



NYSLRS

*A Century of
Pension Security*



2021 RETIREMENT LEGISLATION

Office of the New York State Comptroller
Thomas P. DiNapoli

New York State and Local Retirement System
110 State Street, Albany, New York 12244-0001

A MESSAGE FROM COMPTROLLER THOMAS P. DINAPOLI



Every year, the Legislature passes new laws that affect the New York State and Local Retirement System (NYSLRS) and other New York public retirement systems.

This publication covers retirement and retirement-related legislation enacted or vetoed during the 2021 Legislative Session. Sections I and II list legislation directly affecting NYSLRS, our participating employers, members, retirees and beneficiaries. Sections III and IV cover legislation affecting other New York public retirement systems.

I hope you find this 2021 Retirement Legislation publication to be a useful reference.

Sincerely,

A handwritten signature in black ink that reads "Tom DiNapoli". The signature is written in a cursive, flowing style.

Thomas P. DiNapoli
State Comptroller

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CHAPTER TITLES

Section I

Legislation Affecting the New York State and Local Retirement System

CHAPTER NO.	PAGE	DESCRIPTION
55	3	Continues certain terms of a collective bargaining agreement between the NYS executive branch and the agency police services unit; additional compensation would be pensionable [S.2505/A.3005]
78	16	Establishes the coronavirus disease 2019 (COVID-19) presumption for public employee accidental death benefits for an additional two years [S.4681/A.3988]
84	39	Chapter amendments to last year's Power of Attorney Law clarifying that power of attorney documents will now require two witnesses to the principal's signature who are not agents named in the instrument or permissible recipients of gifts under the document [S.888/A.2353]
245	47	Relates to the retirement of members who serve as police medics, police medic supervisors and members who perform police medic related services in the Nassau county police department [S.2934/A.3476]
327	52	Increases the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2021 [S.6483/A.7124]
424	58	Expands the definition of a member who participated in World Trade Center rescue, recovery or cleanup operations. The term member shall include any person during the qualifying period who was employed by a public employer participating in NYSLRS irrespective of whether the employee was a participant of the system at that time [S.4961/A.6384]
425	64	Allows for the electronic submission of a notice that a member of a retirement system participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period [S.7009/A.6934]
524	70	Provides certain accidental disability retirement benefits for Nassau county fire marshals [S.3101/A.6500]
528	73	Relates to providing performance of duty disability retirement benefits for certain first responders in Nassau county [S.3100/A.6492]
529	76	Modifies the in-service death benefit for certain Nassau County Deputy Sheriffs who are retirement eligible. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death [S.3759/A.6511]
530	78	Allows the Village of Endicott to elect to reopen the provisions of Section 384-d of the RSSL for police officer Jennifer Quinn [S.4117/A.5325]
531	80	Authorizes the county of Ulster to offer an optional twenty year retirement plan to certain deputy sheriffs employed by such county [S.4343/A.6725]

CHAPTER NO.	PAGE	DESCRIPTION
532	82	Authorizes Jason M. Schiedel to receive certain credit under section 384-d of the retirement and social security law [S.4401/A.6383]
533	84	Relates to disability benefits for firefighters employed by the division of military and naval affairs [S.4408/A.6732]
534	89	Modifies the in-service death benefit for certain Nassau County Correctional Officers who are retirement eligible. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death [S.4440/A.6936]
535	91	Provides an alternative death benefit to Suffolk County Correction Officers who are eligible to retire and die while in-service [S.4441/A.7905]
537	93	Authorizes Edward Tercasio, Jr. to receive certain credit under section 384-d of the RSSL [S.4779/A.6735]
538	95	Authorizes David Goodman to apply for retroactive membership in the New York state and local employees' retirement [S.5691/A.6670]
539	97	Allows the Village of Perry to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Blake Russell [S.6336/A.7627]
542	99	Relates to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs and correction officers in Nassau County [S.6710/A.7342]
543	101	Would provide an alternative death benefit to Suffolk County Deputy Sheriffs who are eligible to retire and die while in-service [S.6796/A.7620]
544	103	Authorizes the town of Orangetown to offer a certain retirement option to Orangetown police officers Patrick J. Casey, Elizabeth M. Muckell and Keith E. Trojan [S.7169/A.7444]
575	105	Establishes the South Nassau water authority; any employee transferred to the authority who are members of NYSLRS will continue to be in NYSLRS but the authority will be responsible for employer contributions [S.5527/A.6393]
703	124	Grants retroactive Tier 4 membership in the New York state and local employees' retirement system to Shawn Coveny [S.3594/A.5577]
704	126	Provides firefighters with a presumption that any disability or death resulting from impairments of health related to Parkinson's Disease are the result of an accident sustained in the performance of duty [S.4233/A.6461]
708	131	Authorizes Jaime Laczko to elect to participate in the optional 25 year retirement plan for forest rangers [S.5544/A.7964]
714	133	Provides a heart disease presumption for certain fire marshals in Nassau county [S.7167/A.6547]
767	136	Allows for notarization to be done electronically with the use of video conference technology [S.1780/A.399]

