MEMORANDUM

Date: April 20, 1978

To: Allan L. Thomas, Esq.

From: Linda Seale

Re: Proposed Amendments to Pension Fund Bill

The enclosed amendments were proposed by the Joint Committee on Internal Revenue Taxation.

We would welcome your comments and those of Don Moore on which amendments are disasterous, which are merely difficult, and which are acceptable.

We're hoping to get reactions from people tomorrow.

Thanks.
November 9, 1978

Mr. Felix G. Rohatyn  
Chairman  
Municipal Assistance Corporation  
Two World Trade Center  
New York, New York 10047  

Dear Mr. Rohatyn:

Enclosed are xerox copies of correspondence, with enclosures, which have been transmitted this date to the following individuals:

1. The Governor  
   Hugh L. Carey  
2. Temporary President  
   N.Y. State Senate  
   Warren Anderson  
3. Speaker of the Assembly  
   Stanley Steingut  
4. Assembly Minority Leader  
   Perry Duryea  
5. Senate Minority Leader  
   Fred Ohrenstein  

As you know, it is the position of the Teachers' Retirement Board that its participation in the "Four-Year Financial Plan" is contingent upon the receipt of the "letters of intent" referred to in the enclosed correspondence.

Sincerely,

WALLACE F. SULLIVAN  
Executive Director
November 3, 1978

Hon. Hugh L. Carey
Governor of the State of New York
State Capital
Albany, New York 12214

Re: Senate 10582A
    Assembly 13239A

Dear Governor Carey:

Pursuant to previous conversations with you, I am enclosing a copy of Assembly print A-13239A by the Committee on Rules (S-10582A), together with the draft of a letter which expresses your understanding with the Teachers' Retirement Board. In order to expedite the finalization of the "Four-Year Financial Plan," it is necessary that the enclosed letter be signed and returned to me as soon as possible.

I want you to know the Board very much appreciates your cooperation in this matter.

Sincerely,

[Signature]

VICTOR F. CONDELO
Chairman

Encs.
November 3, 1978

Trustees of the
Teachers' Retirement Board
of the City of New York
40 Worth Street
New York, New York 10013

Dear Board Members:

In order to restore the fiscal stability of the City of New York, it is necessary to provide for actuarially sound, financially stable retirement systems.

Bills S-10582A, A-13239A, 1978 are an important step towards achieving these goals. I am, therefore, pleased to confirm our understanding that I will actively support and press for passage of this Legislation, as soon as the Legislature is in session.

Sincerely,

HUGH L. CAREY
Governor of the State of New York
November 3, 1978

Hon. Warren Anderson
Temporary President
New York State Senate
Albany, New York 12214

Re: Senate 10582A
(Association 13239A)

Dear Senator Anderson:

Pursuant to previous conversations with you, I am enclosing a copy of Assembly print A-13239A by the Committee on Rules (S-10582A), together with the draft of a letter which expresses your understanding with the Teachers' Retirement Board. In order to expedite the finalization of the "Four-Year Financial Plan," it is necessary that the enclosed letter be signed and returned to me as soon as possible.

I want you to know the Board very much appreciates your cooperation in this matter.

Sincerely,

[Signature]

VICTOR F. CONDELLA
Chairman

bw
Erics.
November 3, 1978

Trustees of the
Teachers' Retirement Board
of the City of New York
40 Worth Street
New York, New York 10013

Dear Board Members:

In order to restore the fiscal stability of the City of New York, it is necessary to provide for actuarially sound, financially stable retirement systems.

Bill S-10582A 1978 is an important step towards achieving these goals. I am, therefore, pleased to confirm our understanding that I will actively support and press for passage of this Legislation, as soon as the Legislature is in session.

Sincerely,

WARRENN ANDERSON
Temporary President
November 3, 1978

Hon. Stanley Steingut
Speaker of the Assembly
State Capital
Albany, New York 12214  Re: Assembly 13239A

Dear Assemblyman Steingut:

Pursuant to previous conversations with you, I am enclosing a copy of Assembly print A-13239A by the Committee on Rules (S-10582A), together with the draft of a letter which expresses your understanding with the Teachers' Retirement Board. In order to expedite the finalization of the "Four-Year Financial Plan," it is necessary that the enclosed letter be signed and returned to me as soon as possible.

I want you to know the Board very much appreciates your cooperation in this matter.

