STATE OF NEW YORK

7783

2025-2026 Regular Sessions

IN SENATE

May 6, 2025

Introduced by Sens. JACKSON, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to providing cost-of-living adjustments

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

Section 1. Subdivision d of section 78-a of the retirement and social security law, as added by chapter 125 of the laws of 2000, is amended to read as follows:

d. The percentage referred to in this section shall be determined annually by reference to the consumer price index (all urban consumers, CPI-U, U.S. city average, all items, 1982-84=100), published by the United States bureau of labor statistics, for each applicable calendar year. Said percentage shall equal fifty percent of the annual inflation, as determined from the increase in the consumer price index in the one year period ending on the March thirty-first prior to the cost-of-living adjustment effective on the ensuing September first. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent nor be less than one percent **and effective the first day of September, two thousand twenty-seven, shall not exceed five percent nor be less than one percent**.

§ 2. Subdivision d of section 378-a of the retirement and social security law, as added by chapter 125 of the laws of 2000, is amended to read as follows:

d. The percentage referred to in this section shall be determined annually by reference to the consumer price index (all urban consumers, CPI-U, U.S. city average, all items, 1982-84=100), published by the United States bureau of labor statistics, for each applicable calendar year. Said percentage shall equal fifty percent of the annual inflation,

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

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as determined from the increase in the consumer price index in the one year period ending on the March thirty-first prior to the cost-of-living adjustment effective on the ensuing September first. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent nor be less than one percent **and effective the first day of September, two thousand twenty-seven, shall not exceed five percent nor be less than one percent**.

§ 3. Subdivision d of section 532-a of the education law, as added by chapter 125 of the laws of 2000, is amended to read as follows:

d. The percentage referred to in this section shall be determined annually by reference to the consumer price index (all urban consumers, CPI-U, U.S. city average, all items, 1982-84=100), published by the United States bureau of labor statistics, for each applicable calendar year. Said percentage shall equal fifty percent of the annual inflation, as determined from the increase in the consumer price index in the one year period ending on the March thirty-first prior to the cost-of-living adjustment effective on the ensuing September first. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent nor be less than one percent **and effective the first day of September, two thousand twenty-seven, shall not exceed five percent nor be less than one percent**.

§ 4. Subdivision d of section 13-696 of the administrative code of the city of New York, as added by chapter 125 of the laws of 2000, is amended to read as follows:

d. The percentage referred to in this section shall be determined annually by reference to the consumer price index (all urban consumers, CPI-U, U.S. city average, all items, 1982-84=100), published by the United States bureau of labor statistics, for each applicable calendar year. Said percentage shall equal fifty percent of the annual inflation, as determined from the increase in the consumer price index in the one year period ending on the March thirty-first prior to the cost-of-living adjustment effective on the ensuing September first. Said percentage shall then be rounded up to the next higher one-tenth of one percent and shall not exceed three percent nor be less than one percent **and effective the first day of September, two thousand twenty-seven, shall not exceed five percent nor be less than one percent**.

§ 5. This act shall take effect immediately.

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

This bill would provide an increase in the defined benefit cost-of-living adjustment (COLA) for New York public retirement systems. Starting with a payment in September 2027, the maximum percentage calculated for the annual cost of living increase shall increase from three percent to five percent.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLERS. If this bill were enacted during the 2025 Legislative Session, the increase in the present value of benefits would be approximately $844 million.

In NYSLERS, this benefit improvement will be funded by (1) billing a past service cost to cover retrospective benefit increases and (2) increasing the billing rates charged annually to cover prospective benefit increases, as follows:

(1) To fund retrospective costs, pursuant to Section 25 of the Retirement and Social Security Law, the State of New York will be required to pay $819 million as of March 1, 2026.

(2) To fund prospective costs, the annual contribution required of all participating employers in NYSLERS is 0.04% of billable salary , or approximately $4.8 million to the State of New York and approximately $7.3 million to the local participating employers. This **permanent annual cost** will vary in subsequent billing cycles with changes in the billing rate and salary of the affected members.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLPFRS. If this bill were enacted during the 2025 Legislative Session, the increase in the present value of benefits would be approximately $91.7 million.

NYSLPFRS	Increase in present value of benefits	Increase in required contributions
Pensioners	$ 63.1 mn	$ 0.0 mn
Actives Tiers 1-5 (Closed)	$ 17.6 mn	$ 37.1 mn
Actives Tier 6 (Open)	$ 11.0 mn	$ 54.6 mn
Total	$ 91.7 mn	$ 91.7 mn

In NYSLPFRS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in NYSLPFRS is 0.2% of billable salary, or approximately $1.7 million to the State of New York and approximately $7.5 million to the local participating employers. This **permanent annual cost** will vary in subsequent billing cycles with changes in the billing rate and salary of the affected members.

The current corridor of 1% and 3% provides an average COLA percentage that is approximately equal to half the rate of inflation over a retiree's lifetime. By maintaining the 1% floor but increasing the maximum to 5%, this bill provides a larger retiree COLA percentage in high inflationary environments but results in more volatile employer contribution rates. Prefunding COLA benefits cannot eliminate or mitigate the increased volatility in the billing rates caused by this benefit improvement.

To develop the costs above, our models included a Monte Carlo method of 5,000 simulations, each consisting of 30-year CPI-U projections.

In approximately 3,700 of the 5,000 simulations, inflation exceeded 6% at least once. In these simulations, high inflationary environments persisted for a three-year period on average. Employer billing rates in these simulations increased approximately 1.9% under this proposal, instead of 1.1% under current law.

In approximately 1,400 of the 5,000 simulations, inflation exceeded 10% at least once. In these simulations, high inflationary environments persisted for a six-year period on average. Employer billing rates in these simulations increased approximately 4.2% under this proposal, instead of 2.1% under current law.

Summary of relevant resources:

The inflation measurement used in this analysis was based on the February 2025 Consumer Price Index for All Urban Consumers: U.S. City average, published by the U.S. Bureau of Labor Statistics.

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 April 22, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-95. 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.