

**A 4018** Pheffer Amato Same as [S 1991](#) JACKSON  
 Retirement and Social Security Law  
 TITLE....Establishes a twenty year retirement plan for members or officers of law enforcement  
 02/09/23 referred to governmental employees  
 02/14/23 reported referred to ways and means  
 06/08/23 reported referred to rules  
 06/08/23 reported  
 06/08/23 rules report cal.687  
 06/08/23 ordered to third reading rules cal.687  
 06/08/23 passed assembly  
 06/08/23 delivered to senate  
 06/08/23 REFERRED TO RULES  
 06/09/23 SUBSTITUTED FOR S1991  
 06/09/23 3RD READING CAL.1838  
 06/09/23 PASSED SENATE  
 06/09/23 RETURNED TO ASSEMBLY  
 11/29/23 delivered to governor  
 12/08/23 vetoed memo.84  
 12/08/23 tabled

**S1991** JACKSON Same as [A 4018](#) Pheffer Amato  
 ON FILE: 01/18/23 Retirement and Social Security Law  
 TITLE....Establishes a twenty year retirement plan for members or officers of law enforcement  
 01/18/23 REFERRED TO CIVIL SERVICE AND PENSIONS  
 02/07/23 REPORTED AND COMMITTED TO FINANCE  
 06/08/23 COMMITTEE DISCHARGED AND COMMITTED TO RULES  
 06/08/23 ORDERED TO THIRD READING CAL.1838  
 06/09/23 SUBSTITUTED BY A4018  
**A04018 Pheffer Amato**  
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PHEFFER AMATO, WOERNER, JONES, WALLACE, BURDICK, ROZIC, TAPIA, LAVINE, ZEBROWSKI, SILLITTI, GUNTHER, STERN, THIELE, FAHY, LUPARDO, CLARK, CONRAD, AUBRY, RAMOS, FALL, COLTON, BARRETT, DESTEFANO, DURSO, DARLING, JEAN-PIERRE, J. A. GIGLIO, BUTTENSCHON, SAYEGH, WALSH, ANGELINO, SANTABARBARA

Add §383-e, R & SS L

Relates to establishing a twenty year retirement plan for members or officers of law enforcement; includes every non-seasonally appointed sworn member or officer of the division of law enforcement in the department of environmental conservation, a forest ranger in the service of the department of environmental conservation, a police officer in the department of environmental conservation, the regional state park police, and university police officers in such twenty year plan.

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## VETO MESSAGE - No. 84

TO THE ASSEMBLY:

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

Assembly Bill Number 4018, 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"

Assembly Bill Number 5208, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing a heart disease presumption for correction officers, correction supervisors, deputy sheriff patrol or deputy sheriff patrol supervisors"

Assembly Bill Number 5630, entitled:

"AN ACT to amend the retirement and social security law, in relation to allowing beneficiaries of certain deceased members to elect to receive death benefits in a lump sum"

Assembly Bill Number 5679, 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 5710, 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"

Assembly Bill Number 5716, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs"

Assembly Bill Number 6750, entitled:

"AN ACT to amend the administrative code of the city of New York and the retirement and social security law, in relation to permitting certain New York city correction members to borrow from their accumulated member contributions; and to repeal certain provisions of the retirement and social security law relating thereto"

Assembly Bill Number 7420, entitled:

"AN ACT to amend the retirement and social security law, in relation to the eligibility of certain participants in the New York city employees' retirement system to opt into the twenty-five year retirement program for EMT members"

TO THE SENATE:

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

Senate Bill Number 6253, entitled:

"AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities"

Senate Bill Number 6254, entitled:

"AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriffs in certain cities"

Senate Bill Number 6536, entitled:

"AN ACT to amend the retirement and social security law, in relation to the calculation of past service credit for police officers employed by the division of law enforcement in the department of environmental protection in the city of New York transferring between the New York city employees' retirement system to the New York state and local police and fire retirement system"

Senate Bill Number 6862, entitled:

"AN ACT to amend the general municipal law, in relation to disabilities of fire alarm dispatchers in certain cities"

NOT APPROVED

These bills aim to provide State and local employees with various enhancements to retirement or disability benefits. I fully support our public employees and appreciate the vital services they provide to New Yorkers. However, I cannot sign these bills because none of them includes a funding source or plan to cover its costs in the current fiscal year or in future years. The aggregate cost of these bills would impose a substantial burden on New York State taxpayers. To provide all the benefits envisioned by these bills, the State and its localities would be required to pay a combined estimated total of \$159.7 million in near-term costs and \$220.4 million in long-term costs.

