

# STATE OF NEW YORK

5630

2023-2024 Regular Sessions

## IN ASSEMBLY

March 20, 2023

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

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-three, the beneficiary or beneficiaries nominated for  
9 the 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

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

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1 protection in the event of death in service pursuant to this subdivi-  
2 sion.

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

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

25 § 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 retirement eligible members of the New York State and Local Employees' Retirement System who are employed by New York State as 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 2023 legislative session, we anticipate that there will be an increase of approximately \$1.8 million 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 \$10.6 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.

These estimated costs are based on 18,390 affected members employed by the State of New York, with annual salary of approximately \$1.6 billion 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 March 14, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-93, prepared by the Actuary for the New York State and Local Retirement System.