

STATE OF NEW YORK

8400--A

IN SENATE

February 23, 2022

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- 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 allowing beneficiaries of certain deceased members to elect to receive death benefits in a lump sum

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

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

3 3. Provided further, notwithstanding any other provision of this arti-
4 cle to the contrary, where the member is in a title as defined in subdi-
5 vision i of section eighty-nine of this chapter, and would have been
6 entitled to a service retirement benefit at the time of such member's
7 death and where such member's death occurs on or after July first, two
8 thousand twenty-two, the beneficiary or beneficiaries nominated for the
9 purposes of this subdivision may elect to receive, in a lump sum, an
10 amount payable which shall be equal to the pension reserve that would
11 have been established had the member retired on the date of such
12 member's death, or the value of the death benefit and the reserve-for-
13 increased-take-home-pay, if any, whichever is greater.

14 § 2. Subdivision b of section 508 of the retirement and social securi-
15 ty law, as amended by chapter 476 of the laws of 2018, is amended to
16 read as follows:

17 b. A member of a retirement system subject to the provisions of this
18 article who is a police officer, firefighter, correction officer, inves-
19 tigator revised plan member or sanitation worker and is in a plan which
20 permits immediate retirement upon completion of a specified period of
21 service without regard to age or who is subject to the provisions of
22 section five hundred four or five hundred five of this article, shall
23 upon completion of ninety days of service be covered for financial
24 protection in the event of death in service pursuant to this subdivi-
25 sion.

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

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

12 2. Provided further, notwithstanding any other provision of this arti-
13 cle to the contrary, where the member is in a title as defined in subdi-
14 vision i of section eighty-nine of this chapter, and would have been
15 entitled to a service retirement benefit at the time of such member's
16 death and where such member's death occurs on or after July first, two
17 thousand twenty-two, the beneficiary or beneficiaries nominated for the
18 purposes of this subdivision may elect to receive, in a lump sum, an
19 amount payable which shall be equal to the pension reserve that would
20 have been established had the member retired on the date of such
21 member's death, or the value of the death benefit and the reserve-for-
22 increased-take-home-pay, if any, whichever is greater.

23 § 3. This act shall take effect immediately.

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 and security hospital treatment assistants. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this bill is enacted during the 2022 legislative session, we anticipate that there will be an increase of approximately \$1.7 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2023. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$10.3 million which will 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, 2023.

These estimated costs are based on 18,958 affected members employed by the State of New York, with annual salary of approximately \$1.6 billion as of March 31, 2021.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the 2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 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, 2021 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 February 25, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-62, prepared by the Actuary for the New York State and Local Retirement System.