armed forces of the United  
11 States, members of the organized militia of this or any other state,  
12 personnel of the independent military organizations designated in  
13 section two hundred forty of this article, members of associations whol-  
14 ly composed of persons who (a) were honorably discharged from the armed  
15 forces of the United States, or (b) have a qualifying condition, as  
16 defined in section three hundred fifty of the executive law, and have  
17 received a discharge other than bad conduct or dishonorable from the  
18 armed forces of the United States, or (c) are discharged LGBT veterans,  
19 as defined in section three hundred fifty of the executive law, and have  
20 received a discharge other than bad conduct or dishonorable from the  
21 armed forces of the United States, and members of associations wholly  
22 composed of sons of veterans of any war of the United States, who shall  
23 wear any uniform or any device, strap, knot or insignia of any design or  
24 character used as a designation of grade, rank or office, such as are by  
25 law or by regulation, duly promulgated, prescribed for the use of the  
26 organized militia or similar thereto; or,

27 § 53. Paragraphs (b) and (c) of subdivision 1 of section 243 of the  
28 military law, paragraph (b) as amended by chapter 248 of the laws of  
29 2001 and paragraph (c) as added by chapter 420 of the laws of 1953, are  
30 amended to read as follows:

31 (b) The term "military duty" shall mean military service in the mili-  
32 tary, naval, aviation or marine service of the United States subsequent  
33 to July first, nineteen hundred forty, or service under the selective  
34 training and service act of nineteen hundred forty, or the national  
35 guard and reserve officers mobilization act of nineteen hundred forty,  
36 or any other act of congress supplementary or amendatory thereto, or any  
37 similar act of congress hereafter enacted and irrespective of the fact  
38 that such service was entered upon following a voluntary enlistment  
39 therefor or was required under one of the foregoing acts of congress, or  
40 service with the United States public health service as a commissioned  
41 officer, or service with the American Red Cross while with the armed  
42 forces of the United States on foreign service, or service with the  
43 special services section of the armed forces of the United States on  
44 foreign service, or service in the merchant marine which shall consist  
45 of service as an officer or member of the crew on or in connection with  
46 a vessel documented under the laws of the United States or a vessel  
47 owned by, chartered to, or operated by or for the account or use of the  
48 government of the United States, or service by one who was employed by  
49 the War Shipping Administration or Office of Defense Transportation or  
50 their agents as a merchant seaman documented by the United States Coast  
51 Guard or Department of Commerce, or as a civil servant employed by the  
52 United States Army Transport Service (later redesignated as the United  
53 States Army Transportation Corps, Water Division) or the Naval Transpor-  
54 tation Service; and who served satisfactorily as a crew member during  
55 the period of armed conflict, December seventh, nineteen hundred forty-  
56 one, to August fifteenth, nineteen hundred forty-five, aboard merchant

1 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service  
2 as such terms are defined under federal law (46 USCA 10301 & 10501) and  
3 further to include "near foreign" voyages between the United States and  
4 Canada, Mexico, or the West Indies via ocean routes, or public vessels  
5 in oceangoing service or foreign waters and who has received a Certif-  
6 icate of Release or Discharge from Active Duty and a discharge certif-  
7 icate, or an Honorable Service Certificate/Report of Casualty, from the  
8 Department of Defense, or who served as a United States civilian  
9 employed by the American Field Service and served overseas under United  
10 States Armies and United States Army Groups in world war II during the  
11 period of armed conflict, December seventh, nineteen hundred forty-one  
12 through May eighth, nineteen hundred forty-five, and who (i) was  
13 discharged or released therefrom under honorable conditions, or (ii) has  
14 a qualifying condition, as defined in section three hundred fifty of the  
15 executive law, and has received a discharge other than bad conduct or  
16 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
17 as defined in section three hundred fifty of the executive law, and has  
18 received a discharge other than bad conduct or dishonorable from such  
19 service, or who served as a United States civilian Flight Crew and  
20 Aviation Ground Support Employee of Pan American World Airways or one of  
21 its subsidiaries or its affiliates and served overseas as a result of  
22 Pan American's contract with Air Transport Command or Naval Air Trans-  
23 port Service during the period of armed conflict, December fourteenth,  
24 nineteen hundred forty-one through August fourteenth, nineteen hundred  
25 forty-five, and who (iv) was discharged or released therefrom under  
26 honorable conditions, or (v) has a qualifying condition, as defined in  
27 section three hundred fifty of the executive law, and has received a  
28 discharge other than bad conduct or dishonorable from such service, or  
29 (vi) is a discharged LGBT veteran, as defined in section three hundred  
30 fifty of the executive law, and has received a discharge other than bad  
31 conduct or dishonorable from such service; or service in police duty on  
32 behalf of the United States government in a foreign country, if such  
33 person is a police officer, as defined by section 1.20 of the criminal  
34 procedure law, and if such police officer obtained the prior consent of  
35 his or her public employer to absent himself or herself from his or her  
36 position to engage in the performance of such service; or as an enrollee  
37 in the United States maritime service on active duty and, to such extent  
38 as may be prescribed by or under the laws of the United States, any  
39 period awaiting assignment to such service and any period of education  
40 or training for such service in any school or institution under the  
41 jurisdiction of the United States government, but shall not include  
42 temporary and intermittent gratuitous service in any reserve or auxilia-  
43 ry force. It shall include time spent in reporting for and returning  
44 from military duty and shall be deemed to commence when the public  
45 employee leaves his position and to end when he is reinstated to his  
46 position, provided such reinstatement is within ninety days after the  
47 termination of military duty, as hereinafter defined. Notwithstanding  
48 the foregoing provisions of this paragraph, the term "military duty"  
49 shall not include any of the foregoing services entered upon voluntarily  
50 on or after January first, nineteen hundred forty-seven and before June  
51 twenty-fifth, nineteen hundred fifty; and, on or after July first, nine-  
52 teen hundred seventy, the term "military duty" shall not include any  
53 voluntary service in excess of four years performed after that date, or  
54 the total of any voluntary services, additional or otherwise, in excess  
55 of four years performed after that date, shall not exceed five years, if  
56 the service in excess of four years is at the request and for the

1 convenience of the federal government, except if such voluntary service  
2 is performed during a period of war, or national emergency declared by  
3 the president.

4 (c) The term "termination of military duty" shall mean the date of a  
5 certificate of honorable discharge or a certificate of completion of  
6 training and service as set forth in the selective training and service  
7 act of nineteen hundred forty, and the national guard and reserve offi-  
8 cers mobilization act of nineteen hundred forty or, or a certificate of  
9 release or discharge from active duty where an employee (i) has a quali-  
10 fying condition, as defined in section three hundred fifty of the execu-  
11 tive law, and has received a discharge other than bad conduct or  
12 dishonorable from such service, or (ii) is a discharged LGBT veteran, as  
13 defined in section three hundred fifty of the executive law, and has  
14 received a discharge other than bad conduct or dishonorable from such  
15 service, or in the event of the incurrence of a temporary disability  
16 arising out of and in the course of such military duty, the date of  
17 termination of such disability. The existence and termination of such  
18 temporary disability, in the case of a public employee occupying a posi-  
19 tion in the classified civil service or of a person on an eligible list  
20 for a position in such service, shall be determined by the civil service  
21 commission having jurisdiction over such position and, in the case of a  
22 public employee occupying a position not in the classified civil  
23 service, shall be determined by the officer or body having the power of  
24 appointment.

25 § 54. Subparagraphs 1 and 2 of paragraph (a) of subdivision 4-b of  
26 section 243 of the military law, subparagraph 1 as amended by chapter  
27 739 of the laws of 1987 and subparagraph 2 as amended by chapter 467 of  
28 the laws of 1991, are amended to read as follows:

29 (1) "New York city veteran of world war II". Any member of the New  
30 York city employees' retirement system in city-service who, after his  
31 last membership in such system began, served as a member of the armed  
32 forces of the United States during the period beginning on December  
33 seventh, nineteen hundred forty-one and ending on December thirty-first,  
34 nineteen hundred forty-six, and (i) was honorably discharged or released  
35 under honorable circumstances from such service, or (ii) has a qualify-  
36 ing condition, as defined in section three hundred fifty of the execu-  
37 tive law, and has received a discharge other than bad conduct or  
38 dishonorable from such service, or (iii) is a discharged LGBT veteran,  
39 as defined in section three hundred fifty of the executive law, and has  
40 received a discharge other than bad conduct or dishonorable from such  
41 service.

42 (2) "New York city veteran of the Korean conflict." Any member of the  
43 New York city employees' retirement system in city-service who, after  
44 his last membership in such system began, served as a member of the  
45 armed forces of the United States during the period beginning on the  
46 twenty-seventh of June, nineteen hundred fifty and ending on the thir-  
47 ty-first day of January, nineteen hundred fifty-five, and (i) was honor-  
48 ably discharged or released under honorable circumstances from such  
49 service, or (ii) has a qualifying condition, as defined in section three  
50 hundred fifty of the executive law, and has received a discharge other  
51 than bad conduct or dishonorable from such service, or (iii) is a  
52 discharged LGBT veteran, as defined in section three hundred fifty of  
53 the executive law, and has received a discharge other than bad conduct  
54 or dishonorable from such service.

55 § 55. Section 245 of the military law, as amended by chapter 713 of  
56 the laws of 1964, is amended to read as follows:

1 § 245. Retirement allowances of certain war veterans. Any member of a  
2 teachers' retirement system to which the city of New York is required by  
3 law to make contributions on account of such member who (i) is an honor-  
4 ably discharged member of any branch of the armed forces of the United  
5 States, or (ii) has a qualifying condition, as defined in section three  
6 hundred fifty of the executive law, and has received a discharge other  
7 than bad conduct or dishonorable, or (iii) is a discharged LGBT veteran,  
8 as defined in section three hundred fifty of the executive law, and has  
9 received a discharge other than bad conduct or dishonorable, having  
10 served as such during the time of war and who has attained the age of  
11 fifty years, may retire upon his own request upon written application to  
12 the board setting forth at what time not less than thirty days subse-  
13 quent to the execution and filing thereof he desires to be retired,  
14 provided that such member at the time so specified for his retirement  
15 shall have completed at least twenty-five years of allowable service.  
16 Upon retirement such member shall receive an annuity of equivalent actu-  
17 arial value to his accumulated deductions, and, in addition, a pension  
18 beginning immediately, having a value equal to the present value of the  
19 pension that would have become payable had he continued at his current  
20 salary to the age at which he would have first become eligible for  
21 service retirement, provided, however, that the said member on making  
22 application for retirement shall pay into the retirement fund a sum of  
23 money which calculated on an actuarial basis, together with his prior  
24 contributions and other accumulations in said fund then to his credit,  
25 shall be sufficient to entitle the said member to the same annuity and  
26 pension that he would have received had he remained in the service of  
27 the city until he had attained the age at which he otherwise would have  
28 first become eligible for service retirement.

29 Notwithstanding any other provision of this section or of any general,  
30 special or local law or code to the contrary, a member of any such  
31 teachers' retirement system who (i) is separated or discharged under  
32 honorable conditions from any branch of the armed forces of the United  
33 States, or (ii) has a qualifying condition, as defined in section three  
34 hundred fifty of the executive law, and has received a discharge other  
35 than bad conduct or dishonorable, or (iii) is a discharged LGBT veteran,  
36 as defined in section three hundred fifty of the executive law, and has  
37 received a discharge other than bad conduct or dishonorable, having  
38 served as such during the time of war and who has attained the age of  
39 fifty years, may retire upon his own request upon written application to  
40 the board setting forth at what time, not less than thirty days subse-  
41 quent to the execution and filing thereof, he desires to be retired,  
42 provided that such member at that time so specified for his retirement  
43 shall have completed at least twenty-five years of allowable service.  
44 Upon reaching his previously selected minimum retirement age, such  
45 member shall receive an annuity of equivalent actuarial value, at that  
46 time, to his accumulated deductions, and, in addition, a pension based  
47 upon his credited years of allowable service, plus the pension-for-in-  
48 creased-take-home-pay, if any. Should such member die before reaching  
49 his retirement age, then any beneficiary under a selected option shall  
50 be eligible for benefits under such option at the date upon which the  
51 member would have reached his selected retirement age.

52 § 56. Section 249 of the military law, as added by chapter 420 of the  
53 laws of 1953, is amended to read as follows:

54 § 249. State and municipal officers and employees granted leaves of  
55 absence on July fourth in certain cases. Each officer and employee of  
56 the state or of a municipal corporation or of any other political subdi-

1 vision thereof who was a member of the national guard or naval militia  
 2 or a member of the reserve corps at a time when the United States was  
 3 not at war and who (i) has been honorably discharged therefrom, or (ii)  
 4 has a qualifying condition, as defined in section three hundred fifty of  
 5 the executive law, and has received a discharge other than bad conduct  
 6 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
 7 an, as defined in section three hundred fifty of the executive law, and  
 8 has received a discharge other than bad conduct or dishonorable from  
 9 such service, shall, in so far as practicable, be entitled to absent  
 10 himself from his duties or service, with pay, on July fourth of each  
 11 year. Notwithstanding the provisions of any general, special or local  
 12 law or the provisions of any city charter, no such officer or employee  
 13 shall be subjected by any person whatever directly or indirectly by  
 14 reason of such absence to any loss or diminution of vacation or holiday  
 15 privilege or be prejudiced by reason of such absence with reference to  
 16 promotion or continuance in office or employment or to reappointment to  
 17 office or to re-employment.

18 § 57. Subdivision 3 of section 1271 of the private housing finance  
 19 law, as added by section 1 of part Y of chapter 56 of the laws of 2018,  
 20 is amended to read as follows:

21 3. "Veteran" shall mean a resident of this state who (a) has served in  
 22 the United States army, navy, marine corps, air force or coast guard or  
 23 (b) has served on active duty or ordered to active duty as defined in 10  
 24 USC 101 (d) (1) as a member of the national guard or other reserve compo-  
 25 nent of the armed forces of the United States or (c) has served on  
 26 active duty or ordered to active duty for the state, as a member of the  
 27 state organized militia as defined in subdivision nine of section one of  
 28 the military law, and has been released from such service documented by  
 29 an honorable or general discharge, or has a qualifying condition, as  
 30 defined in section three hundred fifty of the executive law, and has  
 31 received a discharge other than bad conduct or dishonorable from such  
 32 service, or is a discharged LGBT veteran, as defined in section three  
 33 hundred fifty of the executive law, and has received a discharge other  
 34 than bad conduct or dishonorable from such service.

35 § 58. Subdivision 8-a of section 2165 of the public health law, as  
 36 added by chapter 542 of the laws of 1998, is amended to read as follows:

37 8-a. Proof of ~~honorable~~ discharge from the armed services within ten  
 38 years from the date of application to an institution shall qualify as a  
 39 certificate enabling a student to attend the institution pending actual  
 40 receipt of immunization records from the armed services. If while await-  
 41 ing the receipt of actual immunization records a health risk shall arise  
 42 at an institution, a student presenting a certificate under the terms of  
 43 this subdivision shall be removed from the institution if proper immuni-  
 44 zation cannot be proved or otherwise rectified.

45 § 59. The opening paragraph and paragraph (d) of subdivision 1 of  
 46 section 2632 of the public health law, as amended by chapter 414 of the  
 47 laws of 2015, are amended to read as follows:

48 Every veteran of the armed forces of the United States, who (i) (A)  
 49 was separated or discharged under honorable conditions after serving on  
 50 active duty therein for a period of not less than thirty days, or (B)  
 51 has a qualifying condition, as defined in section three hundred fifty of  
 52 the executive law, and has received a discharge other than bad conduct  
 53 or dishonorable after serving on active duty therein for a period of not  
 54 less than thirty days, or (C) is a discharged LGBT veteran, as defined  
 55 in section three hundred fifty of the executive law, and has received a  
 56 discharge other than bad conduct or dishonorable after serving on active

1 duty therein for a period of not less than thirty days, or (ii) (A) was  
2 separated or discharged under honorable conditions after serving on  
3 active duty therein for a period of not less than thirty days or (B) has  
4 a qualifying condition, as defined in section three hundred fifty of the  
5 executive law, and has received a discharge other than bad conduct or  
6 dishonorable after serving on active duty therein for a period of not  
7 less than thirty days, or (C) is a discharged LGBT veteran, as defined  
8 in section three hundred fifty of the executive law, and has received a  
9 discharge other than bad conduct or dishonorable after serving on active  
10 duty therein for a period of not less than thirty days, and who was a  
11 recipient of the armed forces expeditionary medal, navy expeditionary  
12 medal or marine corps expeditionary medal for participation in oper-  
13 ations in Lebanon from June first, nineteen hundred eighty-three to  
14 December first, nineteen hundred eighty-seven, in Grenada from October  
15 twenty-third, nineteen hundred eighty-three to November twenty-first,  
16 nineteen hundred eighty-three, or in Panama from December twentieth,  
17 nineteen hundred eighty-nine to January thirty-first, nineteen hundred  
18 ninety, or in Bosnia and Herzegovina from November twenty-first, nine-  
19 teen hundred ninety-five to November first, two thousand seven, or was a  
20 recipient of the Kosovo campaign medal or (iii) (A) was separated or  
21 discharged under honorable conditions after serving on active duty ther-  
22 ein for a period of not less than thirty days or (B) has a qualifying  
23 condition, as defined in section three hundred fifty of the executive  
24 law, and has received a discharge other than bad conduct or dishonorable  
25 after serving on active duty therein for a period of not less than thir-  
26 ty days, or (C) is a discharged LGBT veteran, as defined in section  
27 three hundred fifty of the executive law, and has received a discharge  
28 other than bad conduct or dishonorable after serving on active duty  
29 therein for a period of not less than thirty days, and who served during  
30 the period of actual hostilities of either  
31 (d) world war II between December seventh, nineteen hundred forty-one  
32 and December thirty-first, nineteen hundred forty-six, both inclusive,  
33 or who was employed by the War Shipping Administration or Office of  
34 Defense Transportation or their agents as a merchant seaman documented  
35 by the United States Coast Guard or Department of Commerce, or as a  
36 civil servant employed by the United States Army Transport Service  
37 (later redesignated as the United States Army Transportation Corps,  
38 Water Division) or the Naval Transportation Service; and who served  
39 satisfactorily as a crew member during the period of armed conflict,  
40 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
41 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
42 foreign, intercoastal, or coastwise service as such terms are defined  
43 under federal law (46 USCA 10301 & 10501) and further to include "near  
44 foreign" voyages between the United States and Canada, Mexico, or the  
45 West Indies via ocean routes, or public vessels in oceangoing service or  
46 foreign waters and who has received a Certificate of Release or  
47 Discharge from Active Duty and a discharge certificate, or an Honorable  
48 Service Certificate/Report of Casualty, from the Department of Defense,  
49 or who served as a United States civilian employed by the American Field  
50 Service and served overseas under United States Armies and United States  
51 Army Groups in world war II during the period of armed conflict, Decem-  
52 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
53 hundred forty-five, and who (i) was discharged or released therefrom  
54 under honorable conditions, or (ii) has a qualifying condition, as  
55 defined in section three hundred fifty of the executive law, and has  
56 received a discharge other than bad conduct or dishonorable from such

1 service, or (iii) is a discharged LGBT veteran, as defined in section  
 2 three hundred fifty of the executive law, and has received a discharge  
 3 other than bad conduct or dishonorable from such service, or who served  
 4 as a United States civilian Flight Crew and Aviation Ground Support  
 5 Employee of Pan American World Airways or one of its subsidiaries or its  
 6 affiliates and served overseas as a result of Pan American's contract  
 7 with Air Transport Command or Naval Air Transport Service during the  
 8 period of armed conflict, December fourteenth, nineteen hundred forty-  
 9 one through August fourteenth, nineteen hundred forty-five, and who (iv)  
 10 was discharged or released therefrom under honorable conditions, or (v)  
 11 has a qualifying condition, as defined in section three hundred fifty of  
 12 the executive law, and has received a discharge other than bad conduct  
 13 or dishonorable from such service, or (vi) is a discharged LGBT veteran,  
 14 as defined in section three hundred fifty of the executive law, and has  
 15 received a discharge other than bad conduct or dishonorable from such  
 16 service; or

17 § 60. Subdivision 3 of section 3422 of the public health law, as added  
 18 by chapter 854 of the laws of 1971, is amended to read as follows:

19 3. A candidate who fails to attain a passing grade on his licensing  
 20 examination is entitled to a maximum of three re-examinations; provided,  
 21 however, that if such candidate fails to attain a passing grade within  
 22 three years after completion of his training, he must requalify in  
 23 accordance with the provisions of the public health law and rules and  
 24 regulations promulgated thereunder existing and in force as of the date  
 25 of subsequent application for licensing examination, except that a  
 26 satisfactorily completed required course of study need not be recom-  
 27 pleted. A candidate inducted into the armed forces of the United States  
 28 during or after completion of training may (a) after honorable discharge  
 29 or (b) after a discharge other than bad conduct or dishonorable where  
 30 the candidate (i) has a qualifying condition, as defined in section  
 31 three hundred fifty of the executive law, or (ii) is a discharged LGBT  
 32 veteran, as defined in section three hundred fifty of the executive law,  
 33 and upon proper application as required by the department be eligible  
 34 for an exemption with respect to time served in such service.