CHAPTER NO.	PAGE	DESCRIPTION
800	140	Grants a retroactive retirement date of August 5, 2010 from the New York state and local police and fire retirement system for Cariol Horne [S.7209/A.8026]
811	142	Authorizes the county of Columbia to offer an optional twenty year retirement plan to Theodore Blank, a deputy sheriff employed by such county [S.4404/A.4675]
816	144	Grants retroactive tier IV membership in the New York state and local employees' retirement system to Brian Zielinski [S.6585/A.7920]

CHAPTER TITLES

Section II

Vetoed Legislation Affecting the New York State and Local Retirement System

VETO NO.	PAGE	DESCRIPTION
M.70	149	Relates to accidental disability retirement for deputy sheriffs; provides that deputy sheriffs shall receive a pension of three-quarters of their final average salary [S.6092/A.4392]
M.77	152	Relates to establishing a twenty-year retirement plan for members or officers of law enforcement; includes every non-seasonally appointed sworn member or officer of the division of law enforcement in the department of environmental conservation, a forest ranger in the service of the department of environmental conservation, a police officer in the department of environmental conservation, the regional state park police, and university police officers in such twenty year plan [S.4523/A.6457]
M.78	157	Relates to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs [S.4859/A.6062]

CHAPTER TITLES

Section III

Legislation Affecting Other New York Public Retirement Systems

CHAPTER NO.	PAGE	DESCRIPTION
329	167	Allows the New York State Teachers' Retirement System to accept alternate methods of postal mail and offer expanded options to members to submit and file forms and applications [S.6513/A.7181]
357	169	Relates to the tax-deferred annuity program of the New York city teachers' retirement system [S.5728/A.7204]
370	171	Limits the maximum amount Tier 6 members who join the New York State Teachers' Retirement System on or after July 1, 2022 may borrow against their retirement contributions [S.6512/A.6663]
376	174	Relates to the death benefit provided in the third year following retirement for certain members of the New York State Teachers' Retirement System [S.6618/A.7182]
391	178	Relates to actuarial interest rate assumptions [S.7159/A.7958]
525	182	Eliminates the requirement that certain titles file an application to become members of the New York City Teachers' Retirement System [S.6690/A.7464]
540	186	Relates to determination of salary base for members of the city of New York fire department pension fund [S.6405/A.7640]
541	189	Extends and increases the minimum retirement benefit to New York State Teachers' Retirement System members who retired prior to July 1, 1980 [S.6569/A.6662]
669	191	Allow retired higher education professionals to make voluntary automatic contributions to their employee organizations, including but not limited to their political committees [S.4308/A.4059]
817	194	Grants Kevin Moriarty Tier IV status in the New York state teachers' retirement system [S.6822/A.7793]

CHAPTER TITLES

Section IV

Vetoed Legislation Affecting Other New York Public Retirement Systems

VETO NO.	PAGE	DESCRIPTION
M.87	199	Relates to certain lung disabilities incurred by members of the New York city transit authority in certain cases [S.6972/A.7817]
M.88	203	Modifies the retirement program for Triborough bridge and tunnel members to a twenty-year retirement program [S.6976/A.7727]

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6512	370	III	171
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Assembly Bills

BILL NO.	CHAPTER	SECTION	PAGE
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7181	329	III	167
7204	357	III	169
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7182	376	III	174
7958	391	III	178
6384	424	I	58
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6725	531	I	80
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6735	537	I	93
6670	538	I	95
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4233	704	I	126
5544	708	I	131
7167	714	I	133
1780	767	I	136
7209	800	I	140
4404	811	I	142
6585	816	I	144
6822	817	III	194

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BILL NO.	CHAPTER	SECTION	PAGE
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7444	544	I	103
6393	575	I	105
4059	669	III	191
5577	703	I	124
6461	704	I	126
7964	708	I	131
6547	714	I	133
399	767	I	136
8026	800	I	140
4675	811	I	142
7920	816	I	144
7793	817	III	194

SECTION I

Legislation Affecting the
New York State and Local Retirement System

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PART VV

STATE OF NEW YORK

S. 2505--C

A. 3005--C

SENATE - ASSEMBLY

January 20, 2021

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of members of the agency police services unit; to amend the state finance law, in relation to the employee benefit fund for certain members of the agency police services unit; to implement an agreement or interest arbitration award between the state and the employee organization representing the members of the agency police services unit; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal certain provisions of the civil service law relating thereto (Part VV);

