STATE OF NEW YORK

7571

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

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

AN ACT in relation to authorizing Liliana Fernandez-Clemente, the widow of Daniel Clemente, to file a new service retirement application and option election form with the New York state and local employees' retirement system on behalf of such deceased member

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

Section 1. Notwithstanding any other provision of law to the contrary, Liliana Fernandez-Clemente, the widow of Daniel Clemente, who was a member of the New York state and local employees' retirement system, who died after he commenced the filing of paperwork for retirement but prior to his selected retirement date, shall be authorized to file a new service retirement application and an option election form on behalf of her deceased husband with a joint allowance full option, if, within one year from the effective date of this act, she shall submit a request therefor to the state comptroller. In addition, his date of retirement shall be deemed to have been December 8, 2024. Once such application is received, any rights or benefits to the pre-retirement ordinary death benefit payable upon the death of a member in service pursuant to section 448 of the retirement and social security law shall be waived. Any amounts paid by the New York state and local employees' retirement system as the result of the death of Daniel Clemente prior to the filing of the request for a service retirement benefit pursuant to this section shall be deducted from the service retirement benefit payable thereafter.

§ 2. Any additional costs for this act shall be paid by the state of New York.

§ 3. This act shall take effect immediately.

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

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

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This bill would authorize Liliana Fernandez-Clemente, the widow of deceased member Daniel Clemente, to file a new service retirement application and option election form with the New York State and Local Employees' Retirement System (NYSLERS). The date of retirement will be December 8, 2024, one day prior to the date of death of Daniel Clemente. The option election will be a joint allowance full. Any ordinary death benefit paid by NYSLERS prior to the filing of a new service retirement application will be deducted from the benefits payable under this legislation.

If this bill is enacted during the 2025 Legislative Session, there will be an immediate past service cost of approximately $634,000 which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2026.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 March 12, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-92. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.