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

S. 3760 A. 4986

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

February 14, 2013

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

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

AN ACT to allow the New York state and local employees' retirement system to posthumously establish a service retirement for Gustin L. Reichbach; and to amend chapter 43 of the laws of 2012, relating to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo, in relation to the filing requirements for such service credit

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, the service retirement application filed with the New York state and local employees' retirement system by Gustin L. Reichbach, who was employed as a justice of the supreme court, second judicial district, was a member of such retirement system and who died on July 14, 2012 prior to the effective date of his retirement, shall be deemed to have taken effect one day before the date of his death.

S 2. Section 1 of chapter 43 of the laws of 2012, relating to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo, is amended to read as follows:

Section 1. Notwithstanding any other provision of law to the contrary, Gustin L. Reichbach, currently serving as a justice of the supreme court, second judicial district, and an active tier 4 member of the New York state and local employees' retirement system, shall be eligible to receive additional service credit for any time not already credited in such system for the period from September 1, 2003 through February 27,

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

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2004, during which period he rendered service as a judge with the United Nations administration mission in Kosovo. The additional service credit granted, when added to the service already credited, shall not exceed a total of one year of credit for all service rendered in the fiscal year ending March 31, 2004. Such additional credit shall be obtained only if on or before December 31, [2012] 2013, THE ADMINISTRATOR OF THE ESTATE OF Gustin L. Reichbach files a written request for such service credit with the administrative head of the said retirement system. All costs necessary to finance the granting of this service credit shall be borne by the state of New York.

S 3. All costs associated with the implementation of this act shall be borne by the state of New York.

S 4. This act shall take effect immediately.

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

This bill would deem the service retirement application filed by Gustin L. Reichbach to have taken effect one day before the date of his death. In addition, this bill allows the administrator of Gustin L. Reichbach's estate to file for additional service credit for service rendered as a judge with the United Nations War Crimes Tribunal in Kosovo from September 1, 2003 through February 27, 2004.

If this bill is enacted, there will be an immediate past service cost of approximately $107,000, which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2014.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 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, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 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 December 21, 2012, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-36, prepared by the Actuary for the New York State and Local Employees' Retirement System.