Section 1. Paragraph h of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph h is added to read as follows:

h. Pursuant to the terms of an agreement entered into, or an interest arbitration award issued, pursuant to article fourteen of the civil service law between the state and an employee organization covering members of the collective negotiating unit designated as the agency police services unit, effective on the dates indicated, salary grades for such unit members shall be as follows:

(1) Effective April first, two thousand fifteen:

	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>		<u>Long</u>
	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>		<u>Max.</u>
<u>Hir-</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>		<u>25 Yr</u>
						<u>10 Yr</u>	<u>15 Yr</u>
						<u>20 Yr</u>	<u>25 Yr</u>

SG	ing Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Job Rate	Perf. Adv.	Long Step	Long Step	Long Step	Long Step
1	28663	29671	30679	31687	32695	33703	34711	1008	36218	37724	40644	42151
2	29540	30602	31664	32726	33788	34850	35912	1062	37506	39101	42106	43703
3	30764	31872	32980	34088	35196	36304	37412	1108	39075	40737	43813	45477
4	31940	33110	34280	35450	36620	37790	38960	1170	40710	42461	45619	47366
5	33237	34465	35693	36921	38149	39377	40605	1228	42445	44285	47537	49377
6	34736	36027	37318	38609	39900	41191	42482	1291	44420	46358	49710	51649
7	36442	37787	39132	40477	41822	43167	44512	1345	46527	48541	51969	53984
8	38238	39635	41032	42429	43826	45223	46620	1397	48713	50806	54312	56408
9	40115	41572	43029	44486	45943	47400	48857	1457	51047	53237	56836	59023
10	42133	43666	45199	46732	48265	49798	51331	1533	53625	55919	59621	61916
11	44351	45946	47541	49136	50731	52326	53921	1595	56308	58695	62497	64886
12	46560	48225	49890	51555	53220	54885	56550	1665	59048	61546	65458	67956
13	49066	50804	52542	54280	56018	57756	59494	1738	62096	64698	68714	71316
14	51622	53445	55268	57091	58914	60737	62560	1823	65285	68011	72151	74879
15	54326	56222	58118	60014	61910	63806	65702	1896	68542	71381	75634	78473
16	57131	59111	61091	63071	65051	67031	69011	1980	71980	74949	79327	82293
17	60083	62169	64255	66341	68427	70513	72599	2086	75722	78845	83380	86504
18	63238	65428	67618	69808	71998	74188	76378	2190	79660	82943	87642	90927
19	66434	68722	71010	73298	75586	77874	80162	2288	83590	87018	91857	95285
20	69606	71996	74386	76776	79166	81556	83946	2390	87534	91123	96119	99707
21	73101	75594	78087	80580	83073	85566	88059	2493	91799	95540	100- 687	104- 426
22	76762	79403	82044	84685	87326	89967	92608	2641	96562	100- 515	105- 880	109- 835
23	80663	83378	86093	88808	91523	94238	96953	2715	101- 027	105- 101	110- 585	114- 659
24	84774	87590	90406	93222	96038	98854	101- 670	2816	105- 892	110- 114	115- 751	119- 973
25	89244	92182	95120	98058	100- 996	103- 934	106- 872	2938	111- 276	115- 681	121- 494	125- 896

(2) Effective April first, two thousand sixteen:

SG	Hir- ing Rate	Perf. Ad- vance Step 1	Perf. Ad- vance Step 2	Perf. Ad- vance Step 3	Perf. Ad- vance Step 4	Perf. Ad- vance Step 5	Job Rate	Perf. Adv.	10 Yr Long Step	15 Yr Long Step	20 Yr Long Step	25 Yr Long Step	Long Max.
1	29236	30264	31292	32320	33348	34376	35404	1028	36941	38477	41456	42993	
2	30131	31214	32297	33380	34463	35546	36629	1083	38255	39882	42947	44576	
3	31379	32509	33639	34769	35899	37029	38159	1130	39855	41551	44688	46385	
4	32579	33772	34965	36158	37351	38544	39737	1193	41522	43308	46529	48311	
5	33902	35155	36408	37661	38914	40167	41420	1253	43297	45174	48491	50367	
6	35431	36748	38065	39382	40699	42016	43333	1317	45310	47287	50706	52683	
7	37171	38543	39915	41287	42659	44031	45403	1372	47458	49513	53009	55064	
8	39003	40428	41853	43278	44703	46128	47553	1425	49688	51823	55399	57537	
9	40917	42403	43889	45375	46861	48347	49833	1486	52067	54301	57972	60202	
10	42976	44540	46104	47668	49232	50796	52360	1564	54700	57040	60816	63157	
11	45238	46865	48492	50119	51746	53373	55000	1627	57435	59869	63748	66184	
12	47491	49189	50887	52585	54283	55981	57679	1698	60227	62775	66765	69313	
13	50047	51820	53593	55366	57139	58912	60685	1773	63339	65993	70089	72743	
14	52654	54514	56374	58234	60094	61954	63814	1860	66594	69374	73597	76379	
15	55413	57347	59281	61215	63149	65083	67017	1934	69914	72810	77148	80043	
16	58274	60294	62314	64334	66354	68374	70394	2020	73422	76451	80916	83942	

