STATE OF NEW YORK

7609

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. P. CARROLL -- read once and referred to the Committee on Governmental Employees

AN ACT relating to disability retirement benefits for Dennis Malone, 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, Dennis Malone, an employee of the Town of Clarkstown who retired from such service on August 16, 2018, and who participated in the World Trade Center rescue, recovery and cleanup operations transporting officers to ground zero during clean up, 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 Dennis Malone 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 provide Dennis Malone, a service retiree of the New York State and Local Employees Retirement System, an accidental disability benefit equal to 75 percent of final average salary, because of their participation in the World Trade Center rescue, recovery and cleanup operations. Their retirement benefit would be recalculated, and payment would be made retroactive to the date of retirement.

If this bill is enacted during the 2025 Legislative Session, there will be an immediate past service cost of approximately $648,000 which

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

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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, 2026.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 20, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-69. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.