

# STATE OF NEW YORK

10037

## IN ASSEMBLY

April 29, 2022

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to providing cost-of-living adjustments

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

1 Section 1. Subdivision g of section 78-a of the retirement and social  
2 security law, as added by chapter 125 of the laws of 2000, is amended to  
3 read as follows:

4 g. Notwithstanding any other provision of law, effective the first day  
5 of September, two thousand twenty-three, the surviving spouse of a  
6 deceased retired member who retired under an option which provides that  
7 benefits are to be continued for life to the surviving spouse after the  
8 death of the retired member, shall be entitled to receive benefits  
9 pursuant to this section. Said benefits shall be [~~fifty~~] one hundred  
10 percent of the monthly benefits which the pensioner would be receiving  
11 pursuant to this section if living, and shall commence (i) with a  
12 payment for the month of September, two thousand twenty-three, or (ii)  
13 the month following the death of the deceased retired member, whichever  
14 is later.

15 § 2. Subdivision g of section 378-a of the retirement and social secu-  
16 rity law, as added by chapter 125 of the laws of 2000, is amended to  
17 read as follows:

18 g. Notwithstanding any other provision of law, effective the first day  
19 of September, two thousand twenty-three, the surviving spouse of a  
20 deceased retired member who retired under an option which provides that  
21 benefits are to be continued for life to the surviving spouse after the  
22 death of the retired member, shall be entitled to receive benefits  
23 pursuant to this section. Said benefits shall be [~~fifty~~] one hundred  
24 percent of the monthly benefits which the pensioner would be receiving  
25 pursuant to this section if living, and shall commence (i) with a  
26 payment for the month of September, two thousand twenty-three, or (ii)

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 the month following the death of the deceased retired member, whichever  
2 is later.

3 § 3. Subdivision g of section 532-a of the education law, as added by  
4 chapter 125 of the laws of 2000, is amended to read as follows:

5 g. Notwithstanding any other provision of law, effective the first day  
6 of September, two thousand twenty-three, the surviving spouse of a  
7 deceased retired member who retired under an option which provides that  
8 benefits are to be continued for life to the surviving spouse after the  
9 death of the retired member, shall be entitled to receive benefits  
10 pursuant to this section. Said benefits shall be [~~fifty~~] one hundred  
11 percent of the monthly benefits which the pensioner would be receiving  
12 pursuant to this section if living, and shall commence (i) with a  
13 payment for the month of September, two thousand twenty-three, or (ii)  
14 the month following the death of the deceased retired member, whichever  
15 is later.

16 § 4. Subdivision g of section 13-696 of the administrative code of the  
17 city of New York, as added by chapter 125 of the laws of 2000, is  
18 amended to read as follows:

19 g. Notwithstanding any other provision of law, effective the first day  
20 of September, two thousand twenty-three, the surviving spouse of a  
21 deceased retired member of the New York city employees' retirement  
22 system, the New York city teachers' retirement system, the New York city  
23 police pension fund, the New York city fire department pension fund or  
24 the New York city board of education retirement system who retired under  
25 an option which provides that benefits are to be continued for life to  
26 the surviving spouse after the death of the member, shall be entitled to  
27 receive a benefit pursuant to this section. Said benefit shall be  
28 [~~fifty~~] one hundred percent of the monthly benefit which the pensioner  
29 would be receiving if living, and shall commence (i) with a payment for  
30 the month of September, two thousand twenty-three, or (ii) the month  
31 following the death of the deceased retired member, whichever is later.

32 § 5. This act shall take effect immediately.

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

This bill would provide an increase in the defined benefit cost-of-living adjustment (COLA) for New York public retirement systems. Starting with a payment in September 2023, the cost-of-living benefit payable to a surviving spouse who is eligible for COLA will be increased from fifty percent to one hundred percent of the benefit that the pensioner would have received.

Insofar as this bill affects the New York State and Local Employees' Retirement System, pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. If this bill were enacted, the increase in the present value of benefits would be approximately \$1.4 billion.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (PFRS), the increased costs would be shared by the State of New York and the participating employers in the PFRS. If this bill were enacted, the increase in the present value of benefits would be approximately \$150 million. The estimated first year cost would be approximately \$3.0 million to the State of New York and approximately \$11 million to the participating employers in the PFRS.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the

2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 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, 2021 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 January 14, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-50, prepared by the Actuary for the New York State and Local Retirement System.