

# STATE OF NEW YORK

10324

## IN ASSEMBLY

April 10, 2018

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

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 Assem-  
bly, 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 May thirty-first, two thousand  
4 sixteen and who would have been entitled to the provisions of this  
5 section, may make application to such retirement system no later than  
6 December thirty-first, two thousand nineteen for a supplemental military  
7 retirement allowance pursuant to this subdivision. The supplemental  
8 retirement allowance provided by this subdivision shall be in lieu of  
9 any benefit otherwise provided pursuant to this section and any credit  
10 granted for military service with any retirement system of this state  
11 pursuant to any other section of law. Upon receipt of an application,  
12 the retirement system shall determine the amount of service credit such  
13 person would have been entitled to receive pursuant to subdivisions one  
14 and two of this section, subject to the limitations contained in this  
15 section. The supplemental military retirement allowance shall equal the  
16 retirement allowance of such person, computed without optional modifica-  
17 tion and not to exceed fifteen thousand dollars, multiplied by twenty-  
18 five one-hundredths of one percent per month of the service credit as  
19 determined pursuant to this subdivision. One-twelfth of the supple-  
20 mental military retirement allowance shall be added to the retirement  
21 allowance of such person each month. The benefit payable pursuant to  
22 this section shall commence on the next retirement allowance payable at  
23 least thirty days after the receipt of an application from such person.  
24 For the purposes of this subdivision, retirement allowance shall exclude  
25 any annuity derived from voluntary contributions made by the individual,  
26 except those made pursuant to elections under subdivision one of section

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

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1 five hundred eleven-a or paragraph c of subdivision three of section  
2 five hundred sixteen of the education law, but shall include any cost of  
3 living adjustment derived from sections seventy-eight-a and three  
4 hundred seventy-eight-a of this chapter or section five hundred thirty-  
5 two-a of the education law, as applicable. The benefit payable pursuant  
6 to this subdivision shall be payable for the life of the retired member  
7 only, except that the surviving spouse of a deceased member who retired  
8 under an option providing a benefit to be continued for life to the  
9 surviving spouse after the death of the member shall be entitled to  
10 receive fifty percent of the monthly benefit that the retired member  
11 would be receiving pursuant to this subdivision, if living, commencing  
12 with the next retirement allowance payable at least thirty days after  
13 receipt of an application from the retired member for the benefit or  
14 payable after the death of the retired member.

15 § 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 § 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 § 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 § 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 § 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 by adding a new subdivision 8-a to allow eligible retired members of public retirement systems of New York State to receive a supplemental military retirement allowance based upon the retirement allowance of such member and up to three years of military service credit. This supplemental benefit would be in lieu of any benefit otherwise provided by military service credit. The annual supplemental military retirement allowance shall be equal to the retirement allowance of such person, computed without optional modification and not to exceed fifteen thousand dollars, multiplied by twenty-five one-hundredths of one percent per month of military service claimed. The surviving spouse of a deceased member who retired under an option which provides them with a continuing lifetime benefit would be entitled to receive fifty percent of the supplemental military retirement allowance that the retired member would have received. A member must have retired prior to May 31, 2016 and make application no later than December 31, 2019. This benefit is prospective only and shall commence with the next retirement allowance payable at least 30 days after the receipt of said application. There is no member cost for this benefit.

It is not possible to determine the total annual cost to the employers of members of the New York State Teachers' Retirement System since the number of retired members who would be eligible for the supplemental military retirement allowance under this bill cannot be effectively estimated. However, the cost is estimated to be, on average, approximately \$12,300 for each retired member eligible for the supplemental military retirement allowance provided under this bill if enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2018-18 dated March 30, 2018 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2018 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.-- This bill would amend Section 1000 of the Retirement and Social Security Law to give veterans who retired prior to May 31, 2016, a supplemental pension equal to their first \$15,000 of single life allowance together with any cost of living adjustment, multiplied by 3% per year for up to three (3) years of such service credit for military service that would have been eligible if the member retired on or after such date. The surviving spouse of such a retired veteran who chose a continued life benefit to the spouse shall receive half of what the deceased member would have received. There would not be any payment

required by an affected retiree or surviving spouse for this supplemental pension. Such retiree may make application for the supplemental pension no later than December 31, 2019 and the payment of the benefit will begin with the next monthly pension payment payable at least 30 days after receipt of the application.

The exact number of retirees 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 applies for this benefit a cost will be generated, which will be billed to the State.

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, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 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, 2017 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 March 9, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-71, prepared by the Actuary for the New York State and Local Retirement System.