Sincerely,

[Signature]

VICTOR F. CONDELLA
Chairman

bw
Encls.
November 3, 1978

Trustees of the
Teachers' Retirement Board
of the City of New York
40 Worth Street
New York, New York 10013

Dear Board Members:

In order to restore the fiscal stability of the City of New York, it is necessary to provide for actuarially sound, financially stable retirement systems.

Bill A-13239A 1978 is an important step towards achieving these goals. I am, therefore, pleased to confirm our understanding that I will actively support and press for passage of this Legislation, as soon as the Legislature is in session.

Sincerely,

STANLEY STEINGUT
Speaker of the Assembly
November 3, 1978

Hon. Perry Duryea
Assembly Minority Leader
State Capital
Albany, New York 12214

Re: Assembly 13239A
(Senate 10582A)

Dear Assemblyman Duryea:

Pursuant to previous conversations with you, I am enclosing a copy of Assembly print A-13239A by the Committee on Rules (S-10582A), together with the draft of a letter which expresses your understanding with the Teachers' Retirement Board. In order to expedite the finalization of the "Four-Year Financial Plan," it is necessary that the enclosed letter be signed and returned to me as soon as possible.

I want you to know the Board very much appreciates your cooperation in this matter.

Sincerely,

Victor F. Condello
Chairman
November 3, 1978

Trustees of the Teachers' Retirement Board of the City of New York
40 Worth Street
New York, New York 10013

Dear Board Members:

In order to restore the fiscal stability of the City of New York, it is necessary to provide for actuarially sound, financially stable retirement systems.

Bill A-13239A 1978 is an important step towards achieving these goals. I am, therefore, pleased to confirm our understanding that I will actively support and press for passage of this Legislation, as soon as the Legislature is in session.

Sincerely,

PERRY DURYEA
Assembly Minority Leader
November 3, 1978

Hon. Fred Ohrenstein  
Senate Minority Leader  
New York State Senate  
Albany, New York 12214  

Re: Senate 10582A  
(Assembly 13239A)

Dear Senator Ohrenstein:

Pursuant to previous conversations with you, I am enclosing a copy of Assembly print A-13239A by the Committee on Rules (S-10582A), together with the draft of a letter which expresses your understanding with the Teachers’ Retirement Board. In order to expedite the finalization of the "Four-Year Financial Plan," it is necessary that the enclosed letter be signed and returned to me as soon as possible.

I want you to know the Board very much appreciates your cooperation in this matter.

Sincerely,

VICTOR F. CONDELLA  
Chairman

bw  
Encs.
November 3, 1978

Trustees of the
Teachers' Retirement Board
of the City of New York
40 Worth Street
New York, New York 10013

Dear Board Members:

In order to restore the fiscal stability of the City of New York, it is necessary to provide for actuarially sound, financially stable retirement systems.

Bill S-10562A 1978 is an important step towards achieving these goals. I am, therefore, pleased to confirm our understanding that I will actively support and press for passage of this Legislation, as soon as the Legislature is in session.

Sincerely,

FRED OHRENSTEIN
Senate Minority Leader
AN ACT to amend chapter eight hundred ninety of the laws of nineteen hundred seventy-five relating to the purchase by certain retirement systems and pension funds of the city of New York of obligations of such city and of the municipal assistance corporation for such city and indemnification for such investments, in relation to indemnification and payment of administrative expenses pursuant to such chapter and the duration and clarification of certain provisions of such chapter and to amend the administrative code of the city of New York and the education law, in relation to time of payment of employer contributions to such retirement systems and pension funds.

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

Section 1. Section one of chapter eight hundred ninety of the laws of nineteen hundred seventy-five, relating to the purchase by certain retirement systems and pension funds of the city of New York of obligations of such city and of the municipal assistance corporation for such city and indemnification for such investments, is hereby amended to read as follows:

§ 1. a. Notwithstanding any inconsistent provisions of law, the trustees of the New York city employees' retirement system, the board of education retirement system of the city of New York, the teachers' retirement system of the city of New York, the New York city police pension funds and fire department pension funds may, in their discretion, purchase and hold obligations of the city of New York or obligations of the municipal assistance corporation for the city of New York, as amended, providing for the purchase of such obligations by such retirement systems or pension funds (hereinafter referred to as "entry into commitments") without regard to the percentage of the assets of any such system or fund invested in such obligations and without regard to the percentage of outstanding obligations of such issuer held or to be held by such system or fund.

