STATE OF NEW YORK

5083

2025-2026 Regular Sessions

IN SENATE

February 18, 2025

Introduced by Sens. SEPULVEDA, BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

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:

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

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

b. Notwithstanding any provision of law to the contrary, where a judge or justice would have been entitled to a service retirement benefit at the time of such judge or justice's death and where such death occurs on or after the effective date of this section, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of such judge or justice's death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

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

§ 508-d. Death benefits for state-paid judges and justices. a. As used in this section, the term "judge or justice" shall mean a state-

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

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paid judge or justice of the unified court system including a retired judge of the court of appeals or retired justice of the supreme court who is serving as a justice of the supreme court pursuant to certification by the administrative board of the courts in accordance with section one hundred fourteen or one hundred fifteen of the judiciary law, or a housing judge of the civil court of the city of New York.

b. Notwithstanding any provision of law to the contrary, where a judge or justice would have been entitled to a service retirement benefit at the time of such judge or justice's death and where such death occurs on or after the effective date of this section, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of such judge or justice's death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

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

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

b. Notwithstanding any provision of law to the contrary, where a judge or justice would have been entitled to a service retirement benefit at the time of such judge or justice's death and where such death occurs on or after the effective date of this section, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of such judge or justice's death, or the value of the death benefit and the reserve-for-increased-take-home-pay, if any, whichever is greater.

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

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

§ 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 2025 Legislative Session, we anticipate that there will be an increase of approximately $287,000 in the annual contributions of the State of New York for the fiscal year ending March 31, 2026. In future years this cost will vary but is expected to average 0.1% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $4.85 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, 2026. If the State of New

York elects to amortize this cost over a 10-year period, the cost for each year including interest would be $619,000.

These estimated costs are based on 1,153 affected members employed by the State of New York, with annual salary of approximately $228 million as of March 31, 2024.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 February 13, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-24. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.