STATE OF NEW YORK

6478

2021-2022 Regular Sessions

IN SENATE

April 30, 2021
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Introduced by Sen. PALUMBO -- read twice and ordered printed, and when
   printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend chapter 252 of the laws of 2019 amending the retirement
   and social security law relating to disability retirement benefits for
   certain participants in World Trade Center rescue, recovery, or clean-
   up operations, in relation to the application of such provisions

   *The People of the State of New York, represented in Senate and Assem-
   bly, do enact as follows:*

 1   Section 1. Section 4 of chapter 252 of the laws of 2019 amending the
 2 retirement and social security law, in relation to disability retire-
 3 ment benefits for certain participants in World Trade Center rescue,
 4 recovery, or cleanup operations, is amended to read as follows:
 5   § 4. This act shall take effect immediately and apply to all active
 6 *and service retired* members who are determined to have incurred a quali-
 7 fying World Trade Center condition in the performance and discharge of
 8 duty that is the natural and proximate result of an accident not caused
 9 by such member's own willful negligence prior to the effective date of
10 this act.
11   § 2. This act shall take effect immediately.
     FISCAL NOTE.--Pursuant to Legislative Law, Section 50:
     This bill would amend the benefits of certain members of public
   retirement systems who are subject to the provisions of Article 14 or
   Article 15 of the Retirement and Social Security Law who contract any
   form of disease or disability related to exposure to any elements in
   connection with the World Trade Center rescue, recovery or cleanup oper-
   ations. The annual accidental disability benefit would be 75% of a
   member's final average salary less workers compensation, regardless of a
   member's plan coverage. This improved benefit would be payable only to
   members retiring with a service benefit prior to September 11, 2019, or
   their beneficiaries. Current disability retirees and their beneficiaries
   would not be affected by this bill.

Insofar as this bill affects the New York State and Local Employees'
Retirement System (NYSLERS), if this legislation is enacted during the
2021 legislative session, there would be an increase in the present
value of future costs of approximately $57.9 million which, pursuant to
Section 25 of the Retirement and Social Security Law, will be borne by
the State of New York as a one-time payment. This estimate is based on
the assumption that payment will be made on March 1, 2022.

These estimated costs are based on 532 affected retirees, with annual
single life allowance benefits payable of approximately $33.0 million as
of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact
of the proposed change, the same data used in the April 1, 2020 actuari-
al valuation. Distributions and other statistics can be found in the
2020 Report of the Actuary and the 2020 Comprehensive Annual Financial
Report.

The actuarial assumptions and methods used are described in the 2020
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, 2020
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 Quali-
fication 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 April 26, 2021, and intended for use only during
the 2021 Legislative Session, is Fiscal Note No. 2021-127, prepared by
the Actuary for the New York State and Local Retirement System.