

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS GRANT, MAZUR, MILLS, HOGUES, MARINELLI
HARDWICK, LOUGHRAN, RATH, McCracken, DIXON & LORIGO**

RE: Requesting that the NYS Legislature and Governor Enact Legislation to Update the NYS Retirement and Social Security Law Regarding the Buyback of Military Service

WHEREAS, Article 20, Section 1000 of the New York State Retirement and Social Security Law outlines the eligibility of veterans who are members of the NYS and Local Retirement System to buyback military time under certain circumstances; and

WHEREAS, Subsection 1 of Section 1000 of Article 20 identifies periods of eligibility pertaining to World War II, the Korean War and the War in Vietnam; and

WHEREAS, Subsection 2 of this law addresses military hostilities in Lebanon, Grenada and Panama, as well as the First Gulf War -- Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea and the airspace above these locations, and covers a period to the present; and

WHEREAS, the last year during which substantial revisions to this law were made is 2000, which pre-dates the terrorist attacks on America in 2001 and the ensuing Global War on Terror; and

WHEREAS, consequently, the most notable omission from the list of hostilities is Operation Enduring Freedom, otherwise known as the War in Afghanistan; and

WHEREAS, there may be other theaters of military operations that occurred pursuant to the First Gulf War and the first attack on the World Trade Center in 1993; and

WHEREAS, there are additional requirements that must be met before a member of the NYS and Local Retirement System can buy back military time, including the receipt of specific medals; and

WHEREAS, New York State and local government employees who may have served in these more recent theaters of military hostilities cannot avail themselves of the opportunity to buy back their military time, even though many of them do meet the requirement of five years of credited service in the state retirement system; and

WHEREAS, this Honorable Body believes that the time is right to revisit and make updates to this state legislation as a matter of fairness to many New York State and local government employees who served our nation and were honorable discharged from military duty, yet do not meet the outdated requirements to buy back military time as currently written in state law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon the New York State Assembly and the New York State Senate to initiate a comprehensive review of current legislation regarding the buyback of military time – specifically Article 20, Section 1000 of the New York State Retirement and Social Security Law; and be it further

RESOLVED, that the purpose of this review is to ensure that military operations/ hostilities that took place following the first Gulf War and certainly after 9/11 – particularly Operation Enduring Freedom and the most recent Iraq War (Operation Iraqi Freedom) – are given due recognition and are included in future amendments to Article 20, Section 1000 with regard to military service credit; and be it further

RESOLVED, that copies of this resolution be conveyed to Governor Andrew Cuomo, Speaker of the Assembly Sheldon Silver, Senator Dean Skelos – Leader of the Republican Conference of the State Senate, Senator Jeffrey Klein – Leader of the Independent Democrat Conference of the State Senate, County Executive Mark Poloncarz, Francis McLaughlin – Director of the Erie County Office of Veterans' Affairs, Roger Woodworth – CEO of the Veterans One-Stop of WNY, Peter Pilc – NY National Guard Military Family Assistance Program and all others deemed necessary and proper.

FISCAL IMPACT: To be determined.