17	61285	63413	65541	67669	69797	71925	74053	2128	77238	80424	85050	88236
18	64503	66737	68971	71205	73439	75673	77907	2234	81255	84603	89396	92747
19	67763	70097	72431	74765	77099	79433	81767	2334	85264	88760	93696	97192
20	70998	73436	75874	78312	80750	83188	85626	2438	89286	92947	98042	101- 702
21	74563	77106	79649	82192	84735	87278	89821	2543	93636	97452	102- 702	106- 515
22	78297	80991	83685	86379	89073	91767	94461	2694	98494	102- 526	107- 998	112- 033
23	82276	85045	87814	90583	93352	96121	98890	2769	103- 045	107- 201	112- 795	116- 950
24	86469	89341	92213	95085	97957	100- 829	103- 701	2872	108- 007	112- 314	118- 064	122- 370
25	91029	94026	97023	100- 020	103- 017	106- 014	109- 011	2997	113- 503	117- 996	123- 925	128- 415

(3) Effective April first, two thousand seventeen:

SG	Hir- ing Rate	Perf.	Perf.	Perf.	Perf.	Perf.	Job Rate	Perf. Adv.	10 Yr	15 Yr	20 Yr	Long Max.
		Ad- vance Step	Ad- vance Step	Ad- vance Step	Ad- vance Step	Ad- vance Step			Long Step	Long Step	Long Step	Long Step
1	29821	30870	31919	32968	34017	35066	36115	1049	37683	39249	42288	43856
2	30734	31839	32944	34049	35154	36259	37364	1105	39023	40682	43808	45470
3	32007	33160	34313	35466	36619	37772	38925	1153	40655	42385	45585	47316
4	33231	34448	35665	36882	38099	39316	40533	1217	42354	44175	47461	49278
5	34580	35858	37136	38414	39692	40970	42248	1278	44163	46077	49460	51374
6	36140	37483	38826	40169	41512	42855	44198	1343	46215	48231	51718	53735
7	37914	39314	40714	42114	43514	44914	46314	1400	48410	50506	54072	56168
8	39783	41237	42691	44145	45599	47053	48507	1454	50685	52862	56510	58691
9	41735	43251	44767	46283	47799	49315	50831	1516	53110	55388	59133	61407
10	43836	45431	47026	48621	50216	51811	53406	1595	55793	58180	62031	64419
11	46143	47803	49463	51123	52783	54443	56103	1660	58587	61069	65026	67511
12	48441	50173	51905	53637	55369	57101	58833	1732	61432	64031	68101	70700
13	51048	52857	54666	56475	58284	60093	61902	1809	64609	67316	71494	74201
14	53707	55604	57501	59398	61295	63192	65089	1897	67925	70760	75068	77905
15	56521	58494	60467	62440	64413	66386	68359	1973	71314	74268	78693	81646
16	59439	61500	63561	65622	67683	69744	71805	2061	74894	77983	82537	85624
17	62511	64682	66853	69024	71195	73366	75537	2171	78786	82035	86754	90004
18	65793	68072	70351	72630	74909	77188	79467	2279	82882	86297	91186	94604
19	69118	71499	73880	76261	78642	81023	83404	2381	86971	90537	95572	99138
20	72418	74905	77392	79879	82366	84853	87340	2487	91073	94807	100- 004	103- 738
21	76054	78648	81242	83836	86430	89024	91618	2594	95509	99402	104- 757	108- 646
22	79863	82611	85359	88107	90855	93603	96351	2748	100- 465	104- 577	110- 159	114- 274
23	83922	86746	89570	92394	95218	98042	100- 866	2824	105- 104	109- 343	115- 049	119- 287
24	88198	91128	94058	96988	99918	102- 848	105- 778	2930	110- 170	114- 563	120- 428	124- 820
25	92850	95907	98964	102- 021	105- 078	108- 135	111- 192	3057	115- 774	120- 357	126- 404	130- 984

