STATE OF NEW YORK

7949

2025-2026 Regular Sessions

IN ASSEMBLY

April 16, 2025

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

AN ACT to amend the retirement and social security law, in relation to permit surviving spouses of certain retirement plan members to retain certain benefits upon remarriage

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

Section 1. Subdivision 7 of section 501 of the retirement and social security law, as amended by chapter 457 of the laws of 2017, is amended to read as follows:

7. "Eligible beneficiary" for the purposes of section five hundred nine of this article shall mean the following persons or classes of persons in the order set forth: (a) a surviving spouse who has not renounced survivorship rights in a separation agreement[~~, until remarriage~~], (b) surviving children until age twenty-five, (c) dependent parents, determined under regulations promulgated by the comptroller, (d) any other person who qualified as a dependent on the final federal income tax return of the member or the return filed in the year immediately preceding the year of death, until such person reaches twenty-one years of age, (e) with respect to members of the New York city employees' retirement system (other than a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member) and the board of education retirement system of the city of New York, a person whom the member shall have nominated in the form of a written designation, duly acknowledged and filed with the head of the retirement system for the purpose of section five hundred eight of this article. In the event that a class of eligible beneficiaries consists of more than one person, benefits shall be divided equally among the persons in such class. For the purposes of section five hundred eight of this article the term "eligible beneficiary" shall mean such person as the member shall have nominated to receive the benefits provided in this

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

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article. To be effective, such a nomination must be in the form of a written designation, duly acknowledged and filed with the head of the retirement system for this specific purpose. In the event such designated beneficiary does not survive [~~him~~] **the member**, or if [~~he~~] **such member** shall not have so designated a beneficiary, such benefits shall be payable to the deceased member's estate or as provided in section one thousand three hundred ten of the surrogate's court procedure act and (f) notwithstanding any other provisions of law, "eligible beneficiary" of a New York city uniformed sanitation revised plan member for the purposes of section five hundred nine of this article shall mean the following persons or classes of persons in the order set forth: (i) a surviving spouse who has not renounced survivorship rights in a separation agreement, (ii) surviving children until age twenty-five, (iii) dependent parents, determined under regulations promulgated by the comptroller and (iv) any other person who qualified as a dependent on the final federal income tax return of the member or the return filed in the year immediately preceding the year of death, until such person reaches twenty-one years of age.

§ 2. This act shall take effect immediately and shall apply to surviving spouses in pay status as of such date and for members dying on or after such date.

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

SUMMARY: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would allow eligible Tier 3 surviving spouses to continue to receive certain accidental death benefits after remarriage.

ILLUSTRATION - INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Thousands)

Year	One Remarriage SADB Eligible	Not SADB Eligible
2026	0	33
2027	0	33
2028	0	33
2029	0	33
2030	0	33
2031	0	33
2032	0	33
2033	0	33
2034	0	33
2035	0	33
2036	0	33
2037	0	33
2038	0	33
2039	0	33
2040	0	0
2041	0	0
2042	0	0
2043	0	0
2044	0	0
2045	0	0
2046	0	0
2047	0	0
2048	0	0
2049	0	0

2050	0	0

Based on a hypothetical example of a surviving spouse aged 45 currently receiving an accidental death benefit of $40,000 per year who remarries. As shown, no costs are expected for those receiving Special Accidental Death Benefits (SADB); however, the allocation among beneficiaries may change.

The potential increases in employer contributions will be allocated to New York City.

PRESENT VALUE OF BENEFITS: The Present Value of Benefits is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases. Future new hires are not included in this present value.

INITIAL INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES
as of June 30, 2024 ($ in Thousands)

Present Value (PV)	SADB Eligible	Not SADB Eligible
(1) PV of Employer Contributions:	0	275
(2) PV of Employee Contributions:	0	0
Total PV of Benefits (1) + (2):	0	275

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL per incident would be recognized as ongoing gain/loss.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Gain/Loss	SADB Eligible	Not SADB Eligible
Increase (Decrease) in UAL:	0	275 K
Number of Payments:	N/A	14
Amortization Payment:	0	33 K

CENSUS DATA: The illustration presented herein uses a hypothetical example of a non-Special Accidental Death Benefits (SADB) accidental death benefit of $40,000 per year for a member who is survived by a spouse, currently aged 45, and a youngest child, currently aged 15, with no other contingent beneficiaries.

The following table contains the preliminary census data for active Tier 3 members as of June 30, 2024 across NYCERS, POLICE and FIRE, split between those eligible and not eligible for SADB.

	SADB Eligible	Not SADB Eligible
Active Members		
- Number Count:	33,078	81
- Average Age:	35.1	34.5
- Average Service:	7.5	4.9
- Average Salary:	119,700	83,900

IMPACT ON SURVIVOR BENEFITS: The accidental death benefits payable to beneficiaries of Tier 3 NYCRS members are made up of accidental death benefits (RSSL 509) and, if eligible, SADB under General Municipal Law 208-f, totaling approximately 100% of salary. The SADB is paid to the deceased member's surviving spouse, if alive, regardless of their marital status.

Currently, surviving spouses receiving accidental death benefits who subsequently remarry, stop receiving the non-SADB portion of the accidental death benefit. Instead, the non-SADB death benefit would potentially be paid to the deceased member's dependent children, parents, or other eligible beneficiaries, if any. If there are no other eligible beneficiaries, then the SADB would allow the spouse to receive 100% of the accidental death benefit.

Under the proposed legislation, surviving spouses who are in pay status on or after the effective date, and subsequently remarry, would continue to receive both the non-SADB and SADB portion of the accidental death benefit. Any beneficiaries lower in the hierarchy of eligible recipients (such as qualifying dependent children or parents) would forfeit eligibility to such non-SADB accidental death benefits to the extent the surviving spouse who remarries is still alive.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

To illustrate the potential impact of this proposed legislation, a hypothetical example was used as disclosed in the Census Data section. The actual cost of this proposed legislation could vary greatly depending on the number of future surviving spouses who remarry, their age and benefit amount, and the demographics of other eligible beneficiaries.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits). This Fiscal Note does not reflect any chapter laws that may have been enacted during the current legislative session.

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS, but do not believe it impairs our objectivity, and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2025-41 dated April 8, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.