35 § 61. Subparagraph 2 of paragraph b of subdivision 1 of section 156 of  
 36 the public housing law, as amended by chapter 639 of the laws of 1968,  
 37 is amended to read as follows:

38 (2) (i) have been thereafter discharged or released therefrom under  
 39 conditions other than dishonorable, or (ii) have a qualifying condition,  
 40 as defined in section three hundred fifty of the executive law, and have  
 41 received a discharge other than bad conduct or dishonorable from such  
 42 service, or (iii) are discharged LGBT veterans, as defined in section  
 43 three hundred fifty of the executive law, and have received a discharge  
 44 other than bad conduct or dishonorable from such service, or (iv) died  
 45 in such service, not more than five years prior to the time of applica-  
 46 tion for admission to such project, and

47 § 62. Section 63 of the public officers law, as amended by chapter 179  
 48 of the laws of 2006, is amended to read as follows:

49 § 63. Leave of absence for veterans on Memorial day and Veterans' day.  
 50 It shall be the duty of the head of every public department and of every  
 51 court of the state of New York, of every superintendent or foreman on  
 52 the public works of said state, of the county officers of the several  
 53 counties of said state, of the town officers of the various towns in  
 54 this state, of the fire district officers of the various fire districts  
 55 in this state, and of the head of every department, bureau and office in  
 56 the government of the various cities and villages in this state, and the



1 officers of any public benefit corporation or any public authority of  
2 this state, or of any public benefit corporation or public authority of  
3 any county or subdivision of this state, to give leave of absence with  
4 pay for twenty-four hours on the day prescribed by law as a public holi-  
5 day for the observance of Memorial day and on the eleventh day of Novem-  
6 ber, known as Veterans' day, to every person in the service of the  
7 state, the county, the town, the fire district, the city or village, the  
8 public benefit corporation or public authority of this state, or any  
9 public benefit corporation or public authority of any county or subdivi-  
10 sion of this state, as the case may be, (i) who served on active duty in  
11 the armed forces of the United States during world war I or world war  
12 II, or who was employed by the War Shipping Administration or Office of  
13 Defense Transportation or their agents as a merchant seaman documented  
14 by the United States Coast Guard or Department of Commerce, or as a  
15 civil servant employed by the United States Army Transport Service  
16 (later redesignated as the United States Army Transportation Corps,  
17 Water Division) or the Naval Transportation Service; and who served  
18 satisfactorily as a crew member during the period of armed conflict,  
19 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
20 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
21 foreign, intercoastal, or coastwise service as such terms are defined  
22 under federal law (46 USCA 10301 & 10501) and further to include "near  
23 foreign" voyages between the United States and Canada, Mexico, or the  
24 West Indies via ocean routes, or public vessels in oceangoing service or  
25 foreign waters and who has received a Certificate of Release or  
26 Discharge from Active Duty and a discharge certificate, or an Honorable  
27 Service Certificate/Report of Casualty, from the Department of Defense,  
28 or who served as a United States civilian employed by the American Field  
29 Service and served overseas under United States Armies and United States  
30 Army Groups in world war II during the period of armed conflict, Decem-  
31 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
32 hundred forty-five, and who (a) was discharged or released therefrom  
33 under honorable conditions, or (b) has a qualifying condition, as  
34 defined in section three hundred fifty of the executive law, and has  
35 received a discharge other than bad conduct or dishonorable from such  
36 service, or (c) is a discharged LGBT veteran, as defined in section  
37 three hundred fifty of the executive law, and has received a discharge  
38 other than bad conduct or dishonorable from such service or who served  
39 as a United States civilian Flight Crew and Aviation Ground Support  
40 Employee of Pan American World Airways or one of its subsidiaries or its  
41 affiliates and served overseas as a result of Pan American's contract  
42 with Air Transport Command or Naval Air Transport Service during the  
43 period of armed conflict, December fourteenth, nineteen hundred forty-  
44 one through August fourteenth, nineteen hundred forty-five, and who (d)  
45 was discharged or released therefrom under honorable conditions, or (e)  
46 has a qualifying condition, as defined in section three hundred fifty of  
47 the executive law, and has received a discharge other than bad conduct  
48 or dishonorable from such service, or (f) is a discharged LGBT veteran,  
49 as defined in section three hundred fifty of the executive law, and has  
50 received a discharge other than bad conduct or dishonorable from such  
51 service or during the period of the Korean conflict at any time between  
52 the dates of June twenty-seventh, nineteen hundred fifty and January  
53 thirty-first, nineteen hundred fifty-five, or during the period of the  
54 Vietnam conflict from the twenty-eighth day of February, nineteen  
55 hundred sixty-one to the seventh day of May, nineteen hundred seventy-  
56 five, or (ii) who served on active duty in the armed forces of the

1 United States and who was a recipient of the armed forces expeditionary  
 2 medal, navy expeditionary medal or marine corps expeditionary medal for  
 3 participation in operations in Lebanon from June first, nineteen hundred  
 4 eighty-three to December first, nineteen hundred eighty-seven, in Grena-  
 5 da from October twenty-third, nineteen hundred eighty-three to November  
 6 twenty-first, nineteen hundred eighty-three, or in Panama from December  
 7 twentieth, nineteen hundred eighty-nine to January thirty-first, nine-  
 8 teen hundred ninety, or (iii) who served in the armed forces of a  
 9 foreign country allied with the United States during world war I or  
 10 world war II, or during the period of the Korean conflict at any time  
 11 between June twenty-seventh, nineteen hundred fifty and January thirty-  
 12 first, nineteen hundred fifty-five, or during the period of the Vietnam  
 13 conflict from the twenty-eighth day of February, nineteen hundred  
 14 sixty-one to the seventh day of May, nineteen hundred seventy-five, or  
 15 during the period of the Persian Gulf conflict from the second day of  
 16 August, nineteen hundred ninety to the end of such conflict, or who  
 17 served on active duty in the army or navy or marine corps or air force  
 18 or coast guard of the United States, and who (a) was honorably  
 19 discharged or separated from such service under honorable conditions, or  
 20 (b) has a qualifying condition, as defined in section three hundred  
 21 fifty of the executive law, and has received a discharge other than bad  
 22 conduct or dishonorable from such service, or (c) is a discharged LGBT  
 23 veteran, as defined in section three hundred fifty of the executive law,  
 24 and has received a discharge other than bad conduct or dishonorable from  
 25 such service except where such action would endanger the public safety  
 26 or the safety or health of persons cared for by the state, in which  
 27 event such persons shall be entitled to leave of absence with pay on  
 28 another day in lieu thereof. All such persons who are compensated on a  
 29 per diem, hourly, semi-monthly or monthly basis, with or without mainte-  
 30 nance, shall also be entitled to leave of absence with pay under the  
 31 provisions of this section and no deduction in vacation allowance or  
 32 budgetary allowable number of working days shall be made in lieu there-  
 33 of. A refusal to give such leave of absence to one entitled thereto  
 34 shall be neglect of duty.

35 § 63. Subdivision 2 of section 458 of the real property tax law, as  
 36 amended by chapter 63 of the laws of 1976, is amended to read as  
 37 follows:

38 2. Real property purchased with moneys collected by popular  
 39 subscription in partial recognition of extraordinary services rendered  
 40 by any [~~honorably discharged~~] veteran of world war one, world war two,  
 41 or of the hostilities which commenced June twenty-seventh, nineteen  
 42 hundred fifty, who (a) was honorably discharged from such service, or  
 43 (b) has a qualifying condition, as defined in section three hundred  
 44 fifty of the executive law, and has received a discharge other than bad  
 45 conduct or dishonorable from such service, or (c) is a discharged LGBT  
 46 veteran, as defined in section three hundred fifty of the executive law,  
 47 and has received a discharge other than bad conduct or dishonorable from  
 48 such service, and who sustained permanent disability while on military  
 49 duty, either total or partial, and owned by the person who sustained  
 50 such injuries, or by his or her spouse or unremarried surviving spouse,  
 51 or dependent father or mother, is subject to taxation as herein  
 52 provided. Such property shall be assessed in the same manner as other  
 53 real property in the tax district. At the meeting of the assessors to  
 54 hear complaints concerning the assessments, a verified application for  
 55 the exemption of such real property from taxation may be presented to  
 56 them by or on behalf of the owner thereof, which application must show

1 the facts on which the exemption is claimed, including the amount of  
2 moneys so raised and used in or toward the purchase of such property. No  
3 exemption on account of any such gift shall be allowed in excess of five  
4 thousand dollars. The application for exemption shall be presented and  
5 action thereon taken in the manner provided by subdivision one of this  
6 section. If no application for exemption be granted, the property shall  
7 be subject to taxation for all purposes. The provisions herein, relating  
8 to the assessment and exemption of property purchased with moneys raised  
9 by popular subscription, apply and shall be enforced in each municipal  
10 corporation authorized to levy taxes.

11 § 64. Subdivision 4-a of section 458 of the real property tax law, as  
12 amended by chapter 616 of the laws of 1995, is amended to read as  
13 follows:

14 4-a. For the purposes of this section, the term "military or naval  
15 services" shall be deemed to also include service: (a) by a person who  
16 was employed by the War Shipping Administration or Office of Defense  
17 Transportation or their agents as a merchant seaman documented by the  
18 United States Coast Guard or Department of Commerce, or as a civil serv-  
19 ant employed by the United States Army Transport Service (later redesign-  
20 nated as the United States Army Transportation Corps, Water Division) or  
21 the Naval Transportation Service; and who served satisfactorily as a  
22 crew member during the period of armed conflict, December seventh, nine-  
23 teen hundred forty-one, to August fifteenth, nineteen hundred forty-  
24 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-  
25 coastal, or coastwise service as such terms are defined under federal  
26 law (46 USCA 10301 & 10501) and further to include "near foreign"  
27 voyages between the United States and Canada, Mexico, or the West Indies  
28 via ocean routes, or public vessels in oceangoing service or foreign  
29 waters and who has received a Certificate of Release or Discharge from  
30 Active Duty and a discharge certificate, or an Honorable Service  
31 Certificate/Report of Casualty, from the department of defense; (b)  
32 service by a United States civilian employed by the American Field  
33 Service who served overseas under United States Armies and United States  
34 Army Groups in world war II during the period of armed conflict, Decem-  
35 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
36 hundred forty-five, and who (i) was discharged or released therefrom  
37 under honorable conditions, or (ii) has a qualifying condition, as  
38 defined in section three hundred fifty of the executive law, and has  
39 received a discharge other than bad conduct or dishonorable from such  
40 service, or (iii) is a discharged LGBT veteran, as defined in section  
41 three hundred fifty of the executive law, and has received a discharge  
42 other than bad conduct or dishonorable from such service; or (c) service  
43 by a United States civilian Flight Crew and Aviation Ground Support  
44 Employee of Pan American World Airways or one of its subsidiaries or its  
45 affiliates who served overseas as a result of Pan American's contract  
46 with Air Transport Command or Naval Air Transport Service during the  
47 period of armed conflict, December fourteenth, nineteen hundred forty-  
48 one through August fourteenth, nineteen hundred forty-five, and who (i)  
49 was discharged or released therefrom under honorable conditions, or (ii)  
50 has a qualifying condition, as defined in section three hundred fifty of  
51 the executive law, and has received a discharge other than bad conduct  
52 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
53 an, as defined in section three hundred fifty of the executive law, and  
54 has received a discharge other than bad conduct or dishonorable from  
55 such service.

1 § 65. Paragraph (e) of subdivision 1 of section 458-a of the real  
2 property tax law, as amended by chapter 384 of the laws of 2008, is  
3 amended to read as follows:

4 (e) "Veteran" means a person (i) who served in the active military,  
5 naval, or air service during a period of war, or who was a recipient of  
6 the armed forces expeditionary medal, navy expeditionary medal, marine  
7 corps expeditionary medal, or global war on terrorism expeditionary  
8 medal, and who (1) was discharged or released therefrom under honorable  
9 conditions, or (2) has a qualifying condition, as defined in section  
10 three hundred fifty of the executive law, and has received a discharge  
11 other than bad conduct or dishonorable from such service, or (3) is a  
12 discharged LGBT veteran, as defined in section three hundred fifty of  
13 the executive law, and has received a discharge other than bad conduct  
14 or dishonorable from such service, (ii) who was employed by the War  
15 Shipping Administration or Office of Defense Transportation or their  
16 agents as a merchant seaman documented by the United States Coast Guard  
17 or Department of Commerce, or as a civil servant employed by the United  
18 States Army Transport Service (later redesignated as the United States  
19 Army Transportation Corps, Water Division) or the Naval Transportation  
20 Service; and who served satisfactorily as a crew member during the peri-  
21 od of armed conflict, December seventh, nineteen hundred forty-one, to  
22 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
23 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
24 terms are defined under federal law (46 USCA 10301 & 10501) and further  
25 to include "near foreign" voyages between the United States and Canada,  
26 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
27 going service or foreign waters and who has received a Certificate of  
28 Release or Discharge from Active Duty and a discharge certificate, or an  
29 Honorable Service Certificate/Report of Casualty, from the department of  
30 defense, (iii) who served as a United States civilian employed by the  
31 American Field Service and served overseas under United States Armies  
32 and United States Army Groups in world war II during the period of armed  
33 conflict, December seventh, nineteen hundred forty-one through May  
34 eighth, nineteen hundred forty-five, and who (1) was discharged or  
35 released therefrom under honorable conditions, or (2) has a qualifying  
36 condition, as defined in section three hundred fifty of the executive  
37 law, and has received a discharge other than bad conduct or dishonorable  
38 from such service, or (3) is a discharged LGBT veteran, as defined in  
39 section three hundred fifty of the executive law, and has received a  
40 discharge other than bad conduct or dishonorable from such service, (iv)  
41 who served as a United States civilian Flight Crew and Aviation Ground  
42 Support Employee of Pan American World Airways or one of its subsidi-  
43 aries or its affiliates and served overseas as a result of Pan Ameri-  
44 can's contract with Air Transport Command or Naval Air Transport Service  
45 during the period of armed conflict, December fourteenth, nineteen  
46 hundred forty-one through August fourteenth, nineteen hundred forty-  
47 five, and who (1) was discharged or released therefrom under honorable  
48 conditions, or (2) has a qualifying condition, as defined in section  
49 three hundred fifty of the executive law, and has received a discharge  
50 other than bad conduct or dishonorable from such service, or (3) is a  
51 discharged LGBT veteran, as defined in section three hundred fifty of  
52 the executive law, and has received a discharge other than bad conduct  
53 or dishonorable from such service, or (v) notwithstanding any other  
54 provision of law to the contrary, who are members of the reserve compo-  
55 nents of the armed forces of the United States who (1) received an  
56 honorable discharge or release therefrom under honorable conditions, or

1 (2) has a qualifying condition, as defined in section three hundred  
2 fifty of the executive law, and has received a discharge other than bad  
3 conduct or dishonorable from such service, or (3) is a discharged LGBT  
4 veteran, as defined in section three hundred fifty of the executive law,  
5 and has received a discharge other than bad conduct or dishonorable from  
6 such service, but are still members of the reserve components of the  
7 armed forces of the United States provided that such members meet all  
8 other qualifications under the provisions of this section.

9 § 66. Subdivision 10 of section 458-a of the real property tax law, as  
10 amended by chapter 141 of the laws of 2017, is amended to read as  
11 follows:

12 10. A county, city, town, village or school district may adopt a local  
13 law or resolution to include those military personnel who served in the  
14 Reserve component of the United States Armed Forces that were deemed on  
15 active duty under Executive Order 11519 signed March twenty-third, nine-  
16 teen hundred seventy, 35 Federal Register 5003, dated March twenty-  
17 fourth, nineteen hundred seventy and later designated by the United  
18 States Department of Defense as Operation Graphic Hand, if such member  
19 (1) was discharged or released therefrom under honorable conditions, or  
20 (2) has a qualifying condition, as defined in section three hundred  
21 fifty of the executive law, and has received a discharge other than bad  
22 conduct or dishonorable from such service, or (3) is a discharged LGBT  
23 veteran, as defined in section three hundred fifty of the executive law,  
24 and has received a discharge other than bad conduct or dishonorable from  
25 such service, provided that such veteran meets all other qualifications  
26 of this section.

27 § 67. Paragraph (a) of subdivision 1 of section 458-b of the real  
28 property tax law, as amended by chapter 6 of the laws of 2008, is  
29 amended to read as follows:

30 (a) "Cold War veteran" means a person, male or female, who served on  
31 active duty in the United States armed forces, during the time period  
32 from September second, nineteen hundred forty-five to December twenty-  
33 sixth, nineteen hundred ninety-one, and (i) was discharged or released  
34 therefrom under honorable conditions, or (ii) has a qualifying condi-  
35 tion, as defined in section three hundred fifty of the executive law,  
36 and has received a discharge other than bad conduct or dishonorable from  
37 such service, or (iii) is a discharged LGBT veteran, as defined in  
38 section three hundred fifty of the executive law, and has received a  
39 discharge other than bad conduct or dishonorable from such service.

