STATE OF NEW YORK

10606

IN ASSEMBLY

June 20, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Stern) -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the widow of Luis Palermo to apply for World Trade Center related accidental death benefits from the New York state and local police and fire retirement system

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, the widow of Luis Palermo, who was employed by the Nassau County police department since October 14, 1994, and was a member of the New York state and local police and fire retirement system for approximately 23 years, until his passing on September 4, 2017, as a result of end stage pulmonary fibrosis contracted through his participation as a first responder, shall be entitled to file a new application for an accidental and special accidental death retirement benefit provided by the New York state and local police and fire retirement system. Additionally, notwithstanding any rule, regulation or law to the contrary, Luis Palermo's application for World Trade Center notice shall be approved despite Officer Palermo participating in rescue, recovery, and clean-up operations for twenty-nine hours between September 11, 2001 and September 12, 2002. Such application must be filed with the New York state and local police and fire retirement system pursuant to section 361-a of the retirement and social security law, as amended by chapter 733 of the laws of 1990, within one year of the effective date of this act.

§ 2. All costs associated with the implementation of this act shall be borne by the county of Nassau.

§ 3. This act shall take effect immediately.

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

This bill would make Deborah Palermo, the widow of deceased member Luis Palermo, eligible to collect an accidental death benefit pursuant to sections 361 and 361-a of the Retirement and Social Security Law (RSSL). Luis Palermo was employed as a police officer with Nassau County until their death on September 4, 2017. Currently, a service retirement

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

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benefit under a joint allowance full option election is payable to Deborah Palermo, pursuant to section 370 of the RSSL.

If this bill is enacted during the 2024 Legislative Session, and the required application for an accidental death benefit is timely filed and approved, there will be an immediate past service cost of approximately $5.61 million which will be borne by Nassau County as a one-time payment. This estimate assumes that payment will be made on February 1, 2025.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 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, 2023 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 June 6, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-186, prepared by the Actuary for the New York State and Local Retirement System.