# STATE OF NEW YORK

6598

2019-2020 Regular Sessions

# IN ASSEMBLY

March 12, 2019

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

AN ACT to amend the retirement and social security law, in relation to death benefits for certain members; and providing for the repeal of such provisions upon expiration thereof

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivision b of section 448 of the retirement and social security law is amended by adding a new paragraph 3 to read as follows:

**3. Provided further, notwithstanding any other provision of this article to the contrary, where a member is in a title as defined in subdivision i of section eighty-nine of this chapter under the jurisdiction of the department of corrections and community supervision, and would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after July first, two thousand nineteen, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.**

§ 2. Subdivision b of section 508 of the retirement and social security law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a police officer, firefighter, correction officer, investigator revised plan member or sanitation worker and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of section five hundred four or five hundred five of this article, shall upon completion of ninety days of service be covered for financial

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

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protection in the event of death in service pursuant to this subdivision.

**1.** Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, or in the case of a member of the New York city employees' retirement system who is a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member, the specific limitations specified for age of entrance into service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

**2. Provided further, notwithstanding any other provision of this article to the contrary, where a member is in a title as defined in subdivision i of section eighty-nine of this chapter under the jurisdiction of the department of corrections and community supervision, and would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after July first, two thousand nineteen, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.**

§ 3. This act shall take effect immediately and shall expire five years after the date on which it shall have become a law.

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

This bill would modify the in-service death benefit for tiers 2 through 6 state correction officers. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death. The provision is scheduled to expire five years after the date it is enacted.

If such a proposal is enacted during the 2019 legislative session, there will be a past service cost of $13.1 million, 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, 2020.

If this provision is extended or made permanent by subsequent legislation, there would be additional costs.

These estimated costs are based on approximately 20,700 state correction officers with a total annual salary of approximately $1.5 billion for the fiscal year ending March 31, 2018.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 29, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-37, prepared by the Actuary for the New York State and Local Retirement System.