40 § 68. Subparagraph (v) of paragraph (a) of subdivision 1 of section  
41 122 of the social services law, as amended by chapter 214 of the laws of  
42 1998, is amended to read as follows:

43 (v) any alien lawfully residing in the state who is on active duty in  
44 the armed forces (other than active duty for training) or who (1) has  
45 received an honorable discharge (and not on account of alienage) from  
46 the armed forces, or (2) has a qualifying condition, as defined in  
47 section three hundred fifty of the executive law, and has received a  
48 discharge other than bad conduct or dishonorable (and not on account of  
49 alienage) from the armed forces, or (3) is a discharged LGBT veteran, as  
50 defined in section three hundred fifty of the executive law, and has  
51 received a discharge other than bad conduct or dishonorable (and not on  
52 account of alienage) from the armed forces, or the spouse, unremarried  
53 surviving spouse or unmarried dependent child of any such alien, if such  
54 alien, spouse or dependent child is a qualified alien as defined in  
55 section 431 of the federal personal responsibility and work opportunity  
56 reconciliation act of 1996 (8 U.S. Code 1641), as amended;

1 § 69. Subdivision 1 of section 168 of the social services law, as  
2 amended by chapter 467 of the laws of 1991, is amended to read as  
3 follows:

4 1. Veteran means a person, male or female, who has served in the armed  
5 forces of the United States in time of war, or who was a recipient of  
6 the armed forces expeditionary medal, navy expeditionary medal or marine  
7 corps expeditionary medal for participation in operations in Lebanon  
8 from June first, nineteen hundred eighty-three to December first, nine-  
9 teen hundred eighty-seven, in Grenada from October twenty-third, nine-  
10 teen hundred eighty-three to November twenty-first, nineteen hundred  
11 eighty-three, or in Panama from December twentieth, nineteen hundred  
12 eighty-nine to January thirty-first, nineteen hundred ninety, and who  
13 (1) has been honorably discharged or released under honorable circum-  
14 stances from such service or furloughed to the reserve, or (2) has a  
15 qualifying condition, as defined in section three hundred fifty of the  
16 executive law, and has received a discharge other than bad conduct or  
17 dishonorable from such service, or (3) is a discharged LGBT veteran, as  
18 defined in section three hundred fifty of the executive law, and has  
19 received a discharge other than bad conduct or dishonorable from such  
20 service.

21 § 70. Paragraph 5 of subdivision 2 of section 168 of the social  
22 services law, as amended by chapter 616 of the laws of 1995, is amended  
23 to read as follows:

24 (5) World war II; from the seventh day of December, nineteen hundred  
25 forty-one to and including the thirty-first day of December, nineteen  
26 hundred forty-six, or who was employed by the War Shipping Adminis-  
27 tration or Office of Defense Transportation or their agents as a  
28 merchant seaman documented by the United States Coast Guard or Depart-  
29 ment of Commerce, or as a civil servant employed by the United States  
30 Army Transport Service (later redesignated as the United States Army  
31 Transportation Corps, Water Division) or the Naval Transportation  
32 Service; and who served satisfactorily as a crew member during the peri-  
33 od of armed conflict, December seventh, nineteen hundred forty-one, to  
34 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
35 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
36 terms are defined under federal law (46 USCA 10301 & 10501) and further  
37 to include "near foreign" voyages between the United States and Canada,  
38 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
39 going service or foreign waters and who has received a Certificate of  
40 Release or Discharge from Active Duty and a discharge certificate, or an  
41 Honorable Service Certificate/Report of Casualty, from the Department of  
42 Defense or who served as a United States civilian employed by the Ameri-  
43 can Field Service and served overseas under United States Armies and  
44 United States Army Groups in world war II during the period of armed  
45 conflict, December seventh, nineteen hundred forty-one through May  
46 eighth, nineteen hundred forty-five, and who (i) was discharged or  
47 released therefrom under honorable conditions, or (ii) has a qualifying  
48 condition, as defined in section three hundred fifty of the executive  
49 law, and has received a discharge other than bad conduct or dishonorable  
50 from such service, or (iii) is a discharged LGBT veteran, as defined in  
51 section three hundred fifty of the executive law, and has received a  
52 discharge other than bad conduct or dishonorable from such service, or  
53 who served as a United States civilian Flight Crew and Aviation Ground  
54 Support Employee of Pan American World Airways or one of its subsid-  
55 iaries or its affiliates and served overseas as a result of Pan Ameri-  
56 can's contract with Air Transport Command or Naval Air Transport Service

1 during the period of armed conflict, December fourteenth, nineteen  
2 hundred forty-one through August fourteenth, nineteen hundred forty-  
3 five, and who (iv) was discharged or released therefrom under honorable  
4 conditions, or (v) has a qualifying condition, as defined in section  
5 three hundred fifty of the executive law, and has received a discharge  
6 other than bad conduct or dishonorable from such service, or (vi) is a  
7 discharged LGBT veteran, as defined in section three hundred fifty of  
8 the executive law, and has received a discharge other than bad conduct  
9 or dishonorable from such service.

10 § 71. Subparagraph 1 of paragraph (b) of subdivision 29 of section  
11 210-B of the tax law, as amended by section 1 of part Q of chapter 59 of  
12 the laws of 2018, is amended to read as follows:

13 (1) who served on active duty in the United States army, navy, air  
14 force, marine corps, coast guard or the reserves thereof, or who served  
15 in active military service of the United States as a member of the army  
16 national guard, air national guard, New York guard or New York naval  
17 militia; who (i) was released from active duty by general or honorable  
18 discharge after September eleventh, two thousand one, or (ii) has a  
19 qualifying condition, as defined in section three hundred fifty of the  
20 executive law, and has received a discharge other than bad conduct or  
21 dishonorable from such service after September eleventh, two thousand  
22 one, or (iii) is a discharged LGBT veteran, as defined in section three  
23 hundred fifty of the executive law, and has received a discharge other  
24 than bad conduct or dishonorable from such service after September elev-  
25 enth, two thousand one;

26 § 72. Subparagraph (A) of paragraph 2 of subsection (a-2) of section  
27 606 of the tax law, as amended by section 2 of part Q of chapter 59 of  
28 the laws of 2018, is amended to read as follows:

29 (A) who served on active duty in the United States army, navy, air  
30 force, marine corps, coast guard or the reserves thereof, or who served  
31 in active military service of the United States as a member of the army  
32 national guard, air national guard, New York guard or New York naval  
33 militia; who (i) was released from active duty by general or honorable  
34 discharge after September eleventh, two thousand one, or (ii) has a  
35 qualifying condition, as defined in section three hundred fifty of the  
36 executive law, and has received a discharge other than bad conduct or  
37 dishonorable from such service after September eleventh, two thousand  
38 one, or (iii) is a discharged LGBT veteran, as defined in section three  
39 hundred fifty of the executive law, and has received a discharge other  
40 than bad conduct or dishonorable from such service after September elev-  
41 enth, two thousand one;

42 § 73. Subparagraph (A) of paragraph 2 of subsection (g-1) of section  
43 1511 of the tax law, as amended by section 3 of part Q of chapter 59 of  
44 the laws of 2018, is amended to read as follows:

45 (A) who served on active duty in the United States army, navy, air  
46 force, marine corps, coast guard or the reserves thereof, or who served  
47 in active military service of the United States as a member of the army  
48 national guard, air national guard, New York guard or New York naval  
49 militia; who (i) was released from active duty by general or honorable  
50 discharge after September eleventh, two thousand one, or (ii) has a  
51 qualifying condition, as defined in section three hundred fifty of the  
52 executive law, and has received a discharge other than bad conduct or  
53 dishonorable from such service after September eleventh, two thousand  
54 one, or (iii) is a discharged LGBT veteran, as defined in section three  
55 hundred fifty of the executive law, and has received a discharge other

1 than bad conduct or dishonorable from such service after September elev-  
 2 enth, two thousand one;  
 3 § 74. Section 295 of the town law, as amended by chapter 658 of the  
 4 laws of 2004, is amended to read as follows:  
 5 § 295. Removal of remains of deceased members of armed forces. Upon a  
 6 verified petition presented to a judge of a court of record by any armed  
 7 forces' organization in any town or city in this state by a majority of  
 8 its officers, or a majority of any memorial committee in any town or  
 9 city where there are two or more veteran armed forces' organizations, or  
 10 in towns or cities where there are no veteran armed forces' organiza-  
 11 tions, upon the petition of five or more veterans of the armed forces,  
 12 the judge to whom said verified petition is presented shall make an  
 13 order to show cause, returnable before him at a time and place within  
 14 the county in not less than fourteen or more than twenty days from the  
 15 date of presentation of said petition, why the remains of any deceased  
 16 members of the armed forces buried in potter's field, or in any  
 17 neglected or abandoned cemeteries, should not be removed to and rein-  
 18 terred in a properly kept incorporated cemetery in the same town or city  
 19 or in a town adjoining the town or city in which the remains of a  
 20 deceased member of the armed forces are buried, and to fix the amount of  
 21 the expenses for such removal and reinterment, and the order to show  
 22 cause shall provide for its publication in a newspaper, to be designated  
 23 in the order, which is published nearest to the cemetery from which the  
 24 removal is sought to be made, once in each week for two successive  
 25 weeks. The verified petition presented to the judge shall show that the  
 26 petitioners are a majority of the officers of a veteran armed forces  
 27 organization, or a majority of a memorial committee in towns or cities  
 28 where two or more veteran armed forces organizations exist, or that the  
 29 petitioners are honorably discharged veterans of the armed forces in  
 30 towns or cities where no veteran armed forces organization exists, or  
 31 that the petitioners have a qualifying condition, as defined in section  
 32 three hundred fifty of the executive law, and received a discharge other  
 33 than bad conduct or dishonorable from such service and are in towns or  
 34 cities where no veteran armed forces organizations exist, or that the  
 35 petitioners are discharged LGBT veterans, as defined in section three  
 36 hundred fifty of the executive law, and received a discharge other than  
 37 bad conduct or dishonorable from such service and are in towns and  
 38 cities where no veteran armed forces organizations exist, and (1) the  
 39 name of the deceased member or members of the armed forces, whose  
 40 remains are sought to be removed, and if known the unit in which he or  
 41 they served; (2) the name and location of the cemetery in which he is  
 42 interred and from which removal is asked to be made; (3) the name and  
 43 location of the incorporated cemetery to which the remains are desired  
 44 to be removed and reinterred; (4) the facts showing the reasons for such  
 45 removal. Upon the return day of the order to show cause and at the time  
 46 and place fixed in said order, upon filing proof of publication of the  
 47 order to show cause with the judge, if no objection is made thereto, he  
 48 shall make an order directing the removal of the remains of said  
 49 deceased member or members of the armed forces to the cemetery desig-  
 50 nated in the petition within the town or city or within a town adjoining  
 51 the town or city in which the remains are then buried and shall specify  
 52 in the order the amount of the expenses of such removal, which expenses  
 53 of removal and reinterment, including the expense of the proceeding  
 54 under this section, shall be a charge upon the county in which the town  
 55 or city is situated from which the removal is made and such expenses  
 56 shall be a county charge and audited by the board of supervisors of the



1 county and paid in the same manner as other county charges. On and after  
2 the removal and reinterment of the remains of the deceased member or  
3 members of the armed forces in the armed forces' plot, the expenses for  
4 annual care of the grave in the armed forces' burial plot to which the  
5 removal is made shall be annually provided by the town or city in which  
6 the remains were originally buried, at the rate of not to exceed twenty  
7 dollars per grave, and shall be paid annually to the incorporated ceme-  
8 tery association to which the remains of each deceased member of the  
9 armed forces may be removed and reinterred. The petition and order shall  
10 be filed in the county clerk's office of the county in which the remains  
11 of the deceased member of the armed forces were originally interred, and  
12 the service of a certified copy of the final order upon the cemetery  
13 association shall be made prior to any removal. Any relative of the  
14 deceased member or members of the armed forces, or the officer of any  
15 cemetery association in which the remains of the deceased member or  
16 members of the armed forces were originally interred, or the authorities  
17 of the county in which the member or members of the armed forces were  
18 originally buried, may oppose the granting of said order and the judge  
19 shall summarily hear the statement of the parties and make such order as  
20 the justice and equity of the application shall require. Any headstone  
21 or monument which marks the grave of the deceased member of the armed  
22 forces shall be removed and reset at the grave in the cemetery in which  
23 the removal is permitted to be made and in each case the final order  
24 shall provide the amount of the expenses of such removals and reinter-  
25 ment and resetting of the headstone or monument, including the expenses  
26 of the proceedings under this section; except that where provision is  
27 otherwise made for the purchase or erection of a new headstone, monument  
28 or marker at the grave in the cemetery to which such removal is permit-  
29 ted, such old headstone or monument need not be so removed and reset, in  
30 which case such final order shall not provide for the expense of reset-  
31 ting. The order shall designate the person or persons having charge of  
32 the removals and reinterments. Upon completion of the removal, reinter-  
33 ment and resetting of the headstones or monuments, the person or persons  
34 having charge of the same shall make a verified report of the removal,  
35 reinterment and resetting of the headstone or monument and file the  
36 report in the clerk's office of the proper county. The words "member of  
37 the armed forces" shall be construed to mean [~~an honorably discharged~~] a  
38 member of the armed forces who served in the armed forces of the United  
39 States and who (5) was honorably discharged from such service, or (6)  
40 has a qualifying condition, as defined in section three hundred fifty of  
41 the executive law, and has received a discharge other than bad conduct  
42 or dishonorable from such service, or (7) is a discharged LGBT veteran,  
43 as defined in section three hundred fifty of the executive law, and has  
44 received a discharge other than bad conduct or dishonorable from such  
45 service, and the words "armed forces plot" shall be construed to mean a  
46 plot of land in any incorporated cemetery set apart to be exclusively  
47 used as a place for interring the remains of deceased veterans of the  
48 armed forces of the United States.

49 § 75. Section 404-v of the vehicle and traffic law, as added by chap-  
50 ter 389 of the laws of 2004, is amended to read as follows:

51 § 404-v. Distinctive plates for the United States Naval Armed Guard.  
52 1. Any [~~honorably discharged~~] member of the United States Naval Armed  
53 Guard residing in this state shall, upon request, be issued a license  
54 plate bearing the words "United States Naval Armed Guard", or such other  
55 phrase as the commissioner shall designate showing the registrant served  
56 in the United States Naval Armed Guard. Application for such license

1 plate shall be filed with the commissioner in such form and detail as  
2 the commissioner shall prescribe.

3 2. The distinctive plate authorized pursuant to this section shall be  
4 issued upon proof, satisfactory to the commissioner, that the applicant  
5 is ~~[an honorably discharged]~~ a veteran who served in the United States  
6 Naval Armed Guard and who (1) was honorably discharged from such  
7 service, or (2) has a qualifying condition, as defined in section three  
8 hundred fifty of the executive law, and has received a discharge other  
9 than bad conduct or dishonorable from such service, or (3) is a  
10 discharged LGBT veteran, as defined in section three hundred fifty of  
11 the executive law, and has received a discharge other than bad conduct  
12 or dishonorable from such service.

13 3. A distinctive plate issued pursuant to this section shall be issued  
14 in the same manner as other number plates upon payment of the regular  
15 registration fee prescribed by section four hundred one of this article,  
16 provided, however, that an additional one-time service charge of ten  
17 dollars shall be charged for such plate. Provided, however, that one  
18 year after the effective date of this section funds in the amount of  
19 five thousand dollars, or so much thereof as may be available, shall be  
20 allocated from such funds to the department to offset costs associated  
21 with the production of such license plates.

22 § 76. Subdivision 1 of section 404-w of the vehicle and traffic law,  
23 as added by chapter 105 of the laws of 2005, is amended to read as  
24 follows:

25 1. Any war on terror veteran residing in this state shall, upon  
26 request, be issued a license plate bearing the words "War on Terror  
27 veteran". Application for said license plate shall be filed with the  
28 commissioner in such form and detail as the commissioner shall  
29 prescribe. For purposes of this section, a "war on terror" veteran shall  
30 mean:

31 (a) a person who served in the armed forces of the United States in  
32 the hostilities that occurred in the Persian Gulf from the eleventh day  
33 of September, two thousand one, to the end of such hostilities, who (i)  
34 was discharged therefrom under other than dishonorable conditions, or  
35 (ii) has a qualifying condition, as defined in section three hundred  
36 fifty of the executive law, and has received a discharge other than bad  
37 conduct or dishonorable from such service, or (iii) is a discharged LGBT  
38 veteran, as defined in section three hundred fifty of the executive law,  
39 and has received a discharge other than bad conduct or dishonorable from  
40 such service; or

41 (b) a person who served in the armed forces of the United States in  
42 the hostilities that occurred in Afghanistan from the eleventh day of  
43 September, two thousand one, to the end of such hostilities, who (i)  
44 was discharged therefrom under other than dishonorable conditions, or (ii)  
45 has a qualifying condition, as defined in section three hundred fifty of  
46 the executive law, and has received a discharge other than bad conduct  
47 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
48 an, as defined in section three hundred fifty of the executive law, and  
49 has received a discharge other than bad conduct or dishonorable from  
50 such service.

51 § 77. Subdivision 3 of section 404-w of the vehicle and traffic law,  
52 as added by chapter 493 of the laws of 2005, is amended to read as  
53 follows:

54 3. For the purposes of this section, "Persian Gulf veteran" shall mean  
55 a person who is a resident of this state, who served in the armed forces  
56 of the United States in the hostilities that occurred in the Persian

1 Gulf from the second day of August, nineteen hundred ninety to the end  
2 of such hostilities, and [~~were~~] was (a) honorably discharged from the  
3 military, or (b) has a qualifying condition, as defined in section three  
4 hundred fifty of the executive law, and has received a discharge other  
5 than bad conduct or dishonorable from such service, or (c) is a  
6 discharged LGBT veteran, as defined in section three hundred fifty of  
7 the executive law, and has received a discharge other than bad conduct  
8 or dishonorable from such service.

9 § 78. Subdivision 3 of section 404-y of the vehicle and traffic law,  
10 as added by chapter 107 of the laws of 2017, is amended to read as  
11 follows:

12 3. For the purposes of this section, the following terms shall have  
13 the following meanings:

14 (a) "Veteran of the Iraq War" shall mean a person who is a resident of  
15 this state, who served in the armed forces of the United States in the  
16 hostilities that occurred in Iraq from the sixteenth day of October, two  
17 thousand two to the end of such hostilities who (i) was discharged ther-  
18 efrom under other than dishonorable conditions or (ii) has a qualifying  
19 condition, as defined in section three hundred fifty of the executive  
20 law, and has received a discharge other than bad conduct or dishonorable  
21 from such service, or (iii) is a discharged LGBT veteran, as defined in  
22 section three hundred fifty of the executive law, and has received a  
23 discharge other than bad conduct or dishonorable from such service; and

24 (b) "Veteran of the Afghanistan War" shall mean a person who is a  
25 resident of this state, who served in the armed forces of the United  
26 States in the hostilities that occurred in Afghanistan from the seventh  
27 day of October, two thousand one to the end of such hostilities who (i)  
28 was discharged therefrom under other than dishonorable conditions or  
29 (ii) has a qualifying condition, as defined in section three hundred  
30 fifty of the executive law, and has received a discharge other than bad  
31 conduct or dishonorable from such service, or (iii) is a discharged LGBT  
32 veteran, as defined in section three hundred fifty of the executive law,  
33 and has received a discharge other than bad conduct or dishonorable from  
34 such service.

35 § 79. Paragraph (b) of subdivision 3 of section 490 of the vehicle and  
36 traffic law, as amended by chapter 429 of the laws of 2014, is amended  
37 to read as follows:

38 (b) The identification card shall contain a distinguishing number or  
39 mark and adequate space upon which an anatomical gift, pursuant to arti-  
40 cle forty-three of the public health law, by the holder may be recorded  
41 and shall contain such other information and shall be issued in such  
42 form as the commissioner shall determine; provided, however, every iden-  
43 tification card or renewal thereof issued to a person under the age of  
44 twenty-one years shall have prominently imprinted thereon the statement  
45 "UNDER 21 YEARS OF AGE" in notably distinctive print or format.  
46 Provided, further, however, that every identification card issued to an  
47 applicant who was a member of the armed forces of the United States and  
48 (i) received an honorable discharge or was released therefrom under  
49 honorable conditions, or (ii) has a qualifying condition, as defined in  
50 section three hundred fifty of the executive law, and has received a  
51 discharge other than bad conduct or dishonorable from such service, or  
52 (iii) is a discharged LGBT veteran, as defined in section three hundred  
53 fifty of the executive law, and has received a discharge other than bad  
54 conduct or dishonorable from such service, shall, upon his or her  
55 request and submission of proof as set forth herein, contain a distin-  
56 guishing mark, in such form as the commissioner shall determine, indi-

1 cating that he or she is a veteran. Such proof shall consist of a  
 2 certificate of release or discharge from active duty including but not  
 3 limited to a DD Form 214 or other proof satisfactory to the commission-  
 4 er. The commissioner shall not require fees for the issuance of such  
 5 identification cards or renewals thereof to persons under twenty-one  
 6 years of age which are different from the fees required for the issuance  
 7 of identification cards or renewals thereof to persons twenty-one years  
 8 of age or over, nor fees to persons requesting a veteran distinguishing  
 9 mark which are different from fees that would otherwise be required.  
 10 Provided, however, that notwithstanding the provisions of section four  
 11 hundred ninety-one of this article, the commissioner shall not require  
 12 any fees for the duplication or amendment of an identification card  
 13 prior to its renewal if such duplication or amendment was solely for the  
 14 purpose of adding a veteran distinguishing mark to such identification  
 15 card.

