

Legislative Bill Drafting Commission
12012-02-3

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

RETISSLA

(Relates to service rendered by
investigators and sworn officers of
the waterfront commission of New
York harbor)

R & SS. retirement

AN ACT

to amend the retirement and social
security law and the criminal proce-
dure law, in relation to service
rendered by investigators and sworn
officers of the waterfront commis-
sion of New York harbor

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s34 Fernandez	s28 Krueger	s01 Palumbo	s42 Skoufis
s43 Ashby	s60 Gallivan	s24 Lanza	s21 Parker	s11 Stavisky
s36 Bailey	s12 Gianaris	s16 Liu	s19 Persaud	s45 Stec
s57 Borrello	s59 Gonzalez	s50 Mannion	s13 Ramos	s35 Stewart- Cousins
s46 Breslin	s26 Gounardes	s04 Martinez	s05 Rhoads	s44 Tedisco
s25 Brisport	s53 Griffo	s07 Martins	s33 Rivera	s06 Thomas
s55 Brouk	s40 Harckham	s02 Mattera	s39 Rolison	s49 Walczyk
s09 Canzoneri- Fitzpatrick	s54 Helming	s48 May	s61 Ryan	s52 Webb
s17 Chu	s41 Hinchey	s37 Mayer	s18 Salazar	s38 Weber
s30 Cleare	s47 Hoylman- Sigal	s03 Murray	s10 Sanders	s08 Weik
s14 Comrie	s31 Jackson	s20 Myrie	s23 Scarcella- Spanton	
s56 Cooney	s27 Kavanagh	s51 Oberacker	s58 O'Mara	s32 Sepulveda
s22 Felder	s63 Kennedy	s62 Ortt	s29 Serrano	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a078 Alvarez	a140 Conrad	a150 Goodell	a017 Mikulin	a016 Sillitti
a031 Anderson	a032 Cook	a116 Gray	a122 Miller	a052 Simon
a121 Angelino	a039 Cruz	a100 Gunther	a051 Mitaynes	a075 Simone
a037 Ardila	a043 Cunningham	a139 Hawley	a145 Morinello	a114 Simpson
a035 Aubry	a021 Curran	a083 Heastie	a144 Norris	a094 Slater
a120 Barclay	a018 Darling	a028 Hevesi	a045 Novakhov	a005 Smith
a106 Barrett	a053 Davila	a128 Hunter	a069 O'Donnell	a118 Smullen
a105 Beephan	a072 De Los Santos	a029 Hyndman	a091 Otis	a022 Solages
a107 Bendett	a003 DeStefano	a079 Jackson	a132 Palmesano	a110 Steck
a082 Benedetto	a070 Dickens	a104 Jacobson	a088 Paulin	a010 Stern
a042 Bichotte	a054 Dilan	a011 Jean-Pierre	a141 Peoples- Stokes	a127 Stirpe
Hermelyn	a081 Dinowitz	a134 Jensen		a102 Tague
a117 Blankenbush	a147 DiPietro	a115 Jones	a023 Pheffer	a064 Tannousis
a015 Blumencranz	a009 Durso	a077 Joyner	Amato	a086 Tapia
a073 Bores	a099 Eachus	a125 Kelles	a063 Pirozzolo	a071 Taylor
a098 Brabenc	a048 Eichenstein	a040 Kim	a089 Pretlow	a001 Thiele
a026 Braunstein	a074 Epstein	a013 Lavine	a019 Ra	a033 Vanel
a138 Bronson	a109 Fahy	a065 Lee	a030 Raga	a055 Walker
a046 Brook-Krasny	a061 Fall	a126 Lemondes	a038 Rajkumar	a143 Wallace
a020 Brown, E.	a008 Fitzpatrick	a095 Levenberg	a006 Ramos	a112 Walsh
a012 Brown, K.	a004 Flood	a060 Lucas	a062 Reilly	a041 Weinstein
a093 Burdick	a057 Forrest	a135 Lunsford	a087 Reyes	a024 Weprin
a085 Burgos	a124 Friend	a123 Lupardo	a149 Rivera	a059 Williams
a142 Burke	a050 Gallagher	a129 Magnarelli	a027 Rosenthal, D.	a113 Woerner
a119 Buttenschon	a131 Gallahan	a101 Maher	a067 Rosenthal, L.	a080 Zaccaro
a133 Byrnes	a007 Gandolfo	a036 Mamdani	a025 Rozic	a096 Zebrowski
a044 Carroll	a068 Gibbs	a130 Manktelow	a111 Santabarbara	a056 Zinerman
a058 Chandler- Waterman	a002 Giglio, J.A.	a108 McDonald	a090 Sayegh	
	a148 Giglio, J.M.	a014 McDonough	a076 Seawright	
a049 Chang	a066 Glick	a097 McGowan	a084 Septimo	
a136 Clark	a034 Gonzalez- Rojas	a146 McMahan	a092 Shimsky	
a047 Colton		a137 Meeks	a103 Shrestha	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 6 copies of memorandum in support (uni-bill).

1 Section 1. Subdivision a and paragraph 1 of subdivision c of section
2 381-b of the retirement and social security law, subdivision a as
3 amended by chapter 684 of the laws of 1971 and paragraph 1 of subdivi-
4 sion c as amended by chapter 581 of the laws of 2001, are amended to
5 read as follows:

6 a. Membership. Every member or officer of the division of state police
7 in the executive department who enters or re-enters service in the divi-
8 sion on or after April first, nineteen hundred sixty-nine, and every
9 investigator or sworn officer employed by the commission created by
10 section six of chapter eight hundred eighty-two of the laws of nineteen
11 hundred fifty-three, constituting the waterfront commission act, as
12 amended, on or after July first, two thousand twenty-three, shall be
13 covered by the provisions of this section, and every member or officer
14 of the division of state police in the executive department in such
15 service on such date may elect to be covered by the provisions of this
16 section by filing an election therefor with the comptroller on or before
17 March thirty-first, nineteen hundred seventy-two. To be effective, such
18 election must be duly executed and acknowledged on a form prepared by
19 the comptroller for that purpose.