These unplanned costs would put undue fiscal pressure on local governments already working to provide services to New Yorkers within limited budgets. Fixed costs associated with these benefit enhancements would hinder the ability of local governments to function effectively and would negatively impact the State's overall economic competitiveness. These costs must be addressed in the context of the annual budget negotiations, where they can be analyzed with other State spending, including spending to assist localities, rather than as individual bills that do not have an accompanying appropriation and are not considered in the context of the State's current or future financial plan or their impact on local governments.

Based on these concerns, I am constrained to veto these bills.

These bills are disapproved.

(signed) KATHY HOCHUL

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**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A4018

**SPONSOR:** Pheffer Amato

**TITLE OF BILL:**

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

**PURPOSE:**

To allow members of the regional state park police, environmental conservation officers, forest rangers, and university police officers to receive 20-year retirement plans.

**SUMMARY OF PROVISIONS:**

Section 1 adds a new Section 383-E to the Retirement and Social

Security Law to allow environmental conservation officers, forest rangers, regional state park police, and university police officers to receive a 20-year retirement plan similar to the New York State Troopers and the vast majority of municipal police officers.

Section 2 states that the newly created Section 383-E of the Retirement and Social Security Law authorizes all past service costs associated with implementing the provisions of this act shall be borne by the State of New York and may be liquidated over a period of ten years.

Section 3 is the effective date.

**JUSTIFICATION**

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THE POLICE BENEVOLENT ASSOCIATION OF NEW YORK STATE, WHICH IS COMPRISED OF FOREST RANGERS, REGIONAL PARK POLICE, ENVIRONMENTAL CONSERVATION OFFICERS AND STATE UNIVERSITY POLICE OFFICERS ARE MEMBERS OF THE AGENCY POLICE BARGAINING UNIT. THE AGENCY POLICE BARGAINING UNIT CURRENTLY HAS A 25-YEAR RETIREMENT PLAN IN WHICH THEY RECEIVE 50% OF THEIR FINAL AVERAGE SALARY AND 1.66% THEREAFTER, AT A MAXIMUM OF 32 YEARS WITH A MAXIMUM 61.66% FINAL AVERAGE SALARY.

HOWEVER, NEW YORK STATE TROOPERS AND APPROXIMATELY 97% OF MUNICIPAL POLICE OFFICERS HAVE A 20-YEAR RETIREMENT PLAN IN WHICH THEY CAN RECEIVE 50% OF THEIR FINAL AVERAGE SALARY. MANY OF THEM HAVE THE ADDITIONAL BENEFIT COMMONLY REFERRED TO AS "1/60TH," WHICH MEANS FOR EVERY YEAR ABOVE 20 YEARS OF EMPLOYMENT, THEY GET AN ADDITIONAL 1/60TH, OR 1.66% OF THEIR FINAL AVERAGE SALARY. FOR EXAMPLE, A POLICE OFFICER WHO HAS A 20-YEAR RETIREMENT BENEFIT, WHO WORKS FOR 21 YEARS, WILL GET A PENSION EQUAL TO 51.66%, WHEREAS A POLICE OFFICER WITH 22 YEARS OF EXPERIENCE WILL RECEIVE A PENSION WORTH 53.33%.

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THERE WILL BE A CAP AFTER 32 YEARS OF SERVICE, WHICH WILL EQUATE TO 70 PERCENT. POLICE OFFICERS CAN WORK BEYOND 32 YEARS, BUT THEIR PENSION WILL NOT REACH BEYOND 70 PERCENT OF THE FINAL AVERAGE SALARY. MEMBERS OF THE AGENCY POLICE BARGAINING UNIT CURRENTLY DO NOT HAVE THIS BENEFIT.

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TO RECTIFY THIS DISCREPANCY AND TO PROVIDE EQUITY AMONG LAW ENFORCEMENT OFFICERS, THIS LEGISLATION AUTHORIZES THE AGENCY POLICE BARGAINING UNIT TO BE GIVEN A 20-YEAR RETIREMENT PLAN.

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LEGISLATIVE HISTORY:

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2021-2022: S.8477 - Vetoed Memo 133/A. 9325 - Vetoed Memo 133

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2021-2022: S.4523 - Vetoed Memo 77/A6457 - Vetoed Memo 77

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2019-2020: S.8148 - Referred to Civil Service and Pensions/A.10253  
Referred to Governmental Employees

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2019-2020: S.5207 - Vetoed Memo 275/A.4431 - Vetoed Memo 275

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2017-2018: S.6234-A - Amend and Recommit to Civil Service and Pensions/A.10416 - Reported Referred to Ways and Means

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STATE AND LOCAL FISCAL IMPLICATIONS:

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See fiscal note.

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EFFECTIVE DATE:

This act shall take effect on the sixtieth day after it shall have become a law.