STATE OF NEW YORK

7412--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 19, 2023

Introduced by M. of A. LEVENBERG -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT relating to disability retirement benefits for Lawrence R. Hrazanek, a participant in World Trade Center rescue, recovery, and cleanup operations

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

Section 1. Notwithstanding any other law to the contrary, Lawrence R. Hrazanek, a senior investigator employed by the New York state department of taxation and finance who retired from such service in October 2015, and who participated in the World Trade Center rescue, recovery and cleanup operations as an excise tax investigator of the New York state department of taxation and finance, shall be entitled to a 75% accidental disability retirement benefit pursuant to paragraph 4 of subdivision d of section 605 of the retirement and social security law based upon the determination by the New York state and local employees' retirement system that Lawrence R. Hrazanek was permanently incapacitated for the performance of his duties as a result of his participation in the World Trade Center rescue, recovery, or cleanup operations. Such benefit shall be payable from the date of his retirement.

§ 2. All costs associated with implementing this act shall be borne by the state of New York.

§ 3. This act shall take effect immediately.

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

This bill would allow Lawrence R. Hrazanek, a disability retiree of the New York State and Local Employees' Retirement System who previously worked for the New York State Department of Taxation and Finance, to be entitled to an accidental disability retirement benefit equal to 75% of

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

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final average salary, payable pursuant to §605(d)(4) of the Retirement and Social Security Law, as a result of their participation in the World Trade Center (WTC) rescue, recovery and cleanup operations. The retirement benefit would be recalculated and payment would be made retroactive to the date of retirement.

If this bill is enacted during the 2024 legislative session, there will be an immediate past service cost of approximately $793,000 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, 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 January 3, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-12, prepared by the Actuary for the New York State and Local Retirement System.