S T A T E O F N E W Y O R K

5355

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. RAIA, CONTE, SWEENEY, TOWNSEND -- Multi-Sponsored by -- M. of A. CROUCH, GORDON, V. LOPEZ, McDONOUGH, SEMINERIO, WEISENBERG -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize Pamela Lewanduski to purchase 10 months of military service credit on behalf of her deceased husband Edward F. Lewanduski

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, Pamela Lewanduski, the widow of Edward F. Lewanduski who died on June 12, 2004, shall be authorized to purchase ten months of military service for Mr. Lewanduski's service in the United States Marine Corps from July 1977 through June 1981. Such ten months of purchased military service credit shall be used in the calculation of the ordinary death benefit calculated pursuant to section 448 of the retirement and social security law on account of the death of her husband, Edward F. Lewanduski, who was employed for nineteen years and two months by the New York state police, thus entitling Pamela Lewanduski to the death benefit which would have been payable if her husband had attained twenty years of service. The military service credit shall be purchased on behalf of Edward F. Lewanduski as if Mr. Lewanduski had made such application as of June 11, 2004 and if, within one year of the effective date of this act, Pamela Lewanduski files a written request with the state comptroller to that effect. Upon acceptance of such application the state comptroller shall adjust Edward F. Lewanduski's death benefit to reflect the attainment of twenty years of service with the New York state police pursuant to this act.

S 2. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow Ms. Pamela Lewanduski, the widow of State Police Officer Edward F. Lewanduski, to receive an ordinary death benefit based on his pension reserve by retroactively allowing her to

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

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purchase credit for military service that is currently not creditable and was not purchasable by Officer Lewanduski due to certain restrictions in the purchasing of military service credit.

If this bill is enacted, there will be an immediate past service cost of approximately $632,000 which will be shared by the State of New York and all the participating employers in the New York State and Local Police and Fire Retirement System.

This estimate, dated February 10, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-121, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.