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

S. 3760--A A. 4986--A
Cal. No. 223

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 -- 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

IN ASSEMBLY -- Introduced by M. of A. MILLMAN, AUBRY -- read once and referred to the Committee on Governmental Employees -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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. If, within one year from the effective date of this act, the administrator of the estate of Gustin L. Reichbach files a written request for such service retirement with the administrative head of said retirement system. The filing of such a request will constitute a waiver of any rights or benefits to

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

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Article 15 disability retirement awarded to Gustin L. Reichbach pursuant to section 605 of the retirement and social security law.

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] WHO DIED ON JULY 14, 2012, AND WHO SERVED as a justice of the supreme court, second judicial district, and [an active] WAS A 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, 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. ANY INCREASE IN BENEFITS RESULTING FROM THE ADDITIONAL SERVICE CREDIT PROVIDED BY THIS ACT SHALL BE RETROACTIVE TO THE DATE OF RETIREMENT. Such additional credit shall be obtained only if on or before December 31, [2012] 2014, 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, a justice of the Supreme Court, to have taken affect one day before his date of death. In addition, this bill will allow the administrator of his estate to file a written request with the New York State and Local Employees' Retirement System 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 $115,000, 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, 2015.

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 13, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-75, prepared by the Actuary for the New York State and Local Employees' Retirement System.