STATE OF NEW YORK

6751--A

2023-2024 Regular Sessions

IN SENATE

May 9, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the widow of Gerald J. Sullivan to file an application with the New York state and local police and fire retirement system on behalf of such deceased member and deem such application as timely filed

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

Section 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, Bonnie E. Sullivan is authorized to file an application for accidental disability retirement with a firefighters' cancer disability presumption pursuant to section 363-d of the retirement and social security law on behalf of her deceased husband Gerald J. Sullivan who was previously employed by the Buffalo Fire Department and was a performance of duty disability retiree of the New York state and local police and fire retirement system since June 1, 2015 pursuant to section 363-c of the retirement and social security law and passed away from cancer on December 17, 2020. Such application if filed with the state comptroller within one year of the effective date of this act shall be deemed as timely filed.

§ 2. Any additional costs for this act shall be paid by the state of New York.

§ 3. This act shall take effect immediately.

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

This bill would authorize Bonnie Sullivan to file an application for accidental disability retirement pursuant to section 363-d of the Retirement and Social Security Law (RSSL) on behalf of their deceased

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

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husband Gerald Sullivan. If this bill is enacted, and an application for accidental disability retirement is timely filed, the current retirement benefit will be recalculated, and payment will be made to Bonnie Sullivan retroactive to June 1, 2015, the date Gerald Sullivan first retired with a performance of duty disability benefit pursuant to section 363-c of the RSSL.

If this bill is enacted during the 2024 Legislative Session, and Bonnie Sullivan timely files the required application for accidental disability retirement, there will be an immediate past service cost of approximately $233,000 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 March 15, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-131, prepared by the Actuary for the New York State and Local Retirement System.