b. For the purchase and holding of the obligations and entry into commitments

EXPLANATION—Matter in italics is new; matter in brackets [ ] is old law to be omitted.
and the sale of assets as described in this act, the trustees of such retirement
systems and funds in determining investments by such systems and funds may
consider, in addition to other appropriate factors recognized by law, the extent
to which such investments will (a) maintain the ability of the city of New
York (1) to make future contributions to such systems and funds and (2) to satisfy its
future obligations to pay pension and retirement benefits to members and
beneficiaries of such systems and funds and (b) protect the sources of funds to
provide retirement benefits for members and beneficiaries of such systems and
funds.

§ 2. Subdivision a of section two of such chapter is hereby amended to read
as follows:

a. Notwithstanding any other provision of law, including the provisions of
subdivision one of section seventeen of the public officers law, the city of New
York shall save harmless and indemnify all members of the board, officers,
employees, trustees, fiduciaries and investment advisors of any such system or
fund from financial loss arising out of any claim, demand, suit, action or
judgment for alleged negligence, waste or breach of fiduciary duty (a) resulting
from the purchase by such systems and funds of any obligations of the city of
New York or the municipal assistance corporation for the city of New York
from such city or corporation or (b) resulting from the holding by such systems or
funds of any such obligations so purchased or (c) resulting from entry into
commitments or (d) resulting from the sale of any assets held in such systems and
funds to produce sufficient revenues to purchase such obligations, provided that
such person shall, within eight days after the date on which he is served with any
summons, complaint, process, notice, demand, claim or pleading, deliver the
original or a true copy thereof to the corporation counsel of the city of New
York. Upon such delivery the corporation counsel of the city of New York shall
assume control of the representation of such person in connection with such
claim, demand, suit, action or proceeding. Such person shall cooperate fully with
the corporation counsel of the city of New York or any other person designated
to assume such defense in respect of such representation or defense.

§ 3. Section three of such chapter is hereby amended to read as follows:

§ 3. a. The city retirement systems and funds shall continue as separate and
distinct bodies corporate with (i) the power to borrow money, and pledge as
collateral therefor such assets as they may deem advisable for the purpose of
purchasing, in their discretion, obligations of the state, the city of New York or
the municipal assistance corporation for the city of New York, and (ii) such
other powers as may be conferred upon them by law.

b. (i) All assets of the city retirement systems and funds, including to the
extent not otherwise provided by law, all dividends, interest and other income
therefrom, are and shall hereafter continue to be held in trust for the sole and
exclusive purpose of providing for pension benefits and such benefits, if any, as
may be payable pursuant to variable supplements programs for members and
beneficiaries of such system or fund, including the defraying of administrative
expenses [(1)] to the extent that payment of such expenses [have been
authorized by the city of New York and (2) if the city of New York shall not
have provided the funds to pay such expenses as they fall due] from such assets is
authorized by paragraph (ii) of this subdivision b.

(ii) (A) If the city of New York is under the jurisdiction of any court pursuant to
any proceedings under the federal or state bankruptcy laws (or any statute analogous
in purpose or effect to any such laws) the board of trustees or retirement board of any
such system or fund may direct use of assets of such system or fund to defray
administrative expenses authorized by the city in any case where the city shall not
have provided the funds to pay such expenses as they fall due.