(4) Effective April first, two thousand eighteen:

SG	Hir- ing Rate	Perf.	Perf.	Perf.	Perf.	Perf.	Job Rate	Perf. Adv.	10 Yr	15 Yr	20 Yr	Long 25 Yr
		Ad- vance Step 1	Ad- vance Step 2	Ad- vance Step 3	Ad- vance Step 4	Ad- vance Step 5			Long Step	Long Step	Long Step	Long Step
1	30417	31487	32557	33627	34697	35767	36837	1070	38436	40034	43133	44733
2	31349	32476	33603	34730	35857	36984	38111	1127	39803	41495	44684	46379
3	32647	33823	34999	36175	37351	38527	39703	1176	41468	43232	46496	48262
4	33896	35137	36378	37619	38860	40101	41342	1241	43199	45057	48409	50262
5	35272	36576	37880	39184	40488	41792	43096	1304	45049	47002	50452	52405
6	36863	38233	39603	40973	42343	43713	45083	1370	47140	49197	52753	54811
7	38672	40100	41528	42956	44384	45812	47240	1428	49378	51516	55153	57291
8	40579	42062	43545	45028	46511	47994	49477	1483	51699	53919	57640	59865
9	42570	44116	45662	47208	48754	50300	51846	1546	54171	56494	60314	62634
10	44713	46340	47967	49594	51221	52848	54475	1627	56910	59344	63273	65708
11	47066	48759	50452	52145	53838	55531	57224	1693	59758	62289	66325	68860
12	49410	51177	52944	54711	56478	58245	60012	1767	62663	65314	69465	72116
13	52069	53914	55759	57604	59449	61294	63139	1845	65900	68661	72923	75684
14	54781	56716	58651	60586	62521	64456	66391	1935	69284	72175	76570	79463
15	57651	59664	61677	63690	65703	67716	69729	2013	72743	75756	80270	83282
16	60628	62730	64832	66934	69036	71138	73240	2102	76391	79542	84187	87335
17	63761	65976	68191	70406	72621	74836	77051	2215	80365	83679	88492	91807
18	67109	69434	71759	74084	76409	78734	81059	2325	84542	88026	93012	96499
19	70500	72929	75358	77787	80216	82645	85074	2429	88712	92350	97485	101- 123
20	73866	76403	78940	81477	84014	86551	89088	2537	92896	96704	102- 005	105- 814
21	77575	80221	82867	85513	88159	90805	93451	2646	97420	101- 391	106- 853	110- 820
22	81460	84263	87066	89869	92672	95475	98278	2803	102- 474	106- 669	112- 362	116- 559
23	85600	88481	91362	94243	97124	100- 005	102- 886	2881	107- 209	111- 533	117- 353	121- 675
24	89962	92951	95940	98929	101- 918	104- 907	107- 896	2989	112- 376	116- 857	122- 839	127- 319
25	94707	97825	100- 943	104- 061	107- 179	110- 297	113- 415	3118	118- 089	122- 763	128- 931	133- 603

§ 2. Section 207-d of the state finance law, as added by chapter 114 of the laws of 2006, paragraph (b) of subdivision 1 as amended by chapter 3 of the laws of 2007 and subdivision 2 as amended by chapter 15 of the laws of 2012, is amended to read as follows:

§ 207-d. Employee benefit fund; agency [~~law enforcement~~] **police** services unit. 1. As used in this section, unless otherwise expressly stated:

(a) "Director" shall mean the director of employee relations.

(b) "Employee" shall mean any person serving on a full-time annual salaried basis in the service of the state of New York who is appointed to and serving in a position in the collective negotiating unit designated as the agency [~~law enforcement~~] **police** services unit and is a police officer pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law [~~or a forest ranger 1 or a forest ranger 2~~].

2. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to subdivision four of section two hundred nine of the civil service law between the state and an employee organization so provides on behalf of

employees in the collective negotiating unit designated as the agency police services unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement or award providing for such employee benefit fund, such amount to be determined consistent with said agreement or award on the basis of the number of full-time annual salaried employees, as determined by the comptroller, ~~[on the payroll on March first, two thousand eleven for payments to be made on April first, two thousand eleven, on the payroll on March first, two thousand twelve for payments to be made on April first, two thousand twelve, on the payroll on March first, two thousand thirteen for payments to be made on April first, two thousand thirteen, and on the payroll on March first, two thousand fourteen for payments to be made on April first, two thousand fourteen]~~ on the payroll on March first, two thousand fifteen for payments to be made on April first, two thousand fifteen, on the payroll on March first, two thousand sixteen for payments to be made on April first, two thousand sixteen, on the payroll on March first, two thousand seventeen for payments to be made on April first, two thousand seventeen, and on the payroll on March first, two thousand eighteen for payments to be made on April first, two thousand eighteen. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or administrative funds. The director shall enter into an agreement with an employee organization which sets forth the specific terms and conditions for the establishment and administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section.

