STATE OF NEW YORK

6534

2023-2024 Regular Sessions

IN ASSEMBLY

April 13, 2023

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

AN ACT to authorize Susan Gillinder, the widow of Robert C. Ritchie, to file a new service retirement application and option election form with the New York state and local employees' retirement system on behalf of such deceased member

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, Susan Gillinder, the widow of Robert C. Ritchie, who was a member of the New York state and local employees' retirement system, who died after he filed for retirement but prior to his selected retirement date, shall be authorized to file a new service retirement application and an option election form on behalf of her deceased husband with a joint allowance full option, if, within one year from the effective date of this act, she shall submit a request therefor to the state comptroller. In addition, his date of retirement shall be deemed to have been August 15, 2016. Once such application is received, any rights or benefits to the pre-retirement ordinary death benefit payable upon the death of a member in service pursuant to section 448 of the retirement and social security law shall be waived. Any amounts paid by the New York state and local employees' retirement system as the result of the death of Robert C. Ritchie prior to the filing of the request for a service retirement benefit pursuant to this section shall be deducted from the service retirement benefit payable thereafter.

§ 2. Any additional costs for this act shall be paid by the state of New York.

§ 3. This act shall take effect immediately.

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

This bill would deem deceased member Robert C. Ritchie eligible to receive a service retirement benefit effective on August 15, 2016. Susan

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

LBD08909-02-3

Gillinder shall be authorized to file for the service retirement benefit on Robert Ritchie's behalf with a joint allowance full option. Upon enactment of this legislation, all rights and benefits to the ordinary death benefits Susan Gillinder would otherwise be entitled to receive shall be waived. Any payments received from such ordinary death benefit will be deducted from the benefits payable under this legislation.

If this bill is enacted during the 2023 legislative session, there will be an immediate past service cost of approximately $490,000 which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2024.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 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 April 11, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-116, prepared by the Actuary for the New York State and Local Retirement System.