(B) If the city is under the jurisdiction of any court pursuant to any proceedings
described in subparagraph (A) of this paragraph (ii) and the city shall not have
made appropriations for the administrative expenses of any such system or fund for
any city fiscal year, the board of trustees or retirement board thereof may direct use of
assets of such system or fund to pay its administrative expenses during such fiscal
year up to a maximum amount determined as hereinafter provided in this
subparagraph. The amount of the total expense budget appropriation for the nineteen
hundred eighty-nine fiscal year of the city for
administrative expenses of such system or fund shall be multiplied by the percentage
by which the consumer price index (all urban consumers, New York-Northeastern
New Jersey) published by the United States Bureau of Labor Statistics for the month
of June immediately preceding the city fiscal year for which such maximum amount
is being determined hereunder exceeds such consumer price index for the month of
June, nineteen hundred seventy-eight. Such maximum amount shall be the sum
obtained by adding the product of such multiplication to the amount of such total
expense budget appropriation for such nineteen hundred eighty-nine
hundred seventy-nine fiscal year.
c. No creditor of the city of New York shall have any claim against the assets
of such system or fund, by virtue of his status as such creditor; provided,
however, this sentence shall not be interpreted to deny to a pensioner or
beneficiary of a city retirement system or fund any causes of action against the
city or a retirement system or fund by virtue of his status as such pensioner or
beneficiary.
d. The moneys and investments of each city retirement system or fund if held
by the comptroller of the city of New York shall not be commingled with any
other moneys or investments held by such comptroller.
§ 4. Section five of such chapter, as amended by chapter four hundred forty-
eight of the laws of nineteen hundred seventy-eight, is hereby amended to read
as follows:
§ 5. (a) This act shall take effect immediately, except that the provisions of
sections one through three shall be retroactive to and shall be deemed to have
been in full force and effect from and after November twenty-third, nineteen
hundred seventy-five[, and such].
(b) The provisions of section one and paragraph (i) of subdivision a of section
three shall terminate on December thirty-first, nineteen hundred eighty-three,
provided, however, that nothing herein contained shall be deemed to diminish
the indemnification provided by section two of this act for investment
(including, without limitation, purchases and holdings), entry into commitments,
borrowings, pledges and sales made in accordance with the provisions of this act
during the period commencing November twenty-third, nineteen hundred
seventy-five, and ending on December thirty-first, nineteen hundred eighty-
three, which indemnification shall continue and survive with respect to any such
action effected during such period in accordance with the provisions of this act.
§ 5. Section B3-21.0 of the administrative code of the city of New York is
hereby amended by adding thereto a new subdivision c to read as follows:
c. (1) (A) The comptroller shall make monthly payments, in twelve equal in-
stalments, with respect to obligations which the city incurs to pay sums to the
retirement system.
(B) The New York city health and hospitals corporation shall make monthly
payments, in twelve equal installments, with respect to obligations which it incurs to
pay sums to the retirement system.
(2) The equal monthly payments shall be in respect of obligations payable in the
payment fiscal year (as defined in subdivision b of this section) and shall be made on
or before the last day of each month.
(3) The New York city off-track betting corporation, the Triborough bridge and
tunnel authority and the New York city housing authority shall make their respective
A. 13239-A

1 annual contributions to the retirement system in respect of obligations payable in the
2 payment fiscal year on or before January first of the payment fiscal year.
3
4 (4) The board of trustees of the retirement system may waive the requirements of
5 the foregoing provisions of this subdivision with respect to time of payment to such
6 system, provided that any such waiver of time of payment in any instance shall not
7 apply to the time of subsequent payments unless there shall be a subsequent waiver.
8
9 § 6. Section B18-27.0 of such code is hereby amended by adding thereto a
10 new subdivision c to read as follows:
11
c. (1) The comptroller shall make monthly payments, in twelve equal in-
12 stallments, with respect to obligations which the city incurs to pay sums to the
13 pension fund.
14
15 (2) The equal monthly payments shall be in respect of obligations payable in the
16 payment fiscal year (as defined in subdivision b of this section) and shall be made on
17 or before the last day of each month.
18
19 (3) The board of trustees of the pension fund may waive the requirements of the
20 foregoing provisions of this subdivision with respect to time of payment to such fund,
21 provided that any such waiver of time of payment in any instance shall not apply to
22 the time of subsequent payments unless there shall be a subsequent waiver.
23
24 § 7. Section B19-7.68 of such code is hereby amended by adding thereto a
25 new subdivision c to read as follows:
26
c. (1) The comptroller shall make monthly payments, in twelve equal in-
27 stallments, with respect to obligations which the city incurs to pay sums to the
28 pension fund.
29
30 (2) The equal monthly payments shall be in respect of obligations payable in the
31 payment fiscal year (as defined in subdivision b of this section) and shall be
32 made on or before the last day of each month.
33
34 (3) The board of trustees of the pension fund may waive the requirements of the
35 foregoing provisions of this subdivision with respect to time of payment to such fund,
36 provided that any such waiver of time of payment in any instance shall not apply to
37 the time of subsequent payments unless there shall be a subsequent waiver.
38
39 § 8. Section B20-30.0 of such code is hereby amended by adding thereto a
40 new subdivision c to read as follows:
41
c. (1) The comptroller shall make monthly payments, in twelve equal in-
42 stallments, with respect to obligations which the city incurs to pay sums to the
43 retirement system.
44
45 (2) The equal monthly payments shall be in respect of obligations payable in the
46 payment fiscal year (as defined in subdivision b of this section) and shall be made on
47 or before the last day of each month.
48
49 (3) The retirement board of the retirement system may waive the requirements of
50 the foregoing provisions of this subdivision with respect to time of payment to such
51 system, provided that any such waiver of time of payment in any instance shall not
52 apply to the time of subsequent payments unless there shall be a subsequent waiver.
53
54 § 9. Subdivision sixteen of section twenty-five hundred seventy-five of the
55 education law is hereby amended by adding thereto a new paragraph (g) to read
56 as follows:
57
58 (g) (1) The board of education shall make monthly payments, in twelve equal in-
59 stallments, with respect to obligations which such board incurs to pay sums to the
60 retirement system.
61
62 (2) The equal monthly payments shall be in respect of obligations payable in the
63 payment fiscal year (as defined in paragraph (a) of this subdivision) and shall be
64 made on or before the last day of each month.
65
66 (3) The retirement board of the retirement system may waive the requirements of
67 the foregoing provisions of this paragraph with respect to time of payment to such
68 system, provided that any such waiver of time of payment in any instance shall not
69 apply to the time of subsequent payments unless there shall be a subsequent waiver.
§ 10. If any section, part or provision of this act shall be declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall be limited to the section, part or provision directly involved in the controversy in which such declaration was made and shall not affect any other section, provision or part thereof.

