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I N   S E N A T E

March 13, 2014

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

AN ACT to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to supplemental military retirement allowances for members of public retirement systems of the state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 1000 of the retirement and social security law is  
2     amended by adding a new subdivision 8-a to read as follows:  
3     8-A. A PERSON WHO RETIRED PRIOR TO DECEMBER TWENTY-FIRST, NINETEEN  
4     HUNDRED NINETY-EIGHT AND WHO WOULD HAVE BEEN ENTITLED TO THE PROVISIONS  
5     OF THIS SECTION, MAY MAKE APPLICATION TO SUCH RETIREMENT SYSTEM NO LATER  
6     THAN DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN FOR A SUPPLEMENTAL  
7     MILITARY RETIREMENT ALLOWANCE PURSUANT TO THIS SUBDIVISION. THE SUPPLE-  
8     MENTAL RETIREMENT ALLOWANCE PROVIDED BY THIS SUBDIVISION SHALL BE IN  
9     LIEU OF ANY BENEFIT OTHERWISE PROVIDED PURSUANT TO THIS SECTION AND ANY  
10    CREDIT GRANTED FOR MILITARY SERVICE WITH ANY RETIREMENT SYSTEM OF THIS  
11    STATE PURSUANT TO ANY OTHER SECTION OF LAW. UPON RECEIPT OF AN APPLICA-  
12    TION, THE RETIREMENT SYSTEM SHALL DETERMINE THE AMOUNT OF SERVICE CREDIT  
13    SUCH PERSON WOULD HAVE BEEN ENTITLED TO RECEIVE PURSUANT TO SUBDIVISIONS  
14    ONE AND TWO OF THIS SECTION, SUBJECT TO THE LIMITATIONS CONTAINED IN  
15    THIS SECTION. THE SUPPLEMENTAL MILITARY RETIREMENT ALLOWANCE SHALL EQUAL  
16    THE RETIREMENT ALLOWANCE OF SUCH PERSON, COMPUTED WITHOUT OPTIONAL  
17    MODIFICATION AND NOT TO EXCEED FIFTEEN THOUSAND DOLLARS, MULTIPLIED BY  
18    TWENTY-FIVE ONE HUNDREDTHS OF ONE PERCENT PER MONTH OF THE SERVICE CRED-  
19    IT AS DETERMINED PURSUANT TO THIS SUBDIVISION. ONE-TWELFTH OF THE  
20    SUPPLEMENTAL MILITARY RETIREMENT ALLOWANCE SHALL BE ADDED TO THE RETIRE-  
21    MENT ALLOWANCE OF SUCH PERSON EACH MONTH. THE BENEFIT PAYABLE PURSUANT  
22    TO THIS SECTION SHALL COMMENCE ON THE NEXT RETIREMENT ALLOWANCE PAYABLE  
23    AT LEAST THIRTY DAYS AFTER THE RECEIPT OF AN APPLICATION FROM SUCH  
24    PERSON. FOR THE PURPOSES OF THIS SUBDIVISION, RETIREMENT ALLOWANCE SHALL  
25    EXCLUDE ANY ANNUITY DERIVED FROM VOLUNTARY CONTRIBUTIONS MADE BY THE  
26    INDIVIDUAL, EXCEPT THOSE MADE PURSUANT TO ELECTIONS UNDER SUBDIVISION

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

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1 ONE OF SECTION FIVE HUNDRED ELEVEN-A OR PARAGRAPH C OF SUBDIVISION THREE  
2 OF SECTION FIVE HUNDRED SIXTEEN OF THE EDUCATION LAW, BUT SHALL INCLUDE  
3 ANY COST OF LIVING ADJUSTMENT DERIVED FROM SECTIONS SEVENTY-EIGHT-A AND  
4 THREE HUNDRED SEVENTY-EIGHT-A OF THIS CHAPTER OR SECTION FIVE HUNDRED  
5 THIRTY-TWO-A OF THE EDUCATION LAW, AS APPLICABLE. THE BENEFIT PAYABLE  
6 PURSUANT TO THIS SUBDIVISION SHALL BE PAYABLE FOR THE LIFE OF THE  
7 RETIRED MEMBER ONLY, EXCEPT THAT THE SURVIVING SPOUSE OF A DECEASED  
8 MEMBER WHO RETIRED UNDER AN OPTION PROVIDING A BENEFIT TO BE CONTINUED  
9 FOR LIFE TO THE SURVIVING SPOUSE AFTER THE DEATH OF THE MEMBER SHALL BE  
10 ENTITLED TO RECEIVE FIFTY PERCENT OF THE MONTHLY BENEFIT THAT THE  
11 RETIRED MEMBER WOULD BE RECEIVING PURSUANT TO THIS SUBDIVISION, IF  
12 LIVING, COMMENCING WITH THE NEXT RETIREMENT ALLOWANCE PAYABLE AT LEAST  
13 THIRTY DAYS AFTER RECEIPT OF AN APPLICATION FROM THE RETIRED MEMBER FOR  
14 THE BENEFIT OR PAYABLE AFTER THE DEATH OF THE RETIRED MEMBER.

