

STATE OF NEW YORK

8594

IN SENATE

March 21, 2022

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize the widow of Peter Sistrom to file a retirement option election form on behalf of her deceased husband

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

1 Section 1. Notwithstanding the provisions of any general or special
2 law, rule or regulation to the contrary, Peter Sistrom, who was last
3 employed by the metropolitan transportation authority and had over twenty-eight years of public service credited in the New York state and
4 local employees' retirement system and exceeded the age of sixty-five,
5 shall be deemed eligible for a service retirement benefit, notwithstanding the fact that he died on September 10, 2021. On or before April 1,
6 2023, the spouse of Peter Sistrom, may file with the retirement system
7 an application for service retirement benefits on behalf of Peter
8 Sistrom with an effective date of retirement of September 10, 2021 and
9 an option election form electing to receive retirement benefits pursuant
10 to the terms of the joint allowance full option with Peter Sistrom's
11 spouse or estate as the beneficiary. Once such application is received,
12 any rights or benefits payable to Peter Sistrom's spouse or estate shall
13 be retroactive to September 10, 2021. The filing of a service retirement
14 application will constitute a waiver of any rights or benefits to the
15 ordinary death benefit payable upon the death of a member in service
16 pursuant to section 508 or 606 of the retirement and social security
17 law. Any amounts paid by the New York state and local employees'
18 retirement system as the result of the death of Peter Sistrom prior to
19 the filing of the request for a service retirement benefit pursuant to
20 this section shall be deducted from the pension reserve and the pension
21 payable thereafter shall be the actuarial equivalent of the pension
22 reserve as so reduced.

25 § 2. This act shall take effect immediately.

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

This bill would deem deceased member Peter Sistrom of the New York State and Local Employees' Retirement System (NYSLERS) eligible to

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

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receive a service retirement benefit effective September 10, 2021. Mr. Sistrom's spouse shall be authorized to file for the service retirement benefit on his behalf with a joint allowance full option. Upon enactment of this legislation, all rights and benefits to the ordinary death benefit payable shall be waived. Any payments received from such ordinary death benefit will be deducted from the benefits payable under this legislation.

If this bill is enacted during the 2022 legislative session, there would be a one-time cost of approximately \$963,000 that would be shared by the State of New York and the participating employers of the NYSLERS.

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 February 28, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-75, prepared by the Actuary for the New York State and Local Retirement System.