STATE OF NEW YORK

7883

IN SENATE

February 28, 2020

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

AN ACT deeming Lawrence Lakeman to have died as a natural and proximate result of his participation in the World Trade Center rescue, recovery or cleanup operations

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

Section 1. Notwithstanding any other provisions of law, rule or regulation to the contrary, Lawrence Lakeman, who was previously employed by the New York state police as a trooper and was a member of the New York state and local police and fire retirement system, who was granted a state police disability retirement benefit on April 24, 2007 due to the incapacitation he sustained as a result of his participation in the World Trade Center rescue, recovery or cleanup operations, shall be deemed to have died as a natural and proximate result of such incapacitation, and as such, his beneficiary, Audra Lakeman, shall be eligible to request and such request shall not be time barred, the conversion of such retiree's state police disability retirement benefit to an accidental death benefit, if such request to that effect is filed with the state comptroller within one year from the effective date of this act.

§ 2. All costs of implementing the provisions of this act shall be borne by the state of New York and all participating employers in the New York state and local police and fire retirement system.

§ 3. This act shall take effect immediately.

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

This bill will provide Audra Lakeman, the beneficiary of deceased police officer Lawrence Lakeman's performance of duty disability benefit, the option to resubmit the Application for Conversion of Service or Disability Retirement to Accidental Death Benefit for Victims of the 2001 World Trade Center Disaster, and that such application be considered by the New York State and Local Retirement System (NYSLRS) without regard to the requirement that such application be filed within two

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

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years of the retiree's date of death as provided in Section 361 of the Retirement and Social Security Law.

If this bill is enacted during the 2020 legislative session, there will be an immediate past service cost of approximately $3.60 million which will be shared by the State of New York and the participating employers of the New York State and Local Police and Fire Retirement System. This estimate is based on the assumption that payment will be made on March 1, 2021.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2019 actuarial valuation. Distributions and other statistics can be found in the 2019 Report of the Actuary and the 2019 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017, 2018, and 2019 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, 2019 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 February 6, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-10, prepared by the Actuary for the New York State and Local Retirement System.