

6045--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 11, 2015

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Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to providing beneficiaries with the same allocation of retirement benefits if the member has the service retirement application, disability retirement applications or option election forms postmarked prior to his or her death

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

1     Section 1. The retirement and social security law is amended by adding  
2 a new section 74-a to read as follows:  
3     S 74-A. APPLICATIONS AND ELECTIONS; ISSUES DUE TO DEATH. WHENEVER A  
4 STATUTE REQUIRES THAT A DOCUMENT MUST BE FILED OR MONEYS DEPOSITED WITH  
5 THE SYSTEM WITHIN A PRESCRIBED PERIOD OF TIME OR BY A SPECIFIED DATE IN  
6 ORDER FOR A MEMBER TO BE ELIGIBLE FOR SERVICE CREDIT OR A BENEFIT FROM  
7 THE SYSTEM THE DOCUMENT SHALL BE DEEMED FILED OR THE MONEYS DEPOSITED  
8 WITH THE SYSTEM ON THE DAY THEY ARE CLEARLY POSTMARKED BY THE UNITED  
9 STATES POSTAL SERVICE AS THE RETIREMENT SYSTEM MAY SPECIFICALLY PERMIT  
10 BY RULE OR REGULATION. NOTWITHSTANDING THE PROVISIONS HEREOF, NO SUCH  
11 DOCUMENT SHALL BE DEEMED FILED OR MONEYS DEPOSITED WITH THE SYSTEM ON  
12 THE DAY OF MAILING UNLESS ACTUALLY RECEIVED BY THE RETIREMENT SYSTEM AS  
13 A RESULT OF SUCH MAILING.  
14     S 2. The retirement and social security law is amended by adding a new  
15 section 374-a to read as follows:  
16     S 374-A. APPLICATIONS AND ELECTIONS; ISSUES DUE TO DEATH. WHENEVER A  
17 STATUTE REQUIRES THAT A DOCUMENT MUST BE FILED OR MONEYS DEPOSITED WITH  
18 THE SYSTEM WITHIN A PRESCRIBED PERIOD OF TIME OR BY A SPECIFIED DATE IN  
19 ORDER FOR A MEMBER TO BE ELIGIBLE FOR SERVICE CREDIT OR A BENEFIT FROM  
20 THE SYSTEM THE DOCUMENT SHALL BE DEEMED FILED OR THE MONEYS DEPOSITED

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

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4 DOCUMENT SHALL BE DEEMED FILED OR MONEYS DEPOSITED WITH THE SYSTEM ON  
5 THE DAY OF MAILING UNLESS ACTUALLY RECEIVED BY THE RETIREMENT SYSTEM AS  
6 A RESULT OF SUCH MAILING.

7 S 3. Notwithstanding any other provision of law to the contrary, none  
8 of the provisions of this act shall be subject to the appropriation  
9 requirement of section 25 of the retirement and social security law.

10 S 4. This act shall take effect immediately.

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

This bill would amend certain filing requirements of the New York State and Local Employees' Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS) by setting the date of filing as the date of postmark for any document that has to be filed, or payment that has to be made by a specified date or within a prescribed time period.

If this bill is enacted, we anticipate that there would be one or two members per year who would receive additional benefits due to being granted an ordinary disability benefit rather than an ordinary death benefit. The average cost impact for each such case is estimated to be less than \$100,000.

ERS and PFRS costs would be shared by the State of New York and all participating employers in the ERS and 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, 2014 actuarial valuation. Distributions and other statistics can be found in the 2014 Report of the Actuary and the 2014 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012, 2013 and 2014 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, 2014 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated May 13, 2015, and intended for use only during the 2015 Legislative Session, is Fiscal Note No. 2015-72, 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.