20 (1) Police service. In computing the years of total creditable service
21 in such division, full credit shall be given and full allowance shall be
22 made:

23 (i) for service rendered as a police officer or member of a police
24 force or department of a state park authority or commission or an organ-
25 ized police force or department of a county, city, town, village, police
26 district, authority or other participating employer or member of the
27 capital police force in the office of general services while a member of
28 the New York state and local police and fire retirement system, of the

1 New York state and local employees' retirement system or of the New York
2 city police pension fund;

3 (ii) for service rendered as an investigator or sworn officer of the
4 waterfront commission of New York harbor, and for service rendered as an
5 investigator-trainee of the waterfront commission of New York harbor
6 that was creditable under subdivision w of section three hundred eight-
7 y-four-d of this article; and

8 (iii) for all service for which full credit has been given and full
9 allowance made pursuant to the provisions of section three hundred
10 seventy-five-h of this chapter provided, however, that full credit
11 pursuant to the provisions of such section shall mean only such service
12 as would be creditable service pursuant to the provisions of section
13 three hundred eighty-three or section three hundred eighty-three-a or
14 three hundred eighty-three-b enacted by chapter six hundred seventy-sev-
15 en of the laws of nineteen hundred eighty-six of this chapter or pursu-
16 ant to the provisions of title thirteen of the administrative code of
17 the city of New York for any member contributing pursuant to this
18 section who transferred to the division of state police.

19 § 2. Subdivision 11 of section 302 of the retirement and social secu-
20 rity law is amended by adding a new paragraph k to read as follows:

21 k. Service as an investigator or sworn officer of the waterfront
22 commission of New York harbor or the commission created by section six
23 of chapter eight hundred eighty-two of the laws of nineteen hundred
24 fifty-three, constituting the waterfront commission act, as amended.

25 § 3. Paragraph (h) of subdivision 34 of section 1.20 of the criminal
26 procedure law, as amended by chapter 997 of the laws of 1970, is amended
27 to read as follows:

1 (h) An investigator employed by a commission created by an interstate
2 compact, or by section six of chapter eight hundred eighty-two of the
3 laws of nineteen hundred fifty-three, constituting the waterfront
4 commission act, as amended, who is, to a substantial extent, engaged in
5 the enforcement of the criminal laws of this state;

6 § 4. Paragraph (k) of subdivision 34 of section 1.20 of the criminal
7 procedure law, as separately amended by chapters 282 and 877 of the laws
8 of 1974, is amended to read as follows:

9 (k) A sworn officer of a police force of a public authority created by
10 an interstate compact, or by section six of chapter eight hundred eight-
11 y-two of the laws of nineteen hundred fifty-three, constituting the
12 waterfront commission act, as amended;

13 § 5. Paragraph (k) of subdivision 34 of section 1.20 of the criminal
14 procedure law, as amended by section 13 of part BBB of chapter 59 of the
15 laws of 2021, is amended to read as follows:

16 (k) A sworn officer of a police force of a public authority created by
17 an interstate compact, or by section six of chapter eight hundred eight-
18 y-two of the laws of nineteen hundred fifty-three, constituting the
19 waterfront commission act, as amended, where such force is certified in
20 accordance with paragraph (d) of subdivision one of section eight
21 hundred forty-six-h of the executive law;

22 § 6. This act shall take effect immediately; provided, however, that
23 section five of this act shall take effect on the same date and in the
24 same manner as section thirteen of part BBB of chapter 59 of the laws of
25 2021, takes effect.

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

This bill would amend the Retirement and Social Security Law (RSSL) as follows:

1) Add the titles of investigator and sworn officer employed by the commission created by Section six of Chapter 882 of the Laws of 1953, constituting the Waterfront Commission Act, to the definition of membership in Section 381-b,

2) Allow service rendered as an investigator, investigator-trainee or sworn officer of the Waterfront Commission of New York Harbor to be creditable under Section 381-b, and

3) Add the titles of investigator and sworn officer of the Waterfront Commission of New York Harbor to the definition of "police or fire service" as defined in Section 302.

Additionally, this bill would amend the Criminal Procedure Law by adding the titles of investigator and sworn officer of the Waterfront Commission of New York Harbor to the definition of "police officer" under Section 1.20.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately \$29,000 in the annual contributions of the State of New York. This estimate assumes that payment will be made on February 1, 2024.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$979,000 which will be borne by the State of New York and all local participating employers in the NYSLPFRS. This estimate assumes that payment will be made on February 1, 2024.

These estimated costs are based on eight affected members employed by the Waterfront Commission of New York Harbor, with annual salary of approximately \$950,000 as of March 31, 2022.

Along with the direct costs quoted above, insofar as this proposal allows certain previous service rendered as an investigator, investiga-

tor-trainee or sworn officer of the Waterfront Commission of New York Harbor to be newly creditable under Section 381-b of the RSSL, additional past service costs could arise for the current New York State Troopers covered by that section. It is estimated that such past service cost will be 25% of an affected member's compensation for each year of service that is newly credited pursuant to this legislation.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 2, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-175, prepared by the Actuary for the New York State and Local Retirement System.