

STATE OF NEW YORK

7567

2023-2024 Regular Sessions

IN SENATE

June 7, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the retirement and social security law, in relation to death benefits for the beneficiaries of certain members of the retirement system

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 63-j to read as follows:

3 § 63-j. Death benefits for state-paid judges and justices. a. As used
4 in this section, the term "judge or justice" shall mean a state-paid
5 judge or justice of the unified court system including a retired judge
6 of the court of appeals or retired justice of the supreme court who is
7 serving as a justice of the supreme court pursuant to certification by
8 the administrative board of the courts in accordance with section one
9 hundred fourteen or one hundred fifteen of the judiciary law, or a hous-
10 ing judge of the civil court of the city of New York.

11 b. Notwithstanding any provision of law to the contrary, where a judge
12 or justice would have been entitled to a service retirement benefit at
13 the time of his or her death and where his or her death occurs on or
14 after the effective date of this section, the beneficiary or benefici-
15 aries may elect to receive, in a lump sum, an amount payable which shall
16 be equal to the pension reserve that would have been established had the
17 member retired on the date of his or her death, or the value of the
18 death benefit and the reserve-for-increased-take-home-pay, if any,
19 whichever is greater.

20 § 2. The retirement and social security law is amended by adding a new
21 section 508-d to read as follows:

22 § 508-d. Death benefits for state-paid judges and justices. a. As
23 used in this section, the term "judge or justice" shall mean a state-
24 paid judge or justice of the unified court system including a retired

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

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1 judge of the court of appeals or retired justice of the supreme court
2 who is serving as a justice of the supreme court pursuant to certif-
3 ication by the administrative board of the courts in accordance with
4 section one hundred fourteen or one hundred fifteen of the judiciary
5 law, or a housing judge of the civil court of the city of New York.

6 b. Notwithstanding any provision of law to the contrary, where a judge
7 or justice would have been entitled to a service retirement benefit at
8 the time of his or her death and where his or her death occurs on or
9 after the effective date of this section, the beneficiary or benefici-
10 aries may elect to receive, in a lump sum, an amount payable which shall
11 be equal to the pension reserve that would have been established had the
12 member retired on the date of his or her death, or the value of the
13 death benefit and the reserve-for-increased-take-home-pay, if any,
14 whichever is greater.

15 § 3. The retirement and social security law is amended by adding a new
16 section 606-d to read as follows:

17 § 606-d. Death benefits for state-paid judges and justices. a. As
18 used in this section, the term "judge or justice" shall mean a state-
19 paid judge or justice of the unified court system including a retired
20 judge of the court of appeals or retired justice of the supreme court
21 who is serving as a justice of the supreme court pursuant to certif-
22 ication by the administrative board of the courts in accordance with
23 section one hundred fourteen or one hundred fifteen of the judiciary
24 law, or a housing judge of the civil court of the city of New York.

25 b. Notwithstanding any provision of law to the contrary, where a judge
26 or justice would have been entitled to a service retirement benefit at
27 the time of his or her death and where his or her death occurs on or
28 after the effective date of this section, the beneficiary or benefici-
29 aries may elect to receive, in a lump sum, an amount payable which shall
30 be equal to the pension reserve that would have been established had the
31 member retired on the date of his or her death, or the value of the
32 death benefit and the reserve-for-increased-take-home-pay, if any,
33 whichever is greater.

34 § 4. All past service costs associated with implementing the
35 provisions of this act shall be borne by the state of New York and may
36 be amortized over a period of ten years.

37 § 5. Notwithstanding any other provision of law to the contrary, none
38 of the provisions of this act shall be subject to the appropriation
39 requirement of section 25 of the retirement and social security law.

40 § 6. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for retirement eligible members of the New York State and Local Employees' Retirement System who are employed as state-paid judges or justices of the Unified Court System. 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 2023 legislative session, we anticipate that there will be an increase of approximately \$240,000 in the annual contributions of the State of New York for the fiscal year ending March 31, 2024. 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 \$4.10 million 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. If the State of New

York elects to amortize this cost over a 10-year period, the cost for the first year including interest would be \$524,000.

These estimated costs are based on 1,131 affected members employed by the State of New York as judges or justices, with annual salary of approximately \$219 million as of March 31, 2022.

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 June 5, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-126, prepared by the Actuary for the New York State and Local Retirement System.