3. Such employee organization shall periodically as specified by the director, supply a description of the benefits purchased or provided by the employee benefit fund, the utilization experience of the benefit fund, the amount disbursed for or the cost of such benefits and such other information as may be requested by the director.

4. The employee organization shall report to the comptroller, in the form and manner as he or she may direct, the amount it expended for the purchase of or providing for such benefits for any period specified by the comptroller. The comptroller is hereby authorized to audit the books of the employee organization with respect to any moneys transmitted to it pursuant to this section.

5. Neither the state nor any officer or employee of the state shall be a party to any contract or agreement entered into by any employee organization providing for benefits purchased in whole or in part with moneys transmitted to such employee organization pursuant to this section. No benefit provided pursuant to such contracts or agreements shall be payable by the state and all such benefits shall be paid by the responsible parties to such agreements or contracts pursuant to the terms and conditions of such agreements or contracts. The employee organization shall be a fiduciary with respect to the employee benefit fund established pursuant to this section.

6. Nothing in this section shall be deemed to diminish, impair or reduce any benefit otherwise payable to any employee established or authorized by law, rule or regulation by reason of such employee's lack

of eligibility to participate in any benefit program established by an employee organization pursuant to this section.

7. In the event it is determined that the moneys transmitted to an employee organization pursuant to this section is income for which payroll deductions are required for income tax withholdings from the salary or wages of employees pursuant to law, the comptroller shall determine the amount of such withholdings required and deduct the amount so required to be withheld from the salary or wages of the employees concerned.

8. The employee organization shall indemnify the state for any claims whatsoever paid by it arising from the establishment, administration or discontinuation of any employee benefit provided pursuant to this section, together with reasonable costs of litigation arising therefrom.

9. Insofar as the provisions of this section are inconsistent with the provisions of any other law, general or special, the provisions of this section shall be controlling.

§ 3. Compensation for members of the collective negotiating unit designated as agency police services unit pursuant to an agreement between the state of New York and the employee organization representing such individuals or an interest arbitration award binding the state of New York and the employee organization representing such individuals.

1. The provisions of this section shall apply to all full-time officers and employees in the collective negotiating unit designated as the agency police services unit established pursuant to article fourteen of the civil service law.

2. Effective April 1, 2015, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2015 shall be increased by two percent.

3. Effective April 1, 2016, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2016 shall be increased by two percent.

4. Effective April 1, 2017, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2017 shall be increased by two percent.

5. Effective April 1, 2018, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2018 shall be increased by two percent.

6. Advancement within salary grade. Payments pursuant to the provisions of subdivision 6 of section 131 of civil service law for members of the agency police services unit shall be payable pursuant to the terms of an agreement between the state and an employee organization representing employees subject to the provisions of this section.

7. Effective April 1, 2015, pursuant to the terms of an agreement covering members of the agency police services unit, for such unit members who are on the institutional payroll, the ten-year, the fifteen-year, the twenty-year, and the twenty-five-year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by paragraph h of subdivision 1 of section 130 of the civil service law, as added by section one of this act.

8. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five-year longevity step of his or her position on the effective dates of the increases provided in this section, such basic annual

salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five-year longevity step, respectively, of such salary grade as contained in the appropriate salary schedule in subparagraphs (1), (2), (3), and (4) of paragraph h of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on the dates provided in subparagraphs (1), (2), (3), and (4), respectively. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three, four and five of this section.

9. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created and is filled by the appointment of such unit members to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position, which is or becomes vacant.

10. The increases in salary payable pursuant to this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis and employees paid on any basis other than at an annual salaried rate; except that the provisions of subdivision eleven, twelve, or thirteen of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

11. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis.

12. In order to provide for the officers and employees to whom this section applies who are not allocated to salary grades, performance advancements and payments in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries thereof for which adjustments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the department of civil service, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

13. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the division of the budget and the director of employee relations, such increase is not warranted or is not appropriate.

§ 4. Additional compensation for certain members of the agency police services collective negotiating unit. 1. In recognition of the general requirement for full-time employees of the state in the agency police services unit to assemble for briefing prior to the commencement of duties, where and to the extent an agreement so provides, each such

employee except such an employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, shall continue to receive additional compensation in recognition of pre-shift briefing at one and one-half times the hourly rate of pay provided for by subdivision 1 of section 134 of the civil service law and the rules and regulations of the director of the budget.