§ 11. This act shall take effect immediately.

Fiscal Note: The enactment of this bill would not result in any cost to the city of New York or other employer on account of benefits. The source of this estimate is the Actuary of the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the Police Pension Fund, Article 2, the Fire Department Pension Fund, Article 1-B and the Board of Education Retirement System of the City of New York.
AN ACT to amend chapter eight hundred ninety of the laws of nineteen hundred seventy-five relating to the purchase by certain retirement systems and pension funds of the city of New York of obligations of such city and of the municipal assistance corporation for such city and indemnification for such investments, in relation to indemnification and payment of administrative expenses pursuant to such chapter and the duration and clarification of certain provisions of such chapter and to amend the administrative code of the city of New York and the education law, in relation to time of payment of employer contributions to such retirement systems and pension funds

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

Section 1. Section one of chapter eight hundred ninety of the laws of nineteen hundred seventy-five, relating to the purchase by certain retirement systems and pension funds of the city of New York of obligations of such city and of the municipal assistance corporation for such city and indemnification for such investments, is hereby amended to read as follows:

§ 1. a. Notwithstanding any inconsistent provisions of law, the trustees of the New York city employees' retirement system, the board of education retirement system of the city of New York, the teachers' retirement system of the city of New York, the New York city police pension funds and fire department pension funds may, in their discretion, purchase and hold obligations of the city of New York or obligations of the municipal assistance corporation for the city of New York and enter into commitments contemplated by subdivision four of section ten-a of the New York State financial emergency act for the city of New York, as amended, providing for the purchase of such obligations by such retirement systems or pension funds (hereinafter referred to as "entry into commitments") without regard to the percentage of the assets of any such system or fund invested in such obligations and without regard to the percentage of outstanding obligations of such issuer held or to be held by such system or fund.
b. For the purchase and holding of the obligations and entry into commitments and the sale of assets as described in this act, the trustees of such retirement systems and funds in determining investments by such systems and funds may consider, in addition to other appropriate factors recognized by law, the extent to which such investments will (a) maintain the ability of the city of New York (1) to make future contributions to such systems and funds and (2) to satisfy its future obligations to pay pension and retirement benefits to members and beneficiaries of such systems and funds and (b) protect the sources of funds to provide retirement benefits for members and beneficiaries of such systems and funds.