16 § 80. Paragraph (a-1) of subdivision 1 of section 504 of the vehicle  
 17 and traffic law, as amended by chapter 429 of the laws of 2014, is  
 18 amended to read as follows:

19 (a-1) Every license or renewal thereof issued to an applicant who was  
 20 a member of the armed forces of the United States and who (i) received  
 21 an honorable discharge or was released therefrom under honorable condi-  
 22 tions, or (ii) has a qualifying condition, as defined in section three  
 23 hundred fifty of the executive law, and has received a discharge other  
 24 than bad conduct or dishonorable from such service, or (iii) is a  
 25 discharged LGBT veteran, as defined in section three hundred fifty of  
 26 the executive law, and has received a discharge other than bad conduct  
 27 or dishonorable from such service, shall, upon his or her request and  
 28 submission of proof as set forth herein, contain a distinguishing mark,  
 29 in such form as the commissioner shall determine, indicating that he or  
 30 she is a veteran. Such proof shall consist of a certificate of release  
 31 or discharge from active duty including but not limited to a DD Form 214  
 32 or other proof satisfactory to the commissioner. The commissioner shall  
 33 not require fees for the issuance of such licenses or renewals thereof  
 34 to persons requesting a veteran distinguishing mark which are different  
 35 from fees otherwise required; provided, however, that notwithstanding  
 36 the provisions of this section, the commissioner shall not require fees  
 37 for a duplication or amendment of a license prior to its renewal if such  
 38 duplication or amendment was solely for the purpose of adding a veteran  
 39 distinguishing mark to such license.

40 § 81. Paragraph (a) of subdivision 8 of section 15 of the workers'  
 41 compensation law, as amended by chapter 635 of the laws of 1996, is  
 42 amended to read as follows:

43 (a) Declaration of policy and legislative intent. As a guide to the  
 44 interpretation and application of this subdivision, the policy and  
 45 intent of this legislature is declared to be as follows:

46 First: That every person in this state who works for a living is enti-  
 47 tled to reasonable opportunity to maintain his independence and self-  
 48 respect through self-support even after he/she has been physically hand-  
 49 icapped by injury or disease;

50 Second: That any plan which will reasonably, equitably and practically  
 51 operate to break down hindrances and remove obstacles to the employment  
 52 of partially disabled persons who (i) are honorably discharged from our  
 53 armed forces, or (ii) have a qualifying condition, as defined in section  
 54 three hundred fifty of the executive law, and received a discharge other  
 55 than bad conduct or dishonorable from such service, or (iii) are  
 56 discharged LGBT veterans, as defined in section three hundred fifty of

1 the executive law, and received a discharge other than bad conduct or  
2 dishonorable from such service, or any other physically handicapped  
3 persons, is of vital importance to the state and its people and is of  
4 concern to this legislature;

5 Third: That it is the considered judgment of this legislature that the  
6 system embodied in this subdivision, which makes a logical and equitable  
7 adjustment of the liability under the workers' compensation law which an  
8 employer must assume in hiring employees, constitutes a practical and  
9 reasonable approach to a solution of the problem for the employment of  
10 physically handicapped persons.

11 Moreover, because of the insidious nature of slowly developing  
12 diseases such as silicosis and other dust diseases and because of the  
13 reluctance on the part of employers to employ persons previously exposed  
14 to silica or other harmful dust, means should also be provided whereby  
15 employers will be encouraged to employ and to continue the employment of  
16 such persons, by apportioning liability fairly between the employer and  
17 industry as a whole without at the same time removing any incentive for  
18 the prevention of harmful dust diseases.

19 § 82. This act shall take effect one year after it shall have become a  
20 law; provided, however that the amendments to subdivision 7 of section  
21 369-h of the executive law made by section twenty-five of this act shall  
22 not affect the repeal of such section and shall be deemed repealed ther-  
23 ewith. Effective immediately, the addition, amendment and/or repeal of  
24 any rule or regulation necessary for the implementation of this act on  
25 its effective date are authorized to be made and completed on or before  
26 such effective date.

STATE OF NEW YORK

1866--B

2019-2020 Regular Sessions

IN SENATE

January 17, 2019

Introduced by Sens. BRESLIN, ADDABBO, FUNKE, HARCKHAM -- 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 retirement and social security law, in relation to increasing the retiree earnings cap

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

1 Section 1. Subdivision 2 of section 212 of the retirement and social  
2 security law, as amended by chapter 74 of the laws of 2006, is amended  
3 to read as follows:

4 2. The earning limitations for retired persons in positions of public  
5 service under this section shall be in accordance with the following  
6 table:

7	For the year	Earnings limitation
8	1996	\$12,500
9	1997	\$13,500
10	1998	\$14,500
11	1999	\$15,500
12	2000	\$17,000
13	2001	\$18,500
14	2002	\$20,000
15	2003	\$25,000
16	2004	\$27,500
17	2005 and 2006	\$27,500
18	2007 [ <del>and thereafter</del> ] <u>through 2019</u>	\$30,000
19	<u>2020 and thereafter</u>	<u>\$35,000</u>

20 § 2. This act shall take effect immediately.

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

LBD00537-07-9

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

This bill would amend subdivision 2 of section 212 of the Retirement and Social Security Law to increase the earnings limitation for retired members in positions of public employment to \$35,000 for the calendar year 2020 and thereafter. The earnings limitation for the calendar year 2019 is \$30,000.

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 2019-9 dated January 15, 2019 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2019 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:

This bill will amend Section 212 of the Retirement and Social Security Law to set the amount a retired person may earn in public employment without reduction in retirement allowance during the year 2020 and thereafter to \$35,000.

If this bill is enacted during the 2019 legislative session, insofar as it would affect the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, the resulting 16.7% increase over the current \$30,000 limit, in place since 2007, is less than the increase in the consumer price index over the same period and thus would not affect retirement patterns. Therefore, the annual cost is estimated 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 23, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-34,

prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY OF BILL: This proposed legislation would amend Retirement and Social Security Law (RSSL) Section 212 to increase the earnings limit of certain New York City Retirement Systems and Pension Funds (NYCRS) retirees who return to Public Service.

Effective Date: Upon enactment.

IMPACT ON BENEFITS: Retirees who return to Public Service and elect to be covered under the provisions of RSSL Section 212 are permitted to earn an amount not exceeding a specific dollar limit in a calendar year without loss, suspension, or diminution of their retirement allowances. Once this dollar limit is reached, the retiree's pension is suspended for the remainder of that calendar year. Generally, there are no earnings limitations in, or following, the calendar year in which the retiree attains age 65.

Currently, the dollar limitation in effect for Calendar Year 2007 and thereafter is \$30,000.

Under the proposed legislation, if enacted, the RSSL Section 212 post-retirement Public Service earnings limitation would be increased to \$35,000 for Calendar Year 2020 and thereafter.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: The Actuary estimates that the potential impact of the proposed legislation would be to increase pension payments in Calendar Year 2020 from the NYCRS by approximately \$310,000. In accordance with Administrative Code of the City of New York (ACCNYS) 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. However, since changes in the applicable retirement allowances paid to the NYCRS retired members under this proposed legislation are not known in advance, the increase in pension payments due to this legislation has been treated as an actuarial loss. These actuarial losses were amortized over a 15-year period (14 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments for the purpose of this Fiscal Note.

Overall, the Actuary believes the changes in employer contributions to the NYCRS as a result of enactment of the proposed legislation would be approximately \$37,000 in the first year. Future years' costs in addition to the aforementioned cost would depend on factors such as, but not limited to, the number of retirees that benefit under the legislation.

OTHER COSTS: Not measured in this Fiscal Note are the following:

\* The initial, additional administrative costs of the NYCRS and other New York City agencies to implement the proposed legislation.

\* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the UAL would be reflected for the first time in the June 30, 2020 actuarial valuations of the NYCRS. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2022.

CENSUS DATA: For purposes of analyzing the impact of the proposed legislation, data on retirees reemployed in Public Service was furnished by the NYCRS. This data averaged over the past five years was considered illustrative of those who could potentially be impacted by this proposed legislation. The average for calendar years 2013 to 2017 of the number



of retirees that would benefit from this proposal legislation was approximately 90.

**ACTUARIAL ASSUMPTIONS AND METHODS:** The changes in the employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2018 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2020 employer contributions of the NYCERS.

**RISK AND UNCERTAINTY:** The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

**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, 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 2019-20 dated May 16, 2019 was prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New York City Police Pension Fund, and the New York City Fire Pension Fund. This estimate is intended for use only during the 2019 Legislative Session.

STATE OF NEW YORK

5611

2019-2020 Regular Sessions

IN SENATE

May 8, 2019

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

AN ACT to allow deputy sheriffs Matthew Ashton, Bradley Hamilton, and Joshua Whitney to join the optional twenty-five year retirement plan, county of Washington

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 Washington, a participating employer in the New York state  
3 employees' retirement system, which previously elected to offer the  
4 optional twenty-five year retirement plan, established pursuant to arti-  
5 cle 14-B of the retirement and social security law, is hereby authorized  
6 to make participation in such plan available to Matthew Ashton, Bradley  
7 Hamilton, and Joshua Whitney, deputy sheriffs employed by the county of  
8 Washington, who, for reasons not ascribable to their own negligence  
9 failed to make a timely application to participate in such optional  
10 twenty-five year retirement plan. The county of Washington may so elect  
11 by filing with the state comptroller, on or before 180 days after this  
12 act shall have become a law, a resolution of its governing body together  
13 with certification that such deputy sheriffs did not bar themselves from  
14 participation in such retirement plan. Thereafter, such deputy sheriffs,  
15 may individually elect to be covered by the provisions of section 551 of  
16 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 one year after this act shall have become a law.

20 § 2. All past service costs associated with implementing the  
21 provisions of this act shall be borne by the county of Washington and  
22 may be amortized over a period of five years.

23 § 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.

LBD04995-03-9

This bill will allow the county of Washington to elect to reopen the provisions of Section 551 of the Retirement and Social Security Law for deputy sheriffs Matthew Ashton, Bradley Hamilton and Joshua Whitney.

If this bill is enacted during the 2019 legislative session and these three deputy sheriffs become covered under the provisions of Section 551, we anticipate that there will be an increase of approximately \$9,700 in the annual contributions of Washington County for the fiscal year ending March 31, 2020. 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 \$83,800 which will be borne by Washington County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If Washington County elects to amortize this cost over a 5 year period, the cost for the first year including interest would be \$19,100.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 28, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-96, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

4135--A

2019-2020 Regular Sessions

IN SENATE

March 1, 2019

Introduced by Sen. SKOUFIS -- 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 authorize the city of Newburgh, in the county of Orange, to offer an optional twenty year retirement plan to police officer Samuel Kenan Jr.

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

1 Section 1. Samuel Kenan Jr., a police officer who was previously  
2 employed from May 28, 1996 through October 6, 2001 by the city of  
3 Newburgh, in the county of Orange, a participating employer in the New  
4 York state and local police and fire retirement system, and who is  
5 currently employed by the city of Peekskill, for reasons not ascribable  
6 to his own negligence failed to make a timely application to participate  
7 in the optional twenty year retirement plan established pursuant to  
8 section 384-d of the retirement and social security law while employed  
9 by the city of Newburgh. Notwithstanding any other provision of law to  
10 the contrary, upon the city of Newburgh filing with the state comp-  
11 troller, within one year of the effective date of this act, a resolution  
12 of the city council together with certification that such police officer  
13 did not bar himself from participation in such retirement plan as a  
14 result of his own negligence, such police officer may elect to be grant-  
15 ed full credit in the special twenty year plan for such service rendered  
16 with the city of Newburgh by filing a request to that effect with the  
17 state comptroller within eighteen months of the effective date of this  
18 act.

19 § 2. All employer past service costs associated with implementing the  
20 provisions of this act shall be borne by the city of Newburgh and may be  
21 amortized over a ten year period.

22 § 3. This act shall take effect immediately.

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

LBD09548-04-9

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

This bill will grant Samuel Kenan Jr., a Tier 2 member of the New York State and Local Police and Fire Retirement System, additional service creditable under the provisions of section 384-d of the Retirement and Social Security Law, for time worked as a police officer with the City of Newburgh between May 1996 and October 2001. Such service is currently creditable only in the age 55 retirement plan of section 375-i. Officer Kenan is currently employed by the City of Peekskill and covered under 384-d.

If this bill is enacted, there will be no change in anticipated future annual costs as the member continues to be covered by 384-d. There will be an immediate past service costs of \$178,000 to be borne by the City of Newburgh as a one-time payment. This cost assumes a payment date of February 1, 2020. If the City of Newburgh elects to amortize this cost over a 10 year period, the cost for the first year would be \$23,700.

**Summary of relevant resources:**

The membership data used in measuring the impact of the proposed change was the same as used in the March 31, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 15, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-75, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

6367

2019-2020 Regular Sessions

IN SENATE

June 6, 2019

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

AN ACT to amend chapter 504 of the laws of 2009 amending the retirement and social security law and other laws relating to establishing police and fire retirement provisions, in relation to a special retirement plan for certain members of the New York state and local police and fire retirement system

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

1 Section 1. Section 8 of part A of chapter 504 of the laws of 2009  
2 amending the retirement and social security law and other laws relating  
3 to establishing police and fire retirement provisions, as amended by  
4 chapter 263 of the laws of 2016, is amended to read as follows:

5 § 8. (a) Notwithstanding any provision of law to the contrary, nothing  
6 in this act shall limit the eligibility of any member of an employee  
7 organization to join a special retirement plan open to him or her pursu-  
8 ant to a collectively negotiated agreement with any state or local  
9 government employer, where such agreement is in effect on the effective  
10 date of this act and so long as such agreement remains in effect there-  
11 after; provided, however, that any such eligibility shall not apply upon  
12 termination of such agreement for employees otherwise subject to the  
13 provisions of article [~~twenty-two~~] 22 of the retirement and social secu-  
14 rity law.

15 (b) Notwithstanding any other provision of law to the contrary, any  
16 member of a retirement system within New York state who became a member  
17 of such system on or after July 1, 2009 and before January 10, 2010 and  
18 subsequently become a member of the New York state and local police and  
19 fire retirement system and thereafter transferred his or her membership  
20 in the first retirement system to the New York state and local police  
21 and fire retirement system may elect to be covered by the provisions of  
22 article [~~twenty-two~~] 22 of the retirement and social security law effec-

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

LBD11962-06-9

1 tive on the date of membership in the first retirement system. Such  
2 member shall also be permitted to elect any special retirement plan  
3 available to him or her. Any contributions for previous pension benefits  
4 shall not be refunded.

5 (c) Notwithstanding any other provision of law to the contrary any  
6 member of the New York state and local police and fire retirement system  
7 who became a member on or after July 1, 2009 and before January 9, 2010  
8 may join a special retirement plan open to him or her pursuant to a  
9 collective negotiated agreement with any state or local government  
10 employer, where such agreement was in effect on or after July 1, 2009  
11 and before January 9, 2010 or such agreement was expired but continued  
12 pursuant to section 209 of the civil service law on or after July 1,  
13 2009 and before January 9, 2010.

14 (d) Any member of the New York state and local police and fire retire-  
15 ment system who elects coverage of a special retirement plan pursuant to  
16 subdivision (c) of this section shall be considered a member subject to  
17 all the terms and conditions of article 11 of the retirement and social  
18 security law.

19 § 2. No employee contributions made to the New York state and local  
20 police and fire retirement system by any police officer or firefighter  
21 who elects to make such change in plan coverage pursuant to this act  
22 shall be returned to such officer or firefighter. Such employee contrib-  
23 ution shall be used to offset any past service costs incurred by opera-  
24 tion of the provisions of this act.

25 § 3. This act shall take effect immediately.

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

This bill would amend Chapter 504 of the Laws of 2009 to allow indi-  
viduals who became a member of the New York State and Local Police and  
Fire Retirement System (PFRS) on or after July 1, 2009 and before Janu-  
ary 9, 2010, to make an irrevocable election to become covered by the  
provisions of Tier 2. Any member who elects to become covered would not  
receive a refund of member contributions.

If this bill is enacted during the 2019 legislative session, there  
will be an increase in annual contributions made to PFRS on behalf of  
affected members by such member's employers based upon the current and  
resulting plan coverage. For the fiscal year ending March 31, 2020,  
anticipated increases in employer contribution rates, as a percent of  
salary, are approximately

	Current Plan		
Resulting			
Tier 2 Plan	Tier 3	Tier 5	Tier 5
		Contributory	Non-Contrib
384-d	0.1%	4.5%	1.1%
384-e	0.9%	4.5%	1.1%
381-b	2.8%	4.6%	

In future years, these costs will vary as billing rates and salaries  
change.

This proposal is expected to affect 231 active members earning a sala-  
ry of approximately \$21.6 million as of March 31, 2018.

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, 2018 actuarial valu-  
ation. Distributions and other statistics can be found in the 2018  
Report of the Actuary and the 2018 Comprehensive Annual Financial  
Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated May 16, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-112, 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

1577

2019-2020 Regular Sessions

IN SENATE

January 15, 2019

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

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

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, Adam Markel,  
2 who was employed as a part-time employee with the state university of  
3 New York at Buffalo with a start date of September 5, 2006 until April  
4 14, 2009, and who is currently a member of the New York state and local  
5 police and fire retirement system, who through no fault of his own did  
6 not become a member of the New York state and local employees' retire-  
7 ment system on September 5, 2006 when first employed by the state  
8 university at Buffalo shall be deemed to have been a member of the New  
9 York state and local employees' retirement system on such date and such  
10 service credit shall be transferred to the New York state and local  
11 police and fire retirement system, provided that an application is filed  
12 with the head of the New York state and local police and fire retirement  
13 system within one year from the effective date of this act.

14 § 2. No contributions made to the New York state and local police and  
15 fire retirement system by Adam Markel shall be returned or refunded to  
16 him pursuant to this act.

17 § 3. All past service costs associated with the implementation of this  
18 act shall be borne by the state university of New York at Buffalo.

19 § 4. This act shall take effect immediately.

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

This bill will grant Tier 2 status in the New York State and Local Police and Fire Retirement System to Adam Markel, a current Tier 5 member employed by the City of Buffalo, by changing his date of membership to September 5, 2006, his first date of employment with the State

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

LBD02966-02-9

University of New York at Buffalo. There will be no refund of member contributions.

If this bill is enacted during the 2019 legislative session, we anticipate that there will be an increase of approximately \$3,800 in the annual contributions of the City of Buffalo for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of Adam Markel change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$11,900 which will be borne by the State University of New York at Buffalo as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2020.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgement of an attorney.