2. Members of the agency police services collective negotiating unit who are full-time annual salaried and are police officers pursuant to subdivision 34 of section 1.20 of the criminal procedure law, who are required, authorized and actually assemble for pre-shift briefing or line up before the commencement of their regular tour of duty shall continue to be paid for pre-shift briefing. However, employees of the department of environmental conservation who do not physically line up shall be paid the equivalent of pre-shift compensation for vehicle, equipment, office maintenance, and the handling of phone calls and home visitations received and instigated outside of the regular workday. This payment supplants any payments made to such employees for equipment storage. There shall be no payment of pre-shift briefing for any day in which any employee who is a member of the agency police services unit, full-time annual salaried and a police officer pursuant to subdivision 34 of section 1.20 of the criminal procedure law is not physically reporting to work. There shall be no change in the payment for pre-shift briefing for all other members of the agency police services unit.

3. Any such additional compensation pursuant to this section shall be paid in addition to and shall not be a part of such employee's basic annual salary and shall not be included as compensation for the purposes of computation of overtime pay, provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this section or of any other law, such additional compensation as added by this section shall be in lieu of the continuation of any other additional compensation for such unit members in recognition of pre-shift briefing.

§ 5. Clothing allowance. Effective April 1, 2015, pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried and are classified as investigators or detectives, in recognition of the general requirement for such unit members to whom the provisions of this section apply to wear professional attire, each such employee who is on the payroll on the first day of November preceding the annual effective date shall continue to receive a clothing allowance at a rate of four hundred dollars per year effective December 1, 2011.

§ 6. Location pay. 1. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit, and notwithstanding any inconsistent provision of law, effective April 1, 2015, all members of this unit who are full-time annual salaried employees and whose principal place of employment, or, in the case of a field employee, whose official station is determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Rockland, Westchester, Nassau, or Suffolk shall continue to receive location pay in the amount of one thousand five hundred twenty dollars.

2. The location pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law, provided, however, that location pay shall be included as compensation for the purposes of compu-

tation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 7. Supplemental location pay. 1. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit, and notwithstanding any inconsistent provision of law, all members of this unit who are full-time annual salaried employees and whose principal place of employment, or, in the case of a field employee, whose official station is determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk, shall continue to receive supplemental location pay, in the following amounts:

	Orange/Putnam/ Dutchess	NYC/Rockland/ Westchester	Nassau/Suffolk
Effective April 1, 2015	\$1,266	\$1,900	\$2,217

2. The supplemental location pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that supplemental location pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 8. Expanded duty pay. Pursuant to the terms of an agreement or award covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, in recognition of the additional and continued duties and responsibilities performed by the police officers in this unit as a result of the September 11th terrorist attacks, and notwithstanding any provision of law, rule or regulation to the contrary, members of this unit, effective April 1, 2015, shall continue to receive expanded duty pay in the amount of three thousand seventy-five dollars. Effective March 31, 2019, this amount shall be increased to three thousand eight hundred and twenty-five dollars. Expanded duty pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that expanded duty pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 9. Marine/off-road enforcement pay. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, effective April 1, 2015, all members of this unit who are employed by the office of parks, recreation and historic preservation or the department of environmental conservation shall continue to receive one thousand five hundred dollars per year in recognition of their expertise in marine and off-road enforcement. Marine/off-road enforcement pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that marine/off-road enforcement pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 10. Hazardous material pay. 1. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, effective April 1, 2015, all members who are employed by the department of environmental conservation, except for those in the forest ranger title series, shall continue to receive one thousand five hundred dollars per year in recognition of their expertise and handling of hazardous materials. Hazardous material pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that hazardous material pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

2. Hazardous material/fire management/search and rescue pay. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, effective April 1, 2015, all members who are employed by the department of environmental conservation in the forest ranger title series shall continue to receive one thousand five hundred dollars per year in recognition of their expertise and handling of hazardous materials. Hazardous material/fire management/search and rescue pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that hazardous material/fire management/search and rescue pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 11. Inconvenience pay program. Pursuant to chapter 333 of the laws of 1969, as amended, and an agreement negotiated between the state and the employee organization representing members of the agency police services unit, effective April 1, 2015, members of the agency police services unit shall continue to receive inconvenience pay in the amount of five hundred ninety-seven dollars. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

§ 12. During the period April 1, 2015 through March 31, 2019 or as otherwise agreed, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement negotiated between, or an interest arbitration award binding the state and the employee organization representing employees in the collective negotiating unit designated as the agency police services unit established pursuant to article 14 of the civil service law which shall, with the amounts available therefore, study and make recommendations concerning major issues of employee assistance, performance evaluation, education and training, quality of work life, health benefits, and provide for the implementation of the terms of agreements of such committees.

