

VETO MESSAGE - No. 17

TO THE SENATE:

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

Senate Bill Number 5600-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to retirement benefits for warrant and transfer officers"

NOT APPROVED

This bill would amend the Retirement and Social Security Law to permit warrant and transfer officers in the Division of Parole to retire after 25 years of qualifying creditable service without regard to age. The bill further provides that members would not be eligible to retire unless they had a minimum of ten years of qualifying creditable service. The retirement benefit under the bill would be equal to two percent (2%) of the member's final average salary (FAS) for each year of qualifying creditable service, which shall not exceed fifty percent (50%) of FAS. It is estimated that the bill would result in a \$2,400 cost this year, 2.2% of the affected officers salaries in the future and a one-time past service cost of \$80,000. The bill would take effect immediately.

While I appreciate the dangerous and demanding nature of the job that warrant and transfer officers perform in the investigation, arrest and transportation of parole violators, I am constrained to disapprove the bill. Under current law, warrant and transfer officers, parole officers and uniformed court officers employed by the State do not have retirement plans that permit them to retire without regard to age after completing a minimum service requirement. To the contrary, these public servants may retire only after the age of 55 and their pension benefits are subject to diminution if they do not have 30 years of service, unless they retire after the age of 62. Thus, approval of this bill for warrant and transfer officers would undoubtedly lead parole officers and uniformed court officers to seek the same benefit, namely the ability to retire after 25 years of service without regard to age. The Division of the Budget estimates that such a benefit could occasion one-time past service costs to the State of approximately \$12 to \$15 million for parole officers, and approximately \$51 to \$60 million for uniformed court officers. In these time of fiscal uncertainty, I am unwilling to approve legislation that could lead to \$75 million in past service costs to the State. In addition, the bill has a technical flaw in that it could be interpreted to permit retirement regardless of age, so long as the member has at least 10 years of service. While permitting such employees an early retirement benefit was surely not intended, the presence of such a flaw is alone sufficient to require my disapproval.

The bill is disapproved.

(signed) GEORGE E. PATAKI