This estimate, dated January 8, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-7, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 207

TO THE SENATE:

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

Senate Bill Number 1577, entitled:

"AN ACT granting retroactive membership in the New York State and local employees' retirement system to Adam Markel"

Senate Bill Number 6382, entitled:

"AN ACT granting retroactive membership in the New York State and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide public employees with a variety of enhanced

retirement benefits without offering any funding source to cover their costs in the current fiscal year or in future years. They also contravene the State's recent enactment of two new pension tiers (Tier V and Tier VI) to reduce taxpayer costs and existing law disallowing deputy sheriff service as creditable service in the New York State and Local Police and Fire Retirement System 20-year police retirement plan.

I have vetoed similar or identical bills in each of the past several years because they circumvented recent pension tier reform, and the costs imposed were not accounted for in State and local financial plans. 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 to 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. I am therefore constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

4308--A

Cal. No. 316

2019-2020 Regular Sessions

IN SENATE

March 7, 2019

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

AN ACT to amend the retirement and social security law, in relation to criminal justice faculty employed by a community college

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

1 Section 1. Section 211 of the retirement and social security law is  
2 amended by adding a new subdivision 9 to read as follows:

3 9. Any person employed by a community college as a faculty member  
4 under a criminal justice program of the state university of New York or  
5 city university of New York who retired from public employment while a  
6 member of the New York state and local police and fire retirement  
7 system, the New York city police pension fund, or the New York city fire  
8 department pension fund and who is entitled to receive a retirement  
9 allowance from such retirement system prior to the commencement date of  
10 such employment by a community college shall automatically be deemed to  
11 have been granted a waiver of retirement earnings limitation and such  
12 person may be employed by a community college without loss, suspension  
13 or diminution of his or her retirement allowance. Any person employed  
14 by a community college as a faculty member under a criminal justice  
15 program of the state university of New York or city university of New  
16 York who has not retired as a member of the New York state and local  
17 police and fire retirement system, the New York city police pension  
18 fund, or the New York city fire department pension fund shall not auto-  
19 matically be deemed to have been granted a waiver of retirement earnings  
20 limitation.

21 § 2. 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.

LBD06636-03-9

This bill will allow certain retirees of the New York State and Local Police and Fire Retirement System (NYSLPFRS), the New York City Police Pension Fund (NYCPPF), and the New York City Fire Department Pension Fund (NYCFDPF) to work in a community college as a faculty member of a criminal justice program of the state university of New York or city university of New York to automatically be deemed to have been granted a waiver of retirement earnings limitation without loss, suspension or diminution of his or her retirement allowance. Any such person employed who has not retired from the NYSLPFRS, NYCPPF or NYCFDPF shall not automatically be deemed to have been granted a waiver of retirement earnings limitation.

If this bill is enacted, insofar as it will affect the New York State and Local Police and Fire Retirement System, we expect few retirees to be affected. There would be negligible additional annual costs. However, if large numbers of retirees are hired into such positions, there would be additional annual costs which would be shared by the state of New York and all of the participating employers in the 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 5, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-87, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY OF BILL: This proposed legislation would amend Retirement and Social Security Law (RSSL) Section 211 to permit eligible retirees of the New York City Police Pension Fund (POLICE) or the New York City Fire Pension Fund (FIRE) to serve as faculty members in the criminal justice programs of the State University of New York (SUNY) or City University of New York (CUNY) by way of an automatic post-retirement earnings waiver pursuant to the provisions of RSSL Section 211.

Effective Date: Upon enactment.

IMPACT ON PENSION PAYMENTS: Currently, retirees of public pension funds and retirement systems who return to public service within New York, and do not rejoin the applicable public fund or system, are generally subject to various post-retirement earnings restrictions. Police and Fire retirees are subject to, among other things, post-retirement earnings restrictions as provided in RSSL Sections 211 and 212.

Those who elect to be covered under the provisions of RSSL Section 212 are permitted to earn post-retirement earnings from a public employer in an amount not exceeding a specific dollar limit in each calendar year



without loss, suspension, or diminution of their retirement allowances. Once this dollar limit is reached, the retiree's retirement allowance is suspended for the remainder of that calendar year. Generally, there are no earnings limitations in, or following, the calendar year in which the retiree attains age 65. Currently, the RSSL Section 212 post-retirement earnings limitation in effect for calendar year 2007 and each year thereafter is \$30,000.

When certain exigent criteria are met and approval is given to the employer by a specially designated entity, a waiver pursuant to RSSL Section 211 may be granted, for a two-year period. Under RSSL Section 211, there is no salary restriction for reemployment with a public entity that is not the former employer.

Under the proposed legislation, if enacted, the RSSL Section 211 post-retirement public service earnings waiver would be automatically granted, without the need to satisfy the criteria currently required pursuant to RSSL Section 211, to retired Police and Fire members employed as a faculty member in a SUNY or CUNY criminal justice program.

For purposes of this fiscal note, it has been assumed that Police and Fire retirees who are or would be employed as faculty members in a SUNY or CUNY criminal justice program would not be subject to any post-retirement earnings limitation pursuant to RSSL Section 211 since they would not be working for their former employer.

For illustrative purposes only, the table below presents the estimated additional retirement allowances paid if RSSL Section 211 waivers are granted in lieu of applying RSSL Section 212 post-retirement earnings limitation for various sample combinations of post-retirement annual earnings and annual retirement allowance amounts.

Annual Retirement Allowance	Annual Post-Retirement Earnings in Calendar Year		
	\$40,000	\$50,000	\$60,000
\$30,000	\$ 7,500	\$12,000	\$15,000
\$40,000	\$10,000	\$16,000	\$20,000
\$50,000	\$12,500	\$20,000	\$25,000
\$60,000	\$15,000	\$24,000	\$30,000
\$70,000	\$17,500	\$28,000	\$35,000

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Administrative Code of the City of New York (ACCNY) Section 13-638.2(k-2), 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. However, since changes in the applicable retirement allowances paid to Police and Fire retirees under this proposed legislation are not known in advance, the increase in pension payments due to this legislation would be treated as an actuarial loss. These actuarial losses would be amortized over a 15-year period (14 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments.

The number of Police and Fire retirees who could potentially be impacted by this proposed legislation cannot be readily determined. However, the Actuary believes the increase in pension payments, if the proposed legislation is enacted, would be approximately \$1.5 million to \$2.0 million per year for each 100 faculty SUNY and CUNY criminal justice program positions created for eligible Police and Fire service retirees. This would result in an increase in annual employer contributions of \$180,000 to \$240,000 compounded each year (e.g. \$240,000 in

the first year, \$480,000 in the second year, \$720,000 in the third year, etc.) for 14 years and then will remain level thereafter, assuming 100 such faculty members are employed each year. Future years' costs would depend on factors such as, but not limited to, the number of retirees that benefit under the legislation and the amount of their earnings and retirement allowances.

OTHER COSTS: Not measured in this Fiscal Note are the following:

\* The initial, additional administrative costs of POLICE, FIRE and other New York City agencies to implement the proposed legislation.

\* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the Present Value of future employer contributions and annual employer contributions would be reflected for the first time in the June 30, 2020 actuarial valuations of POLICE and FIRE. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2022.

CENSUS DATA: For purposes of analyzing the impact of the proposed legislation, illustrative examples with various salary and retirement allowance amounts have been provided above.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2018 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2020 employer contributions of POLICE and FIRE.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

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, 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 2019-06 dated April 11, 2019 was prepared by the Chief Actuary for the New York City Police Pension Fund and the New York City Fire Pension Fund. This estimate is intended for use only during the 2019 Legislative Session.

VETO MESSAGE - No. 219

TO THE SENATE:

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

Senate Bill Number 4308-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to criminal justice faculty employed by a community college"

NOT APPROVED

This bill would amend Section 211 of the Retirement and Social Security Law to permit eligible retirees of the New York State and Local Police and Retirement System, the New York City Police Pension Fund, or the New York City Fire Pension Fund to collect their full pension while serving as faculty for criminal justice programs of the community colleges within State University of New York ("SUNY") or City University of New York ("CUNY") systems. These retirees would no longer need to satisfy the Section 211 provisions requiring an urgent need for the retiree's services for a position and the employer to undertake extensive recruitment efforts to fill the vacancy before hiring the retiree. This exception would circumvent the publicly transparent Section 211 waiver process.

Section 211 already permits retirees to receive post-retirement earnings from a public employer up to a capped amount in a calendar year without loss, suspension, or diminution of their retirement benefits. This capped amount was recently increased to \$35,000 in Chapter 589 of the Laws of 2019. The clear intent of Section 211 is to restrict the circumstances in which a retiree can receive a full pension from New York State.

Furthermore, there are no automatic, blanket exceptions to the Section 211 waiver process except for retired police officers employed as a school resource officer. This sole exception was authorized in response to school attacks across the nation. This bill would set problematic precedent by creating an exception that is not based on a critical or urgent need.

Since there is already a process for hiring criminal justice instructors at community colleges within SUNY and CUNY systems under the current construct, I am constrained to veto this bill.

STATE OF NEW YORK

6382

2019-2020 Regular Sessions

IN SENATE

June 7, 2019

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

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.

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

This bill will grant Tier 3 status in the New York State and Local Employees' Retirement System to Steven R. Grice, a current Tier 6 member employed by the county of Genesee, by changing his date of membership to June 22, 1981, his first date of employment with the county of Genesee. There will be no refund of member contributions. As a Tier 3 member with

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

LBD02405-02-9

over 10 years of membership, he will no longer be required to make 3% member contributions.

If this bill is enacted during the 2019 legislative session, we anticipate that there will be an increase of approximately \$4,900 in the annual contributions of the county of Genesee for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of Steven Grice change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$8,430 which will be borne by the county of Genesee as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated May 16, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-123, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 231

TO THE SENATE:

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

Senate Bill Number 1577, entitled:

"AN ACT granting retroactive membership in the New York State and local employees' retirement system to Adam Markel"

Senate Bill Number 6382, entitled:

"AN ACT granting retroactive membership in the New York State and local employees' retirement system to Steven R. Grice"

NOT APPROVED

These bills would provide public employees with a variety of enhanced retirement benefits without offering any funding source to cover their

costs in the current fiscal year or in future years. They also contravene the State's recent enactment of two new pension tiers (Tier V and Tier VI) to reduce taxpayer costs and existing law disallowing deputy sheriff service as creditable service in the New York State and Local Police and Fire Retirement System 20-year police retirement plan.

I have vetoed similar or identical bills in each of the past several years because they circumvented recent pension tier reform, and the costs imposed were not accounted for in State and local financial plans. 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 to 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. I am therefore constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

4724

2019-2020 Regular Sessions

IN SENATE

March 22, 2019

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

AN ACT in relation to granting William J. Cooley additional service credit with the New York state and local police and fire retirement system

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

1 Section 1. Notwithstanding any other provision of law, William J.  
2 Cooley, currently a city of Buffalo police officer and member of the New  
3 York state and local police and fire retirement system covered by  
4 section 384-d of the retirement and social security law, who for the  
5 period beginning November 12, 2002 and ending in July of 2006, was  
6 employed as a deputy sheriff by the Erie County Sheriff's Department  
7 where he was a member of the New York state and local employees' retire-  
8 ment system, and who, for reasons not ascribable to his own negligence,  
9 was not granted service credit under section 384-d of the retirement and  
10 social security law for his period of employment with the Erie County  
11 Sheriff's Department, shall be granted such service credit under section  
12 384-d of the retirement and social security law, if on or before the  
13 thirty-first of December next succeeding the effective date of this act,  
14 he shall file a written request to that effect with the state comp-  
15 troller.

16 § 2. All past service costs incurred in implementing the provisions of  
17 this act shall be borne by the city of Buffalo.

18 § 3. This act shall take effect immediately.

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

This bill will grant service credit under section 384-d of the Retirement and Social Security Law to William J. Cooley, a current member of the New York State and Local Police and Fire Retirement System (PFRS), for the period of November 12, 2002 through July of 2006, during which he was employed as a deputy sheriff in Erie County. Currently, deputy

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

LBD02857-02-9

sheriff service is not creditable in a PFRS twenty year police retirement plan.

If this bill is enacted during the 2019 legislative session, there will be an immediate past service cost of approximately \$352,000 which will be borne by the City of Buffalo as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020.

There will be no increase in the annual contributions of the City of Buffalo.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017, and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 21, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-94, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 235

TO THE SENATE:

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

Senate Bill Number 4724, entitled:

"AN ACT in relation to granting William J. Cooley additional service credit with the New York state and local police and fire retirement system"

Senate Bill Number 4725, entitled:

"AN ACT to authorize Patrick Humiston to receive certain service credit under section 384-d of the retirement and social security law"

NOT APPROVED

These bills would allow two police officers to transfer service credit accrued while they were employed with the Erie County Sheriff's Depart-



ment to the pension plan of the City of Buffalo Police Department. While granting this credit creates a precedent, these two officers were laid off from the City of Buffalo in July of 2002, and due to no fault of their own were not hired back by the City once re-hiring began. The City of Buffalo has provided a home rule message indicating its support.

However, because these bills provide transfer of service credit for time earned as Erie County Deputy Sheriffs prior to the date that the City of Buffalo should have rehired them, I am constrained to veto these bills as written.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

4725

2019-2020 Regular Sessions

IN SENATE

March 22, 2019

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

AN ACT to authorize Patrick Humiston to receive certain service credit under section 384-d of the retirement and social security law

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, Patrick Humi-  
2 ston, currently a city of Buffalo police officer and member of the New  
3 York State and local police and fire retirement system covered under  
4 section 384-d of the retirement and social security law, who for a peri-  
5 od beginning November 12, 2002 and ending August 21, 2006, was employed  
6 as a deputy sheriff by the Erie County Sheriff's Department where he was  
7 a member of the New York state and local employees' retirement system,  
8 and who, for reasons not ascribable to his own negligence, was not  
9 granted service credit under section 384-d of the retirement and social  
10 security law for his period of employment with the Erie County Sheriff's  
11 Department, shall be granted such service credit under section 384-d of  
12 the retirement and social security law and shall be entitled to the full  
13 rights and benefits associated with coverage under such section as well  
14 as section 384-e of such law, provided that a request to that effect is  
15 filed with the state comptroller within one year from the effective date  
16 of this act.

17 § 2. All past service costs incurred in implementing the provisions of  
18 this act shall be borne by the city of Buffalo.

19 § 3. This act shall take effect immediately.

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

This bill will grant service credit under section 384-d together with section 384-e of the Retirement and Social Security Law to Patrick J. Humiston, a current member of the New York State and Local Police and Fire Retirement System (PFRS), for the period of November 12, 2002 through August 21, 2006, during which he was employed as a deputy sher-

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

LBD02951-02-9

iff in Erie County. Currently, deputy sheriff service is not creditable in a PFRS twenty year police retirement plan.

If this bill is enacted during the 2019 legislative session, there will be an immediate past service cost of approximately \$237,000 which will be borne by the City of Buffalo as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020.

There will be no increase in the annual contributions of the City of Buffalo.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017, and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 21, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-93, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 236

TO THE SENATE:

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

Senate Bill Number 4724, entitled:

"AN ACT in relation to granting William J. Cooley additional service credit with the New York state and local police and fire retirement system"

Senate Bill Number 4725, entitled:

"AN ACT to authorize Patrick Humiston to receive certain service credit under section 384-d of the retirement and social security law"

NOT APPROVED

These bills would allow two police officers to transfer service credit accrued while they were employed with the Erie County Sheriff's Department

ment to the pension plan of the City of Buffalo Police Department. While granting this credit creates a precedent, these two officers were laid off from the City of Buffalo in July of 2002, and due to no fault of their own were not hired back by the City once re-hiring began. The City of Buffalo has provided a home rule message indicating its support.

However, because these bills provide transfer of service credit for time earned as Erie County Deputy Sheriffs prior to the date that the City of Buffalo should have rehired them, I am constrained to veto these bills as written.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

4436

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

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 disability benefits for firefighters employed by the division of military and naval affairs

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 two new sections 63-g and 63-h to read as follows:

3 § 63-g. Performance of duty disability retirement. a. Any member of  
4 the retirement system employed by the division of military and naval  
5 affairs shall be eligible to retire pursuant to the provisions of this  
6 section if he or she is an airport firefighter apprentice, airport fire-  
7 fighter I, airport firefighter II, airport firefighter III or training  
8 and safety officer.

9 b. Notwithstanding any provision of this chapter or of any general or  
10 special law to the contrary, any member who becomes physically or  
11 mentally incapacitated as the result of a disability, who is presently  
12 employed and who shall have sustained such disability while so employed  
13 and while actually a member of the retirement system, provided that such  
14 disability or death (A) was caused by the natural and proximate result  
15 of a disability, not caused by such firefighter's own willful negligence  
16 and (B) was incurred in the performance and discharge of duty, unless  
17 the contrary be proven by competent evidence, shall be paid a perform-  
18 ance of duty disability retirement benefit payable pursuant to this  
19 section.

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

- 22 1. Such member;
- 23 2. The head of the department in which such member is employed; or
- 24 3. Some person acting on behalf of and authorized by such member.

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

LBD06127-02-9

1 d. After the filing of such an application such member shall be given  
2 one or more medical examinations. If the comptroller determines that  
3 the member is physically or mentally incapacitated for the performance  
4 of duty and ought to be retired for performance of duty disability, such  
5 member shall be so retired. Such retirement shall be effective as of a  
6 date approved by the comptroller.

7 e. The retirement allowance payable upon retirement for performance of  
8 duty disability shall consist of a pension of one-half of his or her  
9 final average salary plus an annuity which shall be the actuarial equiv-  
10 alent of such member's accumulated contributions, if any.

11 f. If the member, at the time of the filing of an application under  
12 the provisions of subdivision c of this section, is eligible for a  
13 service retirement benefit, then and in that event, such member may  
14 simultaneously file an application for service retirement in accordance  
15 with the provisions of section seventy of this article, provided that  
16 the member indicates on the application for service retirement that such  
17 application is filed without prejudice to the application for perform-  
18 ance of duty disability retirement.

19 g. Any benefit provided pursuant to this section shall not be consid-  
20 ered as an accidental disability benefit within the meaning of section  
21 sixty-four of this title. Any benefit payable pursuant to the workers'  
22 compensation law to a member receiving a disability allowance pursuant  
23 to this section shall be in addition to such retirement for disability  
24 incurred in performance of duty allowance.

25 § 63-h. Certain impairments of health; presumption. a. Any member of  
26 the retirement system employed by the division of military and naval  
27 affairs shall be eligible to retire pursuant to the provisions of this  
28 section if he or she is an airport firefighter apprentice, airport fire-  
29 fighter I, airport firefighter II, airport firefighter III or training  
30 and safety officer.

31 b. Notwithstanding any provision of this chapter or of any general or  
32 special law to the contrary, any condition of impairment of health  
33 caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii)  
34 condition of cancer affecting the lymphatic, digestive, hematological,  
35 urinary, neurological, breast, reproductive or prostate systems result-  
36 ing in disability to a member covered by this section, presently  
37 employed, who successfully passed a physical examination on entry into  
38 service as an airport firefighter apprentice, airport firefighter I,  
39 airport firefighter II, airport firefighter III or training and safety  
40 officer which examination failed to reveal evidence of any disease or  
41 other impairment of the heart or such melanoma or condition, shall be  
42 presumptive evidence that it was incurred in the performance and  
43 discharge of duty, unless the contrary be proven by competent evidence  
44 and shall be paid a performance of duty disability retirement allowance  
45 equal to that which is provided in section sixty-three of this title,  
46 subject to the provisions of section sixty-four of this title.

