

STATE OF NEW YORK

6839--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to directing the commissioner of taxation and finance, and certain other agencies and offices, to conduct a study and to make recommendations regarding the optimal pension and retirement plan alternatives which could be made available to not-for-profit human services corporations in this state

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

1 Section 1. The commissioner of taxation and finance, the state treasurer,
2 the superintendent of financial services, and the comptroller
3 shall form a study group to jointly conduct a study and make recommendations
4 regarding the optimal pension and retirement plan alternatives
5 that may be made available to not-for-profit human services corporations
6 in this state, that are intended to significantly improve recruitment
7 and retention of employees. The state treasurer shall serve as the
8 chairperson of such study group. In conducting the study and development
9 of recommendations, the study group shall consult with the commissioner
10 of mental health, the commissioner of the office of addiction
11 services and supports, the commissioner of the office for persons with
12 developmental disabilities, the commissioner of children and family
13 services, the commissioner of the office of temporary disability
14 services, and the commissioner of health. The study shall at a minimum
15 provide the governor and the legislature with information and recommendations
16 regarding existing or new pension and retirement options for the
17 benefit of employees of not-for-profit human services corporations doing
18 business in New York state.

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

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1 § 2. The study group shall consult with statewide associations repres-
2 enting human services providers and organizations, and may consult with
3 any other organization, government entity, or person in the development
4 of the report required under section three of this act.

5 § 3. The study group shall submit to the governor, the temporary pres-
6 ident of the senate and the speaker of the assembly a report containing
7 information and recommendations, including but not limited to the
8 following:

9 a. a review of the various types of pension and retirement plan
10 options in New York state and throughout the country, including but not
11 limited to defined benefit plans, such as cash balance and benefit
12 equalization plans, single employer plans, multiple employer plans,
13 defined contribution plans, internal revenue code 401(a), 401(k), and
14 403(b) plans, simplified employee pension plans, and other possible
15 options;

16 b. a review of the various rights, responsibilities, protections and
17 advantages of plans that are governed by federal laws and guidelines
18 under the Employee Retirement Income Security Act of 1974 (ERISA) and
19 applicable provisions of the internal revenue code;

20 c. a review of the various existing pension and retirement plans used
21 by not-for-profit corporations in New York state and across the country;

22 d. a review of the following issues and considerations in determining
23 the optimal pension and retirement plan options, including: employer
24 contributions, matching contributions, employee contributions, manage-
25 ment of investments, benefit payment options and amounts of benefits
26 paid, when benefits are vested or guaranteed, eligible participants,
27 automatic enrollment, plan benefit reduction possibilities, notice
28 requirements including notice to participants of underfunded plans or
29 other critical information, survivor or beneficiary benefits upon death
30 of participant, participant options if employment is terminated prior to
31 retirement, responsibilities of plan fiduciaries, tax relief benefits,
32 taxability of payment benefits, early distributions and penalties, and
33 the risks and benefits of relevant pension and retirement plan options;

34 e. a review of laws and regulations used by other states and the
35 federal government to regulate the marketplace;

36 f. consideration of ways in which payment of certain pension or
37 retirement benefits can be guaranteed if the plan is terminated without
38 sufficient funds to pay vested benefits, including through the federal
39 Pension Benefit Guarantee Corporation;

40 g. other relevant fiscal and policy considerations, including the
41 impact of inflation and cost of living adjustments on pension or retire-
42 ment plans; and

43 h. final recommendations regarding the optimal pension or retirement
44 plans that may exist or be made available to not-for-profit human
45 services corporations in New York state and that are intended to signif-
46 icantly improve recruitment and retention of employees, as well as
47 actions the state may take to develop, fund, implement, and sustain such
48 pension or retirement plan options for such not-for-profit corporations.

49 § 4. The study group shall deliver the report required under section
50 three of this act to the governor and the legislature, and the member
51 agencies and offices of such study group shall post such report on their
52 public websites, no later than November 15, 2024.

53 § 5. This act shall take effect immediately.