§ 2. Subdivision a of section two of such chapter is hereby amended to read as follows:

a. Notwithstanding any other provision of law, including the provisions of subdivision one of section seventeen of the public officers law, the city of New York shall save harmless and indemnify all members of the board, officers, employees, trustees, fiduciaries and investment advisors of any such system or fund from financial loss arising out of any claim, demand, suit, action or judgment for alleged negligence, waste or breach of fiduciary duty (a) resulting from the purchase by such systems and funds of any obligations of the city of New York or the municipal assistance corporation for the city of New York from such city or corporation or (b) resulting from the holding by such systems or funds of any such obligations so purchased or (c) resulting from entry into commitments or (d) resulting from the sale of any assets held in such systems and funds to produce sufficient revenues to purchase such obligations, provided that such person shall, within eight days after the date on which he is served with any summons, complaint, process, notice, demand, claim or pleading, deliver the original or a true copy thereof to the corporation counsel of the city of New York. Upon such delivery the corporation counsel of the city of New York shall assume control of the representation of such person in connection with such claim, demand, suit, action or proceeding. Such person shall cooperate fully with the corporation counsel of the city of New York or any other person designated to assume such defense in respect of such representation or defense.

§ 3. Section three of such chapter is hereby amended to read as follows:

a. The city retirement systems and funds shall continue as separate and distinct bodies corporate with (i) the power to borrow money, and pledge as collateral therefor such assets as they may deem advisable for the purpose of purchasing, in their discretion, obligations of the state, the city of New York or the municipal assistance corporation for the city of New York, and (ii) such other powers as may be conferred upon them by law.

b. (i) All assets of the city retirement systems and funds, including to the extent not otherwise provided by law, all dividends, interest and other income therefrom, are and shall hereafter continue to be held in trust for the sole and exclusive purpose of providing for pension benefits and such benefits, if any, as may be payable pursuant to variable supplements programs for members and beneficiaries of such system or fund, including the defraying of administrative expenses [(1)] to the extent that payment of such expenses [have been authorized by the city of New York and (2) if the city of New York shall not have provided the funds to pay such expenses as they fall due] from such assets is authorized by paragraph (ii) of this subdivision.

(ii) (A) If the city of New York is under the jurisdiction of any court pursuant to any proceedings under the federal or state bankruptcy laws (or any statute analogous in purpose or effect to any such law), the board of trustees or retirement board of any such system or fund may direct use of assets of such system or fund to defray administrative expenses authorized by the city in any case where the city shall not have provided the funds to pay such expenses as they fall due.
(B) If the city is under the jurisdiction of any court pursuant to any proceedings described in subparagraph (A) of this paragraph (ii) and the city shall not have made appropriations for the administrative expenses of any such system or fund for any city fiscal year, the board of trustees or retirement board thereof may direct use of assets of such system or fund to pay its administrative expenses during such fiscal year up to a maximum amount determined as hereinafter provided in this subparagraph. The amount of the total expense budget appropriation for the nineteen hundred seventy-eight-nineteen hundred seventy-nine fiscal year of the city for administrative expenses of such system or fund shall be multiplied by the percentage by which the consumer price index (all urban consumers, New York-Northeastern New Jersey) published by the United States Bureau of Labor Statistics for the month of June immediately preceding the city fiscal year for which such maximum amount is being determined hereunder exceeds such consumer price index for the month of June, nineteen hundred seventy-eight. Such maximum amount shall be the sum obtained by adding the product of such multiplication to the amount of such total expense budget appropriation for such nineteen hundred seventy-eight-nineteen hundred seventy-nine fiscal year.

c. No creditor of the city of New York shall have any claim against the assets of such system or fund, by virtue of his status as such creditor; provided, however, that this sentence shall not be interpreted to deny to a pensioner or beneficiary of a city retirement system or fund any causes of action against the city or a retirement system or fund by virtue of his status as such pensioner or beneficiary.

d. The moneys and investments of each city retirement system or fund if held by the comptroller of the city of New York shall not be commingled with any other moneys or investments held by such comptroller.

§ 4. Section five of such chapter, as amended by chapter four hundred forty-eight of the laws of nineteen hundred seventy-eight, is hereby amended to read as follows:

§ 5. (a) This act shall take effect immediately, except that the provisions of sections one through three shall be retroactive to and shall be deemed to have been in full force and effect from and after November twenty-third, nineteen hundred seventy-five[, and such].

(b) The provisions of section one and paragraph (i) of subdivision a of section three shall terminate on December thirty-first, nineteen hundred eighty-three, provided, however, that nothing herein contained shall be deemed to diminish the indemnification provided by section two of this act for investment (including, without limitation, purchases and holdings), entry into commitments, borrowings, pledges and sales made in accordance with the provisions of this act during the period commencing November twenty-third, nineteen hundred seventy-five, and ending on December thirty-first, nineteen hundred eighty-three, which indemnification shall continue and survive with respect to any such action effected during such period in accordance with the provisions of this act.