15 S 2. Subdivision b of section 78-a of the retirement and social secu-  
16 rity law, as added by chapter 125 of the laws of 2000, is amended to  
17 read as follows:

18 b. Said cost-of-living adjustment shall be a percentage of the annual  
19 retirement allowance otherwise payable, computed without optional  
20 modification, but including any benefit derived from subdivision f of  
21 this section [and], any prior year's cost-of-living adjustment derived  
22 from this section AND THE AMOUNT OF ANY SUPPLEMENTAL MILITARY RETIREMENT  
23 ALLOWANCE DERIVED FROM SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF  
24 THIS CHAPTER. Said percentage is set forth in subdivision d of this  
25 section.

26 S 3. Subdivision b of section 378-a of the retirement and social secu-  
27 rity law, as added by chapter 125 of the laws of 2000, is amended to  
28 read as follows:

29 b. Said cost-of-living adjustment shall be a percentage of the annual  
30 retirement allowance otherwise payable, computed without optional  
31 modification, but including any benefit derived from subdivision f of  
32 this section [and], any prior year's cost-of-living adjustment derived  
33 from this section AND THE AMOUNT OF ANY SUPPLEMENTAL MILITARY RETIREMENT  
34 ALLOWANCE DERIVED FROM SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF  
35 THIS CHAPTER. Said percentage is set forth in subdivision d of this  
36 section.

37 S 4. Subdivision b of section 532-a of the education law, as added by  
38 chapter 125 of the laws of 2000, is amended to read as follows:

39 b. Said cost-of-living adjustment shall be a percentage of the annual  
40 retirement allowance otherwise payable, computed without optional  
41 modification, excluding any annuity derived from voluntary contributions  
42 made by members, except those made pursuant to elections under subdivi-  
43 sion one of section five hundred eleven-a or paragraph c of subdivision  
44 three of section five hundred sixteen of this article, but including any  
45 benefit derived from subdivision f of this section [and], any prior  
46 year's cost-of-living adjustment derived from this section AND THE  
47 AMOUNT OF ANY SUPPLEMENTAL MILITARY RETIREMENT ALLOWANCE DERIVED FROM  
48 SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF THE RETIREMENT AND SOCIAL  
49 SECURITY LAW. Said percentage is set forth in subdivision d of this  
50 section.

51 S 5. Subdivision b of section 13-696 of the administrative code of the  
52 city of New York, as added by chapter 125 of the laws of 2000, is  
53 amended to read as follows:

54 b. Said cost-of-living adjustment shall be a percentage of the annual  
55 fixed retirement allowance otherwise payable, computed without optional  
56 modification, but including any benefit derived from subdivision f of

1 this section [and], any prior year's cost-of-living adjustment derived  
2 from this section AND THE AMOUNT OF ANY SUPPLEMENTAL MILITARY ALLOWANCE  
3 DERIVED FROM SUBDIVISION EIGHT-A OF SECTION ONE THOUSAND OF THE RETIRE-  
4 MENT AND SOCIAL SECURITY LAW. Said percentage is set forth in subdivi-  
5 sion d of this section.

6 S 6. This act shall take effect immediately.

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

This bill would amend Section 1000 of the Retirement and Social Security Law to give veterans who retired prior to December 31, 1998 or the surviving spouse of such a retired veteran who chose a continued life benefit to the spouse, a supplemental pension equal to their first \$15,000 of single life allowance multiplied by 3% per year for up to three (3) years of such service credit for military service performed during certain periods of military conflicts for certain retirees of public retirement systems in New York State. Retirees who have already received credit in public retirement systems other than those in New York State will be allowed to receive credit for these same years of military service in the New York State and Local Employees' Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS). The annual allowance will be recalculated as of the date of enactment of this legislation. There would not be any payment required by an affected retiree for such service. Such retiree may make application for such supplemental pension no later than December 31, 2015.

The exact number of retirees or surviving spouses that could be affected by this legislation cannot be readily determined.

ERS Costs: Pursuant to Section 25 of the Retirement and Social Security Law, the increased cost to the New York State and Local Employees' Retirement System would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. Once a retiree or surviving spouse applied for this benefit a cost will be generated. Every year a cost will be determined (and billed to the state) based on those benefitting from this provision.

PFRS Costs: These costs would be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 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, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 6, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-74, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.