§ 13. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit designated as the agency police services unit established pursuant to article 14 of the civil service law.

§ 14. Notwithstanding any provision of law, rule or regulation to the contrary, and where and to the extent an agreement negotiated between the state and the employee organization representing employees in the agency police services collective negotiating unit established pursuant to article 14 of the civil service law so provides, the salaries of newly hired employees on or after September 1, 1992 into state service in positions within said negotiating unit shall not be subject to the provisions of subdivision 2-a of section 200 of the state finance law.

§ 15. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase in salary or compensation provided by this act of any member of the agency police services collective negotiating unit established pursuant to article 14 of the civil service law who are full-time annual salaried employees and are police officers pursuant to subdivision 34 of section 1.20 of the criminal procedure law shall be added to the salary of such member at the beginning of that payroll period, the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods, the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary of such unit members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section sixteen of this act.

§ 16. Deferred payment of salary increases. Notwithstanding the provisions of any other section of this act or of any other provision of law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of salary and other compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2015, until the time when basic annual salaries and other compensation due are first paid pursuant to this act for such services in excess of the salary and other compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary and other compensation to which such incumbent is entitled for such services and the salary and other compensation actually received. Notwithstanding the provisions of this section or of any other section of this act, the lump sum payments resulting from the increases in salary and other compensation pursuant to this act shall be aggregated in the form of a lump sum payment and made to employees in two equal payments. However, effective the pay period closest to March 31, 2019, the denominator for purposes of calculating overtime shall be adjusted consistent with such interest arbitration award and recalculation of the overtime earned subsequent to March 31, 2019 will be reconciled, adjusted and applied in the first retroactive payment referenced herein. The first payment shall be paid as soon as practicable after the passage of legislation implementing a Final Decision and Award covering the period April 1, 2015 to March 31, 2019 and the second payment shall be paid on the first day of the payroll period commencing after April 1, 2021. For the purpose of calculating retirement

benefits, the amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which it is paid. Notwithstanding any law, rule or regulation to the contrary, no member of the agency police services unit to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the agreement or interest arbitration award covering employees in the agency police services unit.

§ 17. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2020, and/or April 1, 2021 by the provisions of this act for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations are insufficient in any fund to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts. The aforementioned appropriations shall be available for payment of any liabilities or obligations incurred prior to April 1, 2020, and/or April 1, 2021 in addition to current liabilities.

§ 18. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the sum of sixty-seven million, five hundred thousand dollars (\$67,500,000) is hereby appropriated in the general fund/state purposes account (10050) in miscellaneous-all state departments and agencies solely for apportionment/transfer by the director of the budget for use by any state department or agency in any fund for the period April 1, 2015 through March 31, 2022 to supplement appropriations for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the period April 1, 2015 through March 31, 2022. For this purpose, the monies appropriated shall remain in full force and effect for the payment of liabilities incurred on or before March 31, 2022.

§ 19. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the period April 1, 2015 through March 31, 2022 to supplement appropriations from each respective fund available for other than personal service and fringe benefits, and to carry out the provisions of this act. The monies hereby appropriated are available for the payment of any liabilities or obligations incurred prior to or during the period commencing April 1, 2015 through March 31, 2022. No money shall be available for expenditure from the monies appropriated until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee. Notwithstanding the

provisions of any other section of this act, the salary increases, and lump sum payments provided for in this act shall not be implemented until the director of employee relations has delivered notice to the director of the budget and the comptroller that a Final Decision and Award has been issued and signed by the interest arbitration panel so that such amounts may be paid.

ALL STATE DEPARTMENTS AND AGENCIES
SPECIAL PAY BILLS
General Fund / State Operations
State Purposes Account - 003

NONPERSONAL SERVICE

Joint committee on health benefits	15,782
Contract administration	30,000
Education and Training	91,337
Education and Training - Management Directed	55,746
Employee Assistance Program	13,810
Organizational Alcohol Program	21,441
Legal Defense Fund	10,000
Quality of Work Life Initiatives	67,420
Employee Benefit Fund	198,175

§ 20. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

STATE OF NEW YORK

4681

2021-2022 Regular Sessions

IN SENATE

February 8, 2021

Introduced by Sen. GOUNARDES -- 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, the public authorities law and the administrative code of the city of New York, in relation to establishing a coronavirus disease 2019 (COVID-19) benefit for public employee death benefits; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 61-b to read as follows:

3 § 61-b. COVID-19 benefit. a. Notwithstanding any other provision of
4 this article