§ 5. Section B3-21.0 of the administrative code of the city of New York is hereby amended by adding thereto a new subdivision c to read as follows:

c. (1) (A) The comptroller shall make monthly payments, in twelve equal installments, with respect to obligations which the city incurs to pay sums to the retirement system.

(B) The New York city health and hospitals corporation shall make monthly payments, in twelve equal installments, with respect to obligations which it incurs to pay sums to the retirement system.

(2) The equal monthly payments shall be in respect of obligations payable in the payment fiscal year (as defined in subdivision b of this section) and shall be made on or before the last day of each month.

(3) The New York city off-track betting corporation, the Triborough bridge and
tunnel authority and the New York city housing authority shall make their respective
annual contributions to the retirement system in respect of obligations payable in the
payment fiscal year on or before January first of the payment fiscal year.
(4) The board of trustees of the retirement system may waive the requirements of
the foregoing provisions of this subdivision with respect to time of payment to such
system, provided that any such waiver of time of payment in any instance shall not
apply to the time of subsequent payments unless there shall be a subsequent waiver.
§ 6. Section B18-27.0 of such code is hereby amended by adding thereto a
new subdivision c to read as follows:
c. (1) The comptroller shall make monthly payments, in twelve equal in-
stallments, with respect to obligations which the city incurs to pay sums to the
pension fund.
(2) The equal monthly payments shall be in respect of obligations payable in the
payment fiscal year (as defined in subdivision b of this section) and shall be made on
or before the last day of each month.
(3) The board of trustees of the pension fund may waive the requirements of the
foregoing provisions of this subdivision with respect to time of payment to such fund,
provided that any such waiver of time of payment in any instance shall not apply to
the time of subsequent payments unless there shall be a subsequent waiver.
§ 7. Section B19-7.68 of such code is hereby amended by adding thereto a
new subdivision c to read as follows:
c. (1) The comptroller shall make monthly payments, in twelve equal in-
stallments, with respect to obligations which the city incurs to pay sums to the
pension fund.
(2) The equal monthly payments shall be in respect of obligations payable in the
payment fiscal year (as defined in subdivision b of this section) and shall be made on
or before the last day of each month.
(3) The board of trustees of the pension fund may waive the requirements of the
foregoing provisions of this subdivision with respect to time of payment to such fund,
provided that any such waiver of time of payment in any instance shall not apply to
the time of subsequent payments unless there shall be a subsequent waiver.
§ 8. Section B20-30.0 of such code is hereby amended by adding thereto a
new subdivision c to read as follows:
c. (1) The comptroller shall make monthly payments, in twelve equal in-
stallments, with respect to obligations which the city incurs to pay sums to the
retirement system.
(2) The equal monthly payments shall be in respect of obligations payable in the
payment fiscal year (as defined in subdivision b of this section) and shall be made on
or before the last day of each month.
(3) The retirement board of the retirement system may waive the requirements of
the foregoing provisions of this subdivision with respect to time of payment to such
system, provided that any such waiver of time of payment in any instance shall not
apply to the time of subsequent payments unless there shall be a subsequent waiver.
§ 9. Subdivision sixteen of section twenty-five hundred seventy-five of the
education law is hereby amended by adding thereto a new paragraph (g) to read
as follows:
g. (1) The board of education shall make monthly payments, in twelve equal in-
stallments, with respect to obligations which such board incurs to pay sums to the
retirement system.
(2) The equal monthly payments shall be in respect of obligations payable in the
payment fiscal year (as defined in paragraph (a) of this subdivision) and shall be
made on or before the last day of each month.
(3) The retirement board of the retirement system may waive the requirements of
the foregoing provisions of this paragraph with respect to time of payment to such
system, provided that any such waiver of time of payment in any instance shall not apply to the time of subsequent payments unless there shall be a subsequent waiver.

§ 10. If any section, part or provision of this act shall be declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall be limited to the section, part or provision directly involved in the controversy in which such declaration was made and shall not affect any other section, provision or part thereof.

§ 11. This act shall take effect immediately.

FISCAL NOTE: The enactment of this bill would not result in any cost to the city of New York or other employer on account of benefits. The source of the estimate is the Actuary of the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the Police Pension Fund, Article 2, the Fire Department Pension Fund, Article 1-B and the Board of Education Retirement System of the City of New York.