47 c. Notwithstanding any provision of this chapter or of any general or  
48 special law to the contrary, any condition of impairment of health  
49 caused by diseases of the lung, resulting in disability to a member  
50 covered by this section, presently employed, who successfully passed a  
51 physical examination on entry into service as an airport firefighter  
52 apprentice, airport firefighter I, airport firefighter II, airport fire-  
53 fighter III or training and safety officer, which examination failed to  
54 disclose evidence of any disease or other impairment of the lung, shall  
55 be presumptive evidence that it was incurred in the performance and  
56 discharge of duty, unless the contrary be proven by competent evidence

1 and shall be paid a performance of duty disability retirement allowance  
2 equal to that which is provided in section sixty-three of this title,  
3 subject to the provisions of section sixty-four of this title.

4 d. After the filing of an application such member shall be given one  
5 or more medical examinations. If the comptroller determines that the  
6 member is physically or mentally incapacitated for the performance of  
7 duty and ought to be retired for performance of duty disability, such  
8 member shall be so retired. Such retirement shall be effective as of a  
9 date approved by the comptroller.

10 e. If the member, at the time of the filing of such application, is  
11 eligible for a service retirement benefit, then and in that event, such  
12 member may simultaneously file an application for service retirement,  
13 provided that the member indicates on the application for service  
14 retirement that such application is filed without prejudice to the  
15 application for performance of duty disability retirement.

16 § 2. The retirement and social security law is amended by adding two  
17 new sections 607-i and 607-j to read as follows:

18 § 607-i. Performance of duty disability retirement. a. Any member of  
19 the retirement system employed by the division of military and naval  
20 affairs shall be eligible to retire pursuant to the provisions of this  
21 section if he or she is an airport firefighter apprentice, airport fire-  
22 fighter I, airport firefighter II, airport firefighter III or training  
23 and safety officer.

24 b. Notwithstanding any provision of this chapter or of any general or  
25 special law to the contrary, any member who becomes physically or  
26 mentally incapacitated as the result of a disability, who is presently  
27 employed and who shall have sustained such disability while so employed  
28 and while actually a member of the retirement system, provided that such  
29 disability or death (A) was caused by the natural and proximate result  
30 of a disability, not caused by such firefighter's own willful negligence  
31 and (B) was incurred in the performance and discharge of duty, unless  
32 the contrary be proven by competent evidence, shall be paid a perform-  
33 ance of duty disability retirement benefit payable pursuant to this  
34 section.

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

37 1. Such member;

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

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

40 d. After the filing of such an application such member shall be given  
41 one or more medical examinations. If the comptroller determines that  
42 the member is physically or mentally incapacitated for the performance  
43 of duty and ought to be retired for performance of duty disability, such  
44 member shall be so retired. Such retirement shall be effective as of a  
45 date approved by the comptroller.

46 e. The retirement allowance payable upon retirement for performance of  
47 duty disability shall consist of a pension of one-half of his or her  
48 final average salary plus an annuity which shall be the actuarial equiv-  
49 alent of such member's accumulated contributions, if any.

50 f. If the member, at the time of the filing of an application under  
51 the provisions of subdivision c of this section, is eligible for a  
52 service retirement benefit, then and in that event, such member may  
53 simultaneously file an application for service retirement in accordance  
54 with the provisions of section seventy of this chapter, provided that  
55 the member indicates on the application for service retirement that such

1 application is filed without prejudice to the application for perform-  
2 ance of duty disability retirement.

3 g. Any benefit provided pursuant to this section shall not be consid-  
4 ered as an accidental disability benefit within the meaning of section  
5 sixty-four of this chapter. Any benefit payable pursuant to the workers'  
6 compensation law to a member receiving a disability allowance pursuant  
7 to this section shall be in addition to such retirement for disability  
8 incurred in performance of duty allowance.

9 § 607-j. Certain impairments of health; presumption. a. Any member of  
10 the retirement system employed by the division of military and naval  
11 affairs shall be eligible to retire pursuant to the provisions of this  
12 section if he or she is an airport firefighter apprentice, airport fire-  
13 fighter I, airport firefighter II, airport firefighter III or training  
14 and safety officer.

15 b. Notwithstanding any provision of this chapter or of any general or  
16 special law to the contrary, any condition of impairment of health  
17 caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii)  
18 condition of cancer affecting the lymphatic, digestive, hematological,  
19 urinary, neurological, breast, reproductive or prostate systems result-  
20 ing in disability to a member covered by this section, presently  
21 employed, who successfully passed a physical examination on entry into  
22 service as an airport firefighter apprentice, airport firefighter I,  
23 airport firefighter II, airport firefighter III or training and safety  
24 officer which examination failed to reveal evidence of any disease or  
25 other impairment of the heart or such melanoma or condition, shall be  
26 presumptive evidence that it was incurred in the performance and  
27 discharge of duty, unless the contrary be proven by competent evidence  
28 and shall be paid a performance of duty disability retirement allowance  
29 equal to that which is provided in section sixty-three of this chapter,  
30 subject to the provisions of sections sixty-three and sixty-four of this  
31 chapter.

32 c. Notwithstanding any provision of this chapter or of any general or  
33 special law to the contrary, any condition of impairment of health  
34 caused by diseases of the lung, resulting in disability to a member  
35 covered by this section, presently employed, who successfully passed a  
36 physical examination on entry into service as an airport firefighter  
37 apprentice, airport firefighter I, airport firefighter II, airport fire-  
38 fighter III or training and safety officer, which examination failed to  
39 disclose evidence of any disease or other impairment of the lung, shall  
40 be presumptive evidence that it was incurred in the performance and  
41 discharge of duty, unless the contrary be proven by competent evidence  
42 and shall be paid a performance of duty disability retirement allowance  
43 equal to that which is provided in section sixty-three of this chapter,  
44 subject to the provisions of section sixty-four of this chapter.

45 d. After the filing of an application such member shall be given one  
46 or more medical examinations. If the comptroller determines that the  
47 member is physically or mentally incapacitated for the performance of  
48 duty and ought to be retired for performance of duty disability, such  
49 member shall be so retired. Such retirement shall be effective as of a  
50 date approved by the comptroller.

51 e. If the member, at the time of the filing of such application, is  
52 eligible for a service retirement benefit, then and in that event, such  
53 member may simultaneously file an application for service retirement,  
54 provided that the member indicates on the application for service  
55 retirement that such application is filed without prejudice to the  
56 application for performance of duty disability retirement.



1 § 3. This act shall take effect immediately.

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

This bill would grant improved disability pensions to airport fire-fighters and training and safety officers in the New York State division of military and naval affairs who sustain a disability in the performance of their duties equal to 50% of final average salary (FAS), or 75% of FAS less worker's compensation (WC) when such disability is related to heart disease, lung disease, or certain forms of cancer, unless the contrary be proven by competent evidence. Currently, affected members are entitled to an ordinary disability benefit of 1/3 of FAS.

If this bill is enacted during the 2019 legislative session, we anticipate that there will be an increase of approximately \$95,000 in the annual contributions of for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$725,000 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, 2020.

These estimated costs are based on 71 members having an annual salary for the fiscal year ending March 31, 2018 of approximately \$4.4 million.

Summary of relevant resources:

The identities of the members who are affected by this legislation are not obtainable from our database. Job title code data provided by the Civil Service Employees Association was relied upon to identify affected members.

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 22, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-30, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 246

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

5940

2019-2020 Regular Sessions

IN ASSEMBLY

February 20, 2019

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:

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

LBD07907-02-9

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

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

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

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

52 b-1. Notwithstanding any other provision of law to the contrary, the  
 53 service retirement benefit for members with twenty or more years of  
 54 [~~credit~~] **credited** service who first become a member of a public retire-  
 55 ment system of the state on or after April first, two thousand twelve at  
 56 age sixty-three, **or at age sixty-two for uniformed court officers or**

1 peace officers employed by the unified court system, shall be a pension  
 2 equal to the sum of thirty-five per centum and one-fiftieth of final  
 3 average salary for each year of service in excess of twenty times final  
 4 average salary times years of credited service. In no event shall any  
 5 retirement benefit payable without optional modification be less than  
 6 the actuarially equivalent annuitized value of the member's contrib-  
 7 utions accumulated with interest at five percent per annum compounded  
 8 annually to the date of retirement.

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

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

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

27 § 6. This act shall take effect immediately; provided that the amend-  
 28 ments to subdivision a of section 603 of the retirement and social secu-  
 29 rity law made by section two of this act shall not affect the expiration  
 30 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 bill is enacted during the 2019 legislative session, we antic-  
 ipate that there will be an increase of approximately 1.0% of the  
 compensation of the affected members. For the fiscal year ending March  
 31, 2020, this is estimated to be approximately \$560,000. In future  
 years, this cost will vary as the billing rates and salary of the  
 affected members change.

In addition to the annual contributions discussed above, there will be  
 an immediate past service cost of approximately \$2.02 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, 2020.

The estimated costs above are based on 795 members employed by the  
 unified court system as a uniformed court officer or peace officer with  
 a total estimated annual salary of approximately \$43 million for the  
 fiscal year ending March 31, 2018.

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, 2018 actuarial valu-  
 ation. Distributions and other statistics can be found in the 2018

Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 7, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-41, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 249

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to



deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

8003

2019-2020 Regular Sessions

IN ASSEMBLY

May 30, 2019

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 mandatory retirement age

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

1 Section 1. Subparagraph (f) of paragraph 1 and the opening paragraph  
2 of subparagraph (g) of paragraph 2 of subdivision e and subdivisions h  
3 and k of section 384 of the retirement and social security law, as  
4 amended by chapter 1043 of the laws of 1968, are amended to read as  
5 follows:  
6 (f) Upon completion of twenty-five years service, an additional  
7 pension, if required, of such amount as shall be necessary to increase  
8 the total amount of the benefits provided herein to one-half of his  
9 final average salary. The pension provided by this [~~sub-paragraph~~  
10 subparagraph] shall be payable only if a member retires from service on  
11 or before the last day of the calendar month next succeeding the calen-  
12 dar month in which he attains age [~~sixty-two~~] sixty-five. Provided,  
13 however, that in the case of any member who attained the age of [~~sixty-~~  
14 ~~two~~] sixty-five on or before July first, nineteen hundred sixty-six, to  
15 be eligible for additional pension credit under this [~~sub-paragraph~~]  
16 subparagraph, his service shall be terminated and he shall retire on or  
17 before December thirty-first, nineteen hundred sixty-seven. For the  
18 purpose only of determining the amount of the pension provided in this  
19 paragraph, the annuity shall be computed as it would be if it were not  
20 reduced by the actuarial equivalent of any outstanding loan, and if it  
21 were not increased by the actuarial equivalent of any additional  
22 contributions, and if it were not reduced by reason of the member's  
23 election to decrease his annuity contributions to the retirement system  
24 in order to apply the amount of such reduction in payment of his  
25 contributions for old-age and survivors insurance coverage.

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

LBD11684-02-9

1 Upon completion of twenty-five years service, an additional pension,  
2 if required, of such amount as shall be necessary to increase the total  
3 amount of the benefits provided herein to one-half of his final average  
4 salary. The pension provided by this [~~sub-paragraph~~] subparagraph shall  
5 be payable only if a member retires from service on or before the last  
6 day of the calendar month next succeeding the calendar month in which he  
7 attains age [~~sixty-two~~] sixty-five. Provided, however, that in the case  
8 of any member who attained the age of [~~sixty-two~~] sixty-five before or  
9 within one month after his employer first elected to assume all or part  
10 of the additional cost of service as provided by paragraph two of subdivi-  
11 sion d of this section, to be eligible for additional pension credit  
12 under this [~~sub-paragraph~~] subparagraph, his service shall be terminated  
13 and he shall retire within three months after his employer so elects or  
14 on or before December thirty-first, nineteen hundred sixty-eight, which-  
15 ever shall last occur.

16 h. Any officer or member of such organized fire department or organ-  
17 ized police force or department, may, within one year after he becomes  
18 such officer or member or within one year after his employer assumes the  
19 additional cost therefor, whichever shall last occur, elect to receive  
20 the additional benefits provided for by subdivision f [~~hereof~~] of this  
21 section. Any officer or member who elects to receive such benefits shall  
22 be separated from service on the first day of the calendar month next  
23 succeeding his attainment of age [~~sixty-two~~] sixty-five and the  
24 completion of twenty-five years of service, provided, however, that in  
25 the case of any officer or member who attained the age of [~~sixty-two~~]  
26 sixty-five before his employer assumed the additional cost therefor, or  
27 who attains the age of [~~sixty-two~~] sixty-five within one month after his  
28 employer assumes the additional cost therefor, to be eligible for addi-  
29 tional pension credit under subdivision f of this section, his service  
30 shall be terminated and he shall be retired within three months after  
31 his employer assumes the additional cost therefor or on or before Decem-  
32 ber thirty-first, nineteen hundred sixty-eight, whichever shall last  
33 occur, and provided further that a member who is a chief or commanding  
34 officer of a police department or police force shall retire on the first  
35 day of the calendar month next succeeding his attainment of age sixty-  
36 five; a member who is a chief or commanding officer of a police depart-  
37 ment or police force, who attained age sixty-five before his employer  
38 elected to provide this added benefit and has rendered twenty-five years  
39 of total creditable service, shall retire on or before December thirty-  
40 first, nineteen hundred sixty-eight, or within one year after his  
41 employer assumes the additional cost therefor, whichever shall last  
42 occur.

43 k. Any officer or member of such organized fire department or organ-  
44 ized police force or department, may, within one year after he becomes  
45 such officer or member or within one year after his employer assumes the  
46 additional cost therefor, whichever shall last occur, elect to receive  
47 the additional benefits provided for by subdivision i [~~hereof~~] of this  
48 section. Any officer or member who elects to receive such benefits shall  
49 be separated from service on the first day of the calendar month next  
50 succeeding his attainment of age [~~sixty-two~~] sixty-five and the  
51 completion of twenty-five years of service, provided, however, that in  
52 the case of any officer or member who attained the age of [~~sixty-two~~]  
53 sixty-five before his employer assumed the additional cost therefor, or  
54 who attains the age of [~~sixty-two~~] sixty-five within one month after his  
55 employer assumes the additional cost therefor, to be eligible for addi-  
56 tional pension credit under subdivision i of this section, his service

1 shall be terminated and he shall be retired within three months after  
2 his employer assumes the additional cost therefor, or on or before  
3 December thirty-first, nineteen hundred sixty-eight, whichever shall  
4 last occur, and provided further that a member who is a chief or  
5 commanding officer of a police department or police force shall retire  
6 on the first day of the calendar month next succeeding his attainment of  
7 age sixty-five; a member who is a chief or commanding officer of a  
8 police department or police force, who attained age sixty-five before  
9 his employer elected to provide this added benefit and has rendered  
10 twenty-five years of total creditable service, shall retire on or before  
11 December thirty-first, nineteen hundred sixty-eight, or within one year  
12 after his employer assumes the additional cost therefor, whichever shall  
13 last occur.

14 § 2. This act shall take effect immediately.

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

This bill will increase the mandatory retirement age from 62 to 65 for members of the New York State and Local Police and Fire Retirement System (PFRS) who are covered under the provisions of Section 384 of the Retirement and Social Security Law.

If this bill is enacted, there would be additional benefits for certain members who remain employed beyond age 62. However, if some members delay retirement due to the enactment of this bill, we would not anticipate that there would be an increase in the annual contributions of the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated May 16, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-118, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 254

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

3675

2019-2020 Regular Sessions

IN SENATE

February 12, 2019

Introduced by Sen. GOUNARDES -- 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 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.

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

LBD07905-02-9

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

4 § 3. This act shall take effect immediately.

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

This bill would allow Tier 3, 4, 5 and 6 uniformed court officers and peace officers in the unified court system to be eligible for an accidental disability for injuries sustained in the performance of duty as the result of a physical 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 would 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 23, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-40, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 262

TO THE SENATE:

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

Senate Bill Number 3675, 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 by the unified court system"

NOT APPROVED



This bill would allow uniformed court officers and peace officers in the Unified Court System to be eligible for an Accidental Disability Retirement (ADR) of seventy-five percent of final average salary if they are injured as the result of a physical assault by an assailant.

The costs of this bill would be dependent on the number of ADRs granted and varying factors, including the members' age, years of service, tier, and salary. While I support legislation to ensure uniformed court officers and peace officers are protected in the event they are injured, other uniformed officers do not have an explicit statutory reference to benefits available in the event of an assault on an officer. Additionally, such pension enhancements must be addressed in the context of the annual budget negotiations. Therefore, I am constrained to veto this bill.

This bill is disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

3813

2019-2020 Regular Sessions

IN SENATE

February 15, 2019

Introduced by Sen. KAPLAN -- 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

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

LBD07956-02-9

1 meets the requirements of subdivision a of this section and this subdi-  
2 vision.

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

5 1. Such member; or  
6 2. The head of the department in which such member is employed; or  
7 3. Any person acting on behalf of and authorized by such member.

8 d. 1. After the filing of such an application, such member shall be  
9 given one or more medical examinations. No such application shall be  
10 approved, however, unless the member or some other person on his or her  
11 behalf shall have filed written notice in the office of the comptroller  
12 within ninety days after such occurrence which is the basis for the  
13 disability incurred in the performance of duty, setting forth:

14 (a) The time and the place of such occurrence; and  
15 (b) The particulars thereof; and  
16 (c) The nature and extent of the member's injuries; and  
17 (d) His or her alleged disability.

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

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

24 (b) If the application for performance of duty disability retirement  
25 is filed within one year after the date of the occurrence which forms  
26 the basis for the application; or

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

29 e. If the comptroller determines that the member is physically or  
30 mentally incapacitated for the performance of duty pursuant to subdivi-  
31 sion b of this section and ought to be retired, such member shall be so  
32 retired. Such retirement shall be effective as of a date approved by the  
33 comptroller.

34 f. The annual retirement allowance payable upon retirement for disa-  
35 bility incurred in the performance of duty shall be a pension of one-  
36 half of his or her final average salary plus an annuity which shall be  
37 the actuarial equivalent of the member's accumulated contributions, if  
38 any.

39 g. If the member, at the time of the filing of an application under  
40 the provisions of subdivision c of this section, is eligible for a  
41 service retirement benefit, then and in that event, he or she may simul-  
42 taneously file an application for service retirement in accordance with  
43 the provisions of section seventy of this chapter, provided that the  
44 member indicates on the application for service retirement that such  
45 application is filed without prejudice to the application for the  
46 retirement for disability incurred in performance of duty.

47 h. Any benefit provided pursuant to this section shall not be consid-  
48 ered as an accidental disability benefit within the meaning of section  
49 sixty-four of this chapter.

50 i. Any benefit payable pursuant to the workers' compensation law to a  
51 member receiving a disability allowance pursuant to this section shall  
52 be in addition to such retirement for disability incurred in performance  
53 of duty allowance.

54 j. A final determination of the comptroller that the member is not  
55 entitled to retirement benefits pursuant to this section shall not in  
56 any respect be, or constitute, a determination with regard to benefits

1 payable pursuant to section two hundred seven-a of the general municipal  
 2 law.

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

5 § 3. All past service costs incurred due to implementing the  
 6 provisions of this act will be borne by Nassau County, and may be amor-  
 7 tized over a 10 year period.

8 § 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 and fire marshal trainee 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 2019 legislative session, we anticipate that there will be an increase of approximately \$30,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$197,000 which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year would be approximately \$26,000.

These estimated costs above are based on 35 fire marshals employed by Nassau County with a total estimated annual salary of approximately \$4.4 million for the fiscal year ending March 31, 2018.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 6, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-43, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 263

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

3841

2019-2020 Regular Sessions

IN SENATE

February 19, 2019

Introduced by Sen. GOUNARDES -- 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 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  
21 amendments thereto affect the application of such provisions as extended  
22 by the provisions of section 480 of the retirement and social security  
23 law.

