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

4011--A

2011-2012 Regular Sessions

I N S E N A T E

March 14, 2011

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.-- Pursuant to Legislative Law, Section 50:

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

LBD06601-04-2

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 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 $731,000 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.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 27, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-72, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.