

6164

2009-2010 Regular Sessions

I N S E N A T E

September 10, 2009

Introduced by Sen. O. JOHNSON -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 Pamela Lewanduski, the widow of Edward F. Lewanduski who died on June
3 12, 2004, shall be authorized to purchase ten months of military service
4 in the New York state and local police and fire retirement system for
5 Mr. Lewanduski's service in the United States Marine Corps from July
6 1977 through June 1981. Such ten months of purchased military service
7 credit shall be used in the calculation of the ordinary death benefit
8 calculated pursuant to section 448 of the retirement and social security
9 law on account of the death of her husband, Edward F. Lewanduski, who
10 was employed for nineteen years and two months by the division of state
11 police, thus entitling Pamela Lewanduski to the death benefit which
12 would have been payable if her husband had attained twenty years of
13 service. The military service credit shall be purchased on behalf of
14 Edward F. Lewanduski as if Mr. Lewanduski had made such application as
15 of June 11, 2004 and if, within one year of the effective date of this
16 act, Pamela Lewanduski files a written request with the state comp-
17 troller to that effect. Upon acceptance of such application the state
18 comptroller shall adjust Edward F. Lewanduski's death benefit to reflect
19 the attainment of twenty years of service with the division of state
20 police pursuant to this act.

21 S 2. This act shall take effect immediately.

FISCAL NOTE.--PURSUANT TO LEGISLATIVE LAW, SECTION 50:

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 purchase credit

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

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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.