24 § 3. This act shall take effect immediately.

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

LBD08624-02-9

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 31, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-45, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 265

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:



"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

3922

2019-2020 Regular Sessions

IN SENATE

February 21, 2019

Introduced by Sens. GOUNARDES, FUNKE -- 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 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-  
14 seasonally appointed member of the division of law enforcement in the  
15 department of environmental conservation, a police officer in the  
16 department of environmental conservation, an officer in the regional  
17 state park police, a forest ranger in the service of the department of  
18 environmental conservation which shall mean a person who serves on a  
19 full-time basis in the title of forest ranger I, forest ranger II,  
20 forest ranger III, assistant superintendent of forest fire control,  
21 superintendent of forest fire control or any successor titles or new  
22 titles in the forest ranger title series in the department of environ-

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

LBD08623-02-9

1 mental conservation, or a university police officer appointed pursuant  
2 to paragraph 1 of subdivision two of section three hundred fifty-five of  
3 the education law, and

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

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

14 1. Such member, or

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

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

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

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

24 2. The particulars thereof;

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

26 4. His or her alleged incapacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (b) The comptroller shall consider a reclassification of the member's  
33 retirement as an accidental disability retirement effective as of the  
34 date of such reclassification.

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

37 (d) The member's former employer at the time of the member's retire-  
38 ment shall have an opportunity to be heard on the member's applica-  
39 tion for reclassification by the comptroller according to procedures devel-  
40 oped by the comptroller.

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

43 i. Notwithstanding any other provision of this chapter or of any  
44 general, special or local law, charter, administrative code or rule or  
45 regulation to the contrary, if a retiree who: (1) has met the criteria  
46 of subdivision h of this section and retired on a service or disability  
47 retirement, or would have met the criteria if not already retired on an  
48 accidental disability; and (2) has not been retired for more than twen-  
49 ty-five years; and (3) dies from a qualifying World Trade Center condi-  
50 tion, as defined in section two of this chapter, as determined by the  
51 applicable head of the retirement system or applicable medical board,  
52 then unless the contrary be proven by competent evidence, such retiree  
53 shall be deemed to have died as a natural and proximate result of an  
54 accident sustained in the performance of duty and not as a result of  
55 willful negligence on his or her part. Such retiree's eligible benefici-  
56 ary, as set forth in section three hundred sixty-one of this title,

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

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

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

41 Disability retirement allowance for members of the division of law  
 42 enforcement in the department of environmental conservation, police  
 43 officers in the department of environmental conservation, forest  
 44 rangers, university police officers and the regional state park police.

45 a. Every non-seasonally appointed sworn member or officer of the divi-  
 46 sion of law enforcement in the department of environmental conservation  
 47 and the regional state park police, every police officer in the depart-  
 48 ment of environmental conservation, every forest ranger and every  
 49 university police officer appointed pursuant to paragraph 1 of subdivi-  
 50 sion two of section three hundred fifty-five of the education law who  
 51 becomes physically or mentally incapacitated for the performance of duty  
 52 shall be covered by the provisions of this section in lieu of the  
 53 provisions of section three hundred sixty-two or three hundred sixty-  
 54 three of this ~~article~~ title; except, however, any such member or offi-  
 55 cer who last entered or reentered service in the department of environ-  
 56 mental conservation or state park police, as the case may be, prior to

1 September first, nineteen hundred ninety-seven, shall be entitled to  
 2 apply for disability retirement pursuant to such sections and to receive  
 3 the benefit so payable in lieu of the benefit payable pursuant to this  
 4 section. **The benefits provided by this section for university police**  
 5 **officers shall be in lieu of section three hundred sixty-three of this**  
 6 **title.**

7 § 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, forest rangers, regional state park police and university police officers. 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 during the 2019 legislative session, we anticipate that there will be an increase of approximately \$360,000 in the annual contributions for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$1.04 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, 2020.

These estimated costs are based on 578 members having an annual salary for the fiscal year ending March 31, 2018 of approximately \$48.9 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgement of an attorney.

This estimate, dated February 12, 2019, and intended for used only during the 2019 Legislative Session, is Fiscal Note No. 2019-46, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 266

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

3946

2019-2020 Regular Sessions

IN SENATE

February 21, 2019

Introduced by Sen. GOUNARDES -- 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 Tier 3, 4, 5 or 6 sheriff, undersheriff,  
deputy sheriff, or correction officer employed by Nassau County to  
become eligible to receive a performance of duty benefit due to the

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

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intentional or reckless act of a civilian visiting an institution under the jurisdiction of such county. The benefit will be 75% of final average salary less worker's compensation. Currently, to be eligible for such improved benefit, it is required that such injuries be 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 2019 legislative session, we anticipate that there will be an increase in the annual contributions of Nassau County of approximately \$220,000 for the fiscal year ending March 31, 2020.

In addition to the annual contributions discussed above, it is estimated that there will be a past service cost of approximately \$1.30 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, 2020. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year would be \$173,000.

These estimated costs are based on 873 sheriffs, undersheriffs, deputy sheriffs and correction officers employed by Nassau County with a total estimated annual salary of approximately \$103 million for the fiscal year ending March 31, 2018.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 29, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-39, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 267

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

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

to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or offi-

cers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

5133

2019-2020 Regular Sessions

IN SENATE

April 10, 2019

Introduced by Sen. KAPLAN -- 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.

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

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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 the occurrence which is the basis for the disa-  
11 bility incurred in the performance of duty, setting forth:

12 (a) The time when 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 accident 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 provision 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 provision 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-c 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 costs incurred due to implementing the provisions of  
4 this act will be borne by Nassau county, and may be amortized over a ten  
5 year period.

6 § 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 2019 legislative session, there will be an estimated increase of approximately \$270,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2020.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$1.82 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, 2020. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year would be \$243,000.

These estimated costs are based on 123 members having an annual salary for the fiscal year ending March 31, 2018 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgement of an attorney.

This estimate, dated January 31, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-42, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 274

TO THE ASSEMBLY:

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



Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

STATE OF NEW YORK

5207

2019-2020 Regular Sessions

IN SENATE

April 16, 2019

Introduced by Sen. GOUNARDES -- 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 establishing a twenty year retirement plan for members or officers of law enforcement

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 383-e to read as follows:

3 § 383-e. Retirement of officers of state law enforcement; twenty year  
4 retirement plan. a. Membership. Every non-seasonally appointed sworn  
5 member or officer of the division of law enforcement in the department  
6 of environmental conservation, a forest ranger in the service of the  
7 department of environmental conservation, which shall mean a person who  
8 serves on a full-time basis in the title of forest ranger I, forest  
9 ranger II, forest ranger III, assistant superintendent of forest fire  
10 control, superintendent of forest fire control or any successor titles  
11 or new titles in the forest ranger title series in the department of  
12 environmental conservation, a police officer in the department of envi-  
13 ronmental conservation, the regional state park police, and university  
14 police officers who enter or re-enter service in any such title shall be  
15 covered by the provisions of this section, and every member described in  
16 this subdivision in such service on or before one year prior to the  
17 effective date of this section may elect to be covered by the provisions  
18 of this section by filing an election therefor with the comptroller. To  
19 be effective, such election must be duly executed and acknowledged on a  
20 form prepared by the comptroller for that purpose.

21 b. Retirement allowance. A member, covered by the provisions of this  
22 section at the time of retirement, shall be entitled to retire upon  
23 completion of twenty years of total creditable service in such titles,  
24 and shall retire upon the attainment of the mandatory retirement age

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

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1 prescribed by this section, by filing an application therefor in a  
2 manner similar to that provided in section three hundred seventy of this  
3 article.

4 1. Upon completion of twenty years of such service and upon retire-  
5 ment, each such member shall receive a pension which, together with an  
6 annuity for such years of service as provided in paragraph four of this  
7 subdivision, shall be sufficient to provide him with a retirement allow-  
8 ance of one-half of his final average salary.

9 2. Upon completion of more than twenty years of such service and upon  
10 retirement, each such member shall receive, for each year of service in  
11 excess of twenty, an additional pension which, together with an annuity  
12 for each such year as provided in paragraph four of this subdivision,  
13 shall be equal to one-sixtieth of his final average salary, provided,  
14 however, that the pension payable pursuant to this section shall not  
15 exceed three-quarters of final average salary.

16 3. Upon attainment of the mandatory retirement age without completion  
17 of twenty years of such service, each such member shall receive a  
18 pension which, together with an annuity for such years of service as  
19 provided in paragraph four of this subdivision, shall be equal to one-  
20 fortieth of his final average salary for each year of creditable service  
21 in such titles. Every such member shall also be entitled to an addi-  
22 tional pension equal to the pension for any creditable service rendered  
23 while not an employee in such titles as provided under paragraphs three  
24 and four of subdivision a of section three hundred seventy-five of this  
25 article. This latter pension shall not increase the total allowance to  
26 more than one-half of his final average salary.

27 4. The annuity provided under paragraphs one, two and three of this  
28 subdivision shall be the actuarial equivalent, at the time of retire-  
29 ment, of the member's accumulated contributions based upon the rate of  
30 contribution fixed under section three hundred eighty-three of this  
31 title and upon the salaries earned while in such service. Such annuity  
32 shall be computed as it would be if it were not reduced by the actuarial  
33 equivalent of any outstanding loan nor by reason of the member's  
34 election to decrease his contributions toward retirement in order to  
35 apply the resulting amount toward payment of contributions for old age  
36 and survivor's insurance. Any accumulated contributions in excess of the  
37 amount required to provide the annuity computed pursuant to this para-  
38 graph shall be used to increase the member's retirement allowance.

39 c. Credit for previous service. In computing the years of total cred-  
40 itable service for each member described herein, full credit shall be  
41 given and full allowance shall be made for service rendered as a police  
42 officer or state university peace officer or member of a police force or  
43 department of a state park authority or commission or an organized  
44 police force or department of a county, city, town, village, police  
45 district, authority or other participating employer or member of the  
46 capital police force in the office of general services while a member of  
47 the New York state and local police and fire retirement system, of the  
48 New York state and local employees' retirement system or of the New York  
49 city police pension fund and for all service for which full credit has  
50 been given and full allowance made pursuant to the provisions of section  
51 three hundred seventy-five-h of this article provided, however, that  
52 full credit pursuant to the provisions of such section shall mean only  
53 such service as would be creditable service pursuant to the provisions  
54 of section three hundred eighty-three, three hundred eighty-three-a,  
55 three hundred eighty-three-b, as added by chapter six hundred seventy-  
56 four of the laws of nineteen hundred eighty-six, three hundred eighty-

1 three-b, as added by chapter six hundred seventy-seven of the laws of  
 2 nineteen hundred eighty-six, three hundred eighty-three-c or three  
 3 hundred eighty-three-d of this title or pursuant to the provisions of  
 4 title thirteen of the administrative code of the city of New York for  
 5 any member contributing pursuant to this section who transferred to the  
 6 jurisdiction of the department of environmental conservation including  
 7 but not limited to environmental conservation officers and forest  
 8 rangers, regional state park police or state university of New York  
 9 peace officers.

10 d. Retirement for cause. Upon receipt of a certificate from the head  
 11 of the entity where such member is employed or his or her designee, a  
 12 member as described in subdivision a of this section, who has accrued  
 13 twenty-five or more years of service credit under this section shall be  
 14 retired on the first day of the second month next succeeding the date  
 15 such certificate was filed with the comptroller.

16 e. Credit for military service. In computing the years of total cred-  
 17 itable service full credit shall be given and full allowance shall be  
 18 made for service of such member in war after world war I as defined in  
 19 section three hundred two of this article, provided such member at the  
 20 time of his or her entrance into the armed forces was in police service  
 21 as defined in subdivision eleven of section three hundred two of this  
 22 article.

23 f. Transfer of membership to employees' retirement system. Any member  
 24 currently enrolled pursuant to this section and who previously trans-  
 25 ferred service credit from the New York state and local employees'  
 26 retirement system to the New York state and local police and fire  
 27 retirement system, may elect to transfer such previously transferred  
 28 service credit back to the New York state and local employees' retire-  
 29 ment system, and such member shall have the option to retroactively  
 30 transfer his or her membership into such employees' retirement system.

31 g. The provisions of this section shall be controlling, notwithstand-  
 32 ing any provision of this article to the contrary.

33 § 2. All past service costs associated with implementing the  
 34 provisions of this act shall be borne by the state of New York and may  
 35 be amortized over a period of ten years.

36 § 3. This act shall take effect on the sixtieth day after it shall  
 37 have become a law.

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

This bill will allow any non-seasonally appointed sworn member or officer of the division of law enforcement in the department of environmental conservation, a police officer in the department of environmental conservation, a forest ranger in the department of environmental conservation, a regional state park police officer or a university police officer to become covered by the provisions of a special 20 year retirement plan, which will provide a benefit of one-half of final average salary upon retirement, and an additional benefit of one-sixtieth of final average salary for each year of creditable service in excess of 20 years, not to exceed 12 such years.

If this bill is enacted, there will be an increase in the annual contributions of the state of New York of approximately \$3.1 million for the fiscal year ending March 31, 2020.

In addition to the annual contributions discussed above, there will be an immediate past service cost to the state of New York of approximately \$38.0 million. This estimate is based on the assumption that payment will be made on March 1, 2020. If the State of New York elects to amor-

tize this cost over a 10-year period, the cost for the first year would be \$5.1 million.

This estimate is based on 1,220 affected officers, with an estimated annual salary of approximately \$98 million for the fiscal year ending March 31, 2018.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 23, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-24, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 275

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO



STATE OF NEW YORK

6110--A

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

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

AN ACT to amend the retirement and social security law, in relation to 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 twenty.

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

LBD08687-03-9

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 twenty 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 membership in the Optional Retirement Program and to be deemed to be a member 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 be required to pay the entire past service cost as determined by the Comptroller in order to receive retirement service credit for service rendered prior to their dates of membership.

If this bill is enacted, the number of employees who may be affected 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 beginning with the fiscal year ending March 31, 2020.

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. Members will be able to pay this cost using any of three methods, including a transfer of funds from their Optional Retirement Program balance, a one-time payment, or by payroll deduction over a period not to exceed 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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018

Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated April 30, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-106, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 283

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees"

in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs

associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO



# SECTION III

Legislation Affecting Other  
New York Public Retirement Systems

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STATE OF NEW YORK

4488--A

2019-2020 Regular Sessions

IN SENATE

March 13, 2019

Introduced by Sen. GOUNARDES -- (at request of the NYC Actuary) -- 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 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 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 100  
3 of the laws of 2018, 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	years for which
11	System	rate is effective

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

LBD10353-04-9



1			
2	NYCERS	7%	July 1, 2011 to
3			June 30, [ <del>2019</del> ] <u>2021</u>
4	NYCTRS	7%	July 1, 2011 to
5			June 30, [ <del>2019</del> ] <u>2021</u>
6	PPF	7%	July 1, 2011 to
7			June 30, [ <del>2019</del> ] <u>2021</u>
8	FPF	7%	July 1, 2011 to
9			June 30, [ <del>2019</del> ] <u>2021</u>
10	BERS	7%	July 1, 2011 to
11			June 30, [ <del>2019</del> ] <u>2021</u>

12 § 2. Paragraph 2 of subdivision f of section 13-638.2 of the adminis-  
 13 trative code of the city of New York, as amended by chapter 100 of the  
 14 laws of 2018, is amended to read as follows:

15 (2) Such special interest shall be allowed at the rates and for the  
 16 periods set forth below in this paragraph:

17			First day and
18			last day of
19		Rate of interest	fiscal year or
20		per centum per	series of fiscal
21	Retirement	annum, compounded	years for which
22	System	annually	rate is effective
23			
24	NYCERS	1 1/4%	July 1, 2011 to
25			June 30, [ <del>2019</del> ] <u>2021</u>
26	NYCTRS	1 1/4%	July 1, 2011 to
27			June 30, [ <del>2019</del> ] <u>2021</u>
28	PPF	1 1/4%	July 1, 2011 to
29			June 30, [ <del>2019</del> ] <u>2021</u>
30	FPF	1 1/4%	July 1, 2011 to
31			June 30, [ <del>2019</del> ] <u>2021</u>
32	BERS	1 1/4%	July 1, 2011 to
33			June 30, [ <del>2019</del> ] <u>2021</u>

34 § 3. Paragraph 2 of subdivision g of section 13-638.2 of the adminis-  
 35 trative code of the city of New York, as amended by chapter 100 of the  
 36 laws of 2018, is amended to read as follows:

37 (2) Such additional interest shall be included at the rates and for  
 38 the periods set forth below in this paragraph:

39			First day and
40			last day of
41		Rate of interest	fiscal year or
42		per centum per	series of fiscal
43	Retirement	annum, compounded	years for which
44	System	annually	rate is effective
45			
46	NYCERS	1 1/4%	July 1, 2011 to
47			June 30, [ <del>2019</del> ] <u>2021</u>
48	NYCTRS	1 1/4%	July 1, 2011 to
49			June 30, [ <del>2019</del> ] <u>2021</u>
50	PPF	1 1/4%	July 1, 2011 to
51			June 30, [ <del>2019</del> ] <u>2021</u>
52	FPF	1 1/4%	July 1, 2011 to

1  
 2 BERS 1 1/4% June 30, [~~2019~~] 2021  
 3 July 1, 2011 to June 30, [~~2019~~] 2021

4 § 4. Paragraph 2 of subdivision i of section 13-638.2 of the adminis-  
 5 trative code of the city of New York, as amended by chapter 100 of the  
 6 laws of 2018, is amended to read as follows:

7 (2) Such supplementary interest shall be allowed at the rates and for  
 8 the periods set forth below in this paragraph:

9		Rate of interest	First day and
10		per centum per	last day of
11	Retirement	annum, compounded	fiscal year or
12	System	annually	series of fiscal
13			years for which
14			rate is effective
15			
16	NYCERS	0%	July 1, 2011 to
17			June 30, [ <del>2019</del> ] <u>2021</u>
18	NYCTRS	0%	July 1, 2011 to
19			June 30, [ <del>2019</del> ] <u>2021</u>
20	PPF	0%	July 1, 2011 to
21			June 30, [ <del>2019</del> ] <u>2021</u>
22	FPF	0%	July 1, 2011 to
23			June 30, [ <del>2019</del> ] <u>2021</u>
24	BERS	0%	July 1, 2011 to
25			June 30, [ <del>2019</del> ] <u>2021</u>

26 § 5. This act shall take effect July 1, 2019, except that if it shall  
 27 have become a law subsequent to such date, this act shall take effect  
 28 immediately and be deemed to have been in full force and effect on and  
 29 after July 1, 2019.

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 100 of the Laws of 2018, to continue for Fiscal Years 2020 and 2021 the following rates of interest that expire on July 1, 2019 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: July 1, 2019.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: The continuation for Fiscal Years 2020 and 2021 of the same 8.25% per annum rate that was used for Fiscal Year 2019 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 of the AIR assumption of 7.00% per annum that was used to determine preliminary employer contributions to the NYCRS for

Fiscal Year 2019 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.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

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, 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 2019-01 dated March 8, 2019 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 2019 Legislative Session.

# STATE OF NEW YORK

1966--A

2019-2020 Regular Sessions

## IN SENATE

January 18, 2019

Introduced by Sens. GOUNARDES, KAMINSKY, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to the medical board of the New York city employees' retirement 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 13-123 of the administrative code  
2 of the city of New York, as amended by local law number 59 of the city  
3 of New York for the year 1996, is amended to read as follows:

4 a. [~~1~~] There shall be a medical board of three physicians. [~~One of~~  
5 ~~such physicians shall be appointed by the board and shall hold office at~~  
6 ~~the pleasure of such board, one shall be appointed by the commissioner~~  
7 ~~of health and shall hold office at the pleasure of such commissioner,~~  
8 ~~and the third shall be appointed by the commissioner of citywide admin-~~  
9 ~~istrative services and shall hold office at the pleasure of such commis-~~  
10 ~~sioner.~~

11 ~~(2)~~] The board, the commissioner of health and the commissioner of  
12 citywide administrative services shall each have power to appoint one or  
13 more but not exceeding [~~four alternate~~] eight physicians, who shall hold  
14 office at the pleasure of such appointing board or official. Whenever  
15 the board of trustees of the retirement system shall so direct, the  
16 functions, powers and duties of the medical board, [~~in addition to being~~  
17 ~~performed and exercised by the three physicians appointed pursuant to~~  
18 ~~paragraph one of this subdivision,~~] shall be performed and exercised by  
19 one or more groups of three physicians as hereinafter prescribed. Each  
20 such group of three physicians shall function separately as the medical  
21 board and each such group may consist [~~partly~~] of [~~a physician or~~] any  
22 physicians appointed pursuant to [~~paragraph one of~~] this subdivision

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

LBD07694-04-9

1 ~~[and partly of one or more alternate physicians or may consist entirely~~  
2 ~~of alternate physicians; provided, however, that one of the physicians~~  
3 ~~or alternate physicians in each such group shall be appointed by the~~  
4 ~~board, one by the commissioner of health and one by the commissioner of~~  
5 ~~citywide administrative services].~~

6 § 2. This act shall take effect immediately.

	2019					
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					0000	

STATE OF NEW YORK

5246--A

Cal. No. 847

2019-2020 Regular Sessions

IN SENATE

April 18, 2019

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

AN ACT to amend the general municipal law, in relation to disabilities of certain retired firefighters caused by cancer

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

1 Section 1. Section 207-kk of the general municipal law, as amended by  
2 chapter 531 of the laws of 2003, is amended to read as follows:

3 § 207-kk. Disabilities of firefighters in certain cities caused by  
4 cancer. Notwithstanding any other provisions of this chapter to the  
5 contrary, any condition of impairment of health caused by (i) any condi-  
6 tion of cancer affecting the lymphatic, digestive, hematological,  
7 urinary, neurological, breast, reproductive, or prostate systems or (ii)  
8 melanoma resulting in total or partial disability or death to a paid  
9 member of a fire department in a city with a population of one million  
10 or more, or any retired member of such department who has been retired  
11 for five or less years, who successfully passed a physical examination  
12 on entry into the service of such department, which examination failed  
13 to reveal any evidence of such condition, shall be presumptive evidence  
14 that it was incurred in the performance and discharge of duty unless the  
15 contrary be proved by competent evidence. The provisions of this section  
16 shall remain in full force and effect [~~to and including the thirtieth~~  
17 ~~day of June, two thousand five~~] pursuant to section four hundred eighty  
18 of the retirement and social security law.

19 § 2. The board of trustees of the New York City fire department  
20 pension fund shall take appropriate administrative action to implement  
21 the intent of section one of this act.

22 § 3. This act shall take effect immediately.

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

LBD11238-02-9

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

SUMMARY OF BILL: This proposed legislation would amend General Municipal Law (GML) Section 207-kk to allow retirees of the New York City Fire Pension Fund (FIRE) who become disabled from an enumerated cancer within five years of retirement use of the Cancer Bill presumptions.

Effective Date: Upon enactment.

BACKGROUND: Currently, the Cancer Bill presumption only applies to active members of FIRE. The presumption is that the enumerated disabling cancer resulted from an accident on the job, but the presumption of causation can be rebutted by evidence to the contrary. If the presumption is not rebutted by the Medical Board, the member is granted accidental disability benefits.

FINANCIAL IMPACT - PRESENT VALUES: There is no data available to estimate the number of members who might develop and become disabled by cancer within five years of retirement, and potentially benefit from this proposed legislation. Therefore, the estimated financial impact has been calculated on a per-event basis equal to the increase in the Present Value of Future Benefits (PVFB) for an average member who is diagnosed with cancer as the result of the enactment of the proposed legislation.

With respect to an individual member, the additional cost of this proposed legislation could vary greatly depending on the member's length of service, age, and salary history.

Based on the census data and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the PVFB by approximately \$420,000, on average, for each occurrence of cancer within five years of retirement.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: Enactment of this proposed legislation would increase employer contributions, where such amount would depend on the number of members affected as well as other characteristics including the age, years of service, and salary history of the member.

As there is no data currently available to estimate the number of members who might be diagnosed with cancer within five years of retirement, the financial impact would be recognized at the time of event.

Consequently, changes in employer contributions have been estimated assuming that the increase in the PVFB will be financed over a time period used under the current amortization period for actuarial losses. Using this approach, the additional PVFB would be amortized over a closed 15-year period (14 payments under the One-Year Lag Methodology (OYLM) using level dollar payments.

Based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2018, the enactment of this proposed legislation is estimated to increase annual employer contributions by approximately \$50,000 for each Accidental Disability Retirement (ADR) reclassification due to cancer within five years of retirement. With respect to the timing, increases in employer contributions would depend upon when members would be reclassified, but generally, increased employer contributions will first occur the second fiscal year following approval of the ADR.

OTHER COSTS: Not measured in this Fiscal Note are the following:

\* The initial, additional administrative costs of FIRE and other New York City agencies to implement the proposed legislation.

\* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

\* The cost of any potential Special Accidental Death Benefits paid pursuant to GML Section 208-f.

\* The potential Line-of-Duty Death benefits paid to beneficiaries should the member die within five years of retirement.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2018 (Lag) actuarial valuation of FIRE to determine the Preliminary Fiscal Year 2020 employer contributions.

There are 103 FIRE members who retired for service during Fiscal Year 2018 with an average age of approximately 56 years, average service of approximately 29 years, average annual pension of approximately \$123,500, plus a Variable Supplements Fund (VSF) payment of \$12,000 per year.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2018 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2020 employer contributions of FIRE. Also, based on the analysis of World Trade Center disabilities from 2001 to 2017, it was estimated that the ADR benefits are approximately 40% greater than the service retirement benefits.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

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, 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 2019-29 dated May 31, 2019 was prepared by the Chief Actuary for the New York City Fire Pension Fund. This estimate is intended for use only during the 2019 Legislative Session.



STATE OF NEW YORK

7620--A

2019-2020 Regular Sessions

IN ASSEMBLY

May 14, 2019

Introduced by M. of A. ABBATE, CRUZ, ROZIC, PHEFFER AMATO, D'URSO, SOLAGES, BRAUNSTEIN, ORTIZ, COLTON, PERRY, BARNWELL, D. ROSENTHAL, DenDEKKER, LENTOL, WEPRIN, M. G. MILLER -- Multi-Sponsored by -- M. of A. HEVESI -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to allowing certain members of the New York city police pension fund to receive a membership date in the New York city police pension fund attributable to service in the titles of police cadet program or police cadet program II in the New York city police department cadet program

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

1 Section 1. The general municipal law is amended by adding a new  
2 section 209-fff to read as follows:  
3 § 209-fff. Provisions relating to a membership date in the New York  
4 city police pension fund attributable to service in the titles of police  
5 cadet program and police cadet program II in the New York city police  
6 department cadet program. 1. Notwithstanding any provision of law to the  
7 contrary, upon election, any member of the New York city police pension  
8 fund who is subject to article fourteen of the retirement and social  
9 security law, and who served in the New York city police department  
10 cadet program in the title of police cadet program or police cadet  
11 program II prior to April first, two thousand twelve, but did not join  
12 the New York city employees' retirement system while serving in either  
13 such title, may purchase credit for the period of service in such titles  
14 in the New York city police department cadet program by paying into the  
15 New York city police pension fund all member contributions plus inter-  
16 est, at a rate of five percent per annum, which would have been payable  
17 to the New York city employees' retirement system under any provision of  
18 law had such member joined the New York city employees' retirement

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

LBD07917-04-9

1 system on the earliest date that he or she was appointed to the title of  
 2 police cadet program or police cadet program II in the New York city  
 3 police department cadet program, provided such payment is made within  
 4 five years after the effective date of this section.

5 2. Any member of the New York city police pension fund who acquires  
 6 service credit pursuant to this section shall be entitled to all rights,  
 7 benefits and privileges to which he or she would have been entitled had  
 8 his or her membership in the New York city police pension fund begun  
 9 upon the earliest date that he or she was appointed to the title of  
 10 police cadet program or police cadet program II in the New York city  
 11 police department cadet program, but in no event shall the service cred-  
 12 it acquired pursuant to this section be deemed to be service in the  
 13 police force or any other type of service counted or creditable as  
 14 service in the police force under section 13-218 of the administrative  
 15 code of the city of New York, section five hundred thirteen of the  
 16 retirement and social security law or any other provision of law for  
 17 purposes of eligibility for benefits and to determine the amount of  
 18 benefits under the New York city police pension fund.

19 § 2. This act shall take effect immediately.

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

SUMMARY OF BILL: The attached draft legislation would amend the General Municipal Law by adding a new Section 209-fff to allow New York City Police Pension Fund (POLICE) members subject to Article 14 of the RSSL (Tier 3, Tier 3 Revised, and Tier 3 Enhanced) to purchase prior service as a cadet in the New York Police Department (NYPD) and use the appointment date as a cadet to determine the initial date of POLICE membership for plan or tier eligibility provided such purchase of service is made within five years of the effective date.

Effective Date: Upon enactment.

BACKGROUND: Currently, the purchase of prior NYPD cadet service performed while not a member of the New York City Employees' Retirement System (NYCERS) does not provide a retroactive date of membership in POLICE nor would it provide additional service retirement benefits.

IMPACT ON BENEFITS: Under the proposed legislation, if enacted, purchased NYPD cadet service performed while not a member of NYCERS would entitle members with a cadet service date before July 1, 2009 to be deemed Tier 2 member with all the rights and privileges of such Tier, and such service would be included in the calculation of benefits as non-qualifying service credit.

Also, under the proposed legislation, if enacted, purchased NYPD cadet service would entitle members with cadet service between July 1, 2009 and April 1, 2012 who joined POLICE after April 1, 2012 as a Tier 3 Revised or Enhanced member to be deemed an original Tier 3 member with all the rights and privileges of a member who joined such Tier prior to April 1, 2012.

Since eligibility for POLICE benefits are based on tier or plan, including cadet service towards tier or plan eligibility would increase and/or accelerate the payability date of the benefits in accordance with applicable earlier tiers or plans.

ADDITIONAL MEMBER CONTRIBUTIONS: For cadets who did not join NYCERS, the member would have to pay member contributions that would have been payable to NYCERS had they joined on their initial cadet appointment date, plus 5% annual interest.

Member contributions for POLICE are determined by tier and plan as follows:

\* Tier 2 - contribution rates are based on entry age.

\* Tier 3 and Tier 3 Revised - Basic Member Contributions (BMC) of 3%.

\* Tier 3 Enhanced - BMC of 3% plus Additional Member Contributions currently equal to 1%.

FINANCIAL IMPACT - PRESENT VALUES: Based on the data provided by POLICE and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) by approximately \$37.6 million and decrease the Present Value of member contributions of approximately \$7.5 million. The net result is an increase in the Present Value of future employer contributions of approximately \$45.1 million.

Under the Entry Age Normal cost method used to determine the employer contributions to POLICE, there would be an increase in the Unfunded Accrued Liability (UAL) of approximately \$17.0 million and an increase in the Present Value of future employer Normal Cost of \$28.1 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Administrative Code of the City of New York (ACCNY) Section 13-638.2(k-2), 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. As of June 30, 2017, the remaining working lifetime of the affected cadets is approximately 15 years.

For the purposes of this Fiscal Note, the increase in UAL was amortized over a 15-year period (14 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This payment plus the increase in the Normal Cost results in an increase in annual employer contributions of approximately \$5.6 million each year.

OTHER COSTS: Not measured in this Fiscal Note are the following:

\* The initial, additional administrative costs of POLICE and other New York City agencies to implement the proposed legislation.

\* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the Present Value of future employer contributions and annual employer contributions would be reflected for the first time in the June 30, 2019 actuarial valuation of POLICE. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2021.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2018 (Lag) actuarial valuation of POLICE to determine the Preliminary Fiscal Year 2020 employer contributions.

Additional data for the cadets was provided by POLICE. There were 358 affected cadets as of June 30, 2018. These members had an average age of approximately 31.3 years, average service of approximately 7.5 years, and an average salary of approximately \$113,500.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2018 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2020 employer contributions of POLICE. Additionally, 1.2 years of cadet service was assumed based on the amount of cadet service previously purchased by members of POLICE.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to

change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

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, 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 2019-36 dated June 15, 2019 was prepared by the Chief Actuary for the New York City Police Pension Fund. This estimate is intended for use only during the 2019 Legislative Session.

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# SECTION IV

Vetoed Legislation Affecting Other  
New York Public Retirement Systems

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STATE OF NEW YORK

5905--A

Cal. No. 1261

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. GOUNARDES -- 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 and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system

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

1 Section 1. Paragraph (a) of subdivision 7 of section 13-501 of the  
2 administrative code of the city of New York, as amended by chapter 650  
3 of the laws of 1990, is amended to read as follows:  
4 (a) "Teacher" shall mean the superintendent of schools, the associate  
5 superintendents, the assistant superintendents, the director and the  
6 assistant director of the divisions of reference and research, the  
7 director and the assistant directors of the bureau of compulsory educa-  
8 tion, school census and child welfare, attendance teachers and specially  
9 certificated attendance officers who are first employed by the New York  
10 city board of education on or after September first, nineteen hundred  
11 sixty-eight, attendance teachers and specially certificated attendance  
12 officers who were members of the New York city board of education  
13 retirement system and who, on or before December thirty-first, nineteen  
14 hundred sixty-nine, gave notice to said board of education retirement  
15 system of their intention to transfer to the New York city teachers'  
16 retirement system, the director of attendance, assistant director of  
17 attendance, chief attendance officer, division supervising attendance  
18 officers and district supervising attendance officers of the bureau of  
19 compulsory education, school census and child welfare, supervisors of  
20 school social workers who are first employed by the New York city board

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

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1 of education on or after September first, nineteen hundred sixty-nine or  
 2 who were members of the New York city board of education retirement  
 3 system and who on or before December thirty-first, nineteen hundred  
 4 seventy, gave notice to the said board of education retirement system of  
 5 their intention to transfer to the New York city teachers' retirement  
 6 system, the members of the board of examiners, the directors and the  
 7 assistant directors of special branches, the supervisor and assistant  
 8 supervisors of lectures, all principals, vice-principals, assistants-to-  
 9 principals, heads of departments, and all regular and special teachers  
 10 of the public day schools of the city, and all employees of the board of  
 11 education appointed to regular positions in the service of the public  
 12 schools at annual salaries and whose appointments were made or shall be  
 13 made from eligible lists prepared as the result of examinations held by  
 14 the board of examiners or from hiring lists established by the cancel-  
 15 lor of the board of education, as the case may be, and all employees  
 16 employed by the board of education in the titles of teacher aide, educa-  
 17 tional assistant, educational associate, auxilliary trainer[7] or bilin-  
 18 gual professional assistant[7, ~~family worker, family assistant, family~~  
 19 ~~associate, parent program assistant, who file an application for member-~~  
 20 ~~ship in the retirement association on a form supplied by the retirement~~  
 21 ~~board].~~

22 § 2. This act shall take effect immediately.

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

SUMMARY OF BILL: This proposed legislation would amend paragraph (a) of subdivision 7 of Section 13-501 of the Administrative Code of the City of New York to eliminate the requirement that certain titles file an application to become members of the New York City Teachers' Retirement System (TRS).

Under current law, individuals in the title of teacher aide, educational assistant, educational associate, auxiliary trainer, bilingual professional assistant, family worker, family assistant, family associate, and parent program assistant (collectively, paraprofessionals) have the option of joining TRS by filing an application for membership.

The proposed legislation would make TRS membership for paraprofessionals mandatory.

Effective Date: Upon enactment.

FINANCIAL IMPACT - 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 paraprofessionals that would otherwise not have elected to become members of TRS.

Based on these assumptions and other actuarial assumptions, data, and methods described herein, the enactment of this proposed legislation would increase annual employer contributions as follows:

	Paraprofessional Count	Estimated First Year Annual Employer Contribution (\$ Millions)
Estimate of Paraprofessionals who would be mandated into TRS and otherwise would not have joined	3,100	\$9.0
Estimate of Paraprofessionals whose membership is being accelerated into TRS	<u>2,500</u>	<u>6.7</u>
Total	5,600	\$15.7

These employer contribution amounts are representative of the annual employer contribution amounts for each future year if paraprofessional member participation numbers and demographic characteristics do not significantly change.

OTHER COSTS: Not measured in this Fiscal Note are the following:

- \* The initial, additional administrative costs of TRS and other New York City agencies to implement the proposed legislation.

- \* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

- \* The cost of potential Tax-Deferred Annuity (TDA) plan participation and benefits.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the annual employer contributions would be reflected for the first time in the June 30, 2019 actuarial valuation of TRS. 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 2021.

CENSUS DATA: In order to estimate the costs associated with this group, census data of approximately 5,600 paraprofessionals who are not currently members of TRS was provided by the United Federation of Teachers and was reviewed. Based on this data and the population of paraprofessionals who have already joined TRS, it was estimated that approximately 3,100 paraprofessionals, who would not have otherwise joined TRS, would be mandated into TRS membership if this proposed legislation is enacted. The remaining 2,500 paraprofessionals were assumed to have become members of TRS at some point in their careers even absent the proposed legislation.

These paraprofessionals had an average age of approximately 36.8 years, and an average salary of approximately \$32,300 as of June 30, 2018.

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, 2018 (Lag) actuarial valuation used to determine the Preliminary Fiscal Year 2020 employer contributions of TRS with an additional graded participation rate that decreases as an individual's years of service increases.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

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, 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 2019-17 dated May 14, 2019 was prepared by the Chief Actuary for the New York City Teachers' Retirement System. This estimate is intended for use only during the 2019 Legislative Session.

VETO MESSAGE - No. 279

TO THE ASSEMBLY:

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

Assembly Bill Number 4436, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for firefighters employed by the division of military affairs"

Assembly Bill Number 5940, 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 8003, entitled:

"AN ACT to amend the retirement and social security law, in relation to mandatory retirement age"

TO THE SENATE:

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

Senate Bill Number 3813, 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 and fire marshal trainees in Nassau county"

Senate Bill Number 3841, 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 3922, 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"

Senate Bill Number 3946, 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 5133, 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"

Senate Bill Number 5207, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 5905-A, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system"

Senate Bill Number 6110-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 the professional, scientific and technical bargaining unit"

NOT APPROVED

These bills would provide retirement benefit enhancements to State and local employees without offering any funding sources to cover such costs in the current and future fiscal years.

I have repeatedly vetoed similar or identical bills for the past several years because the costs imposed were not accounted for in the State's financial plan. This would necessarily impose a substantial, and unplanned burden on New York State taxpayers. Moreover, the fixed costs associated with pension enhancements negatively impact the State's economic competitiveness and hinder the ability of local governments to deliver vital services within current property tax levels.

Finally, the costs of these bills cannot be considered in a vacuum. In order to provide all of the benefits associated with the above-referenced bills, the State and its localities would be required to pay a combined, estimated total of over \$70 million in near-term costs. Since such costs must be addressed in the context of the annual budget negotiations, I am constrained to veto these bills.

These bills are disapproved.

(signed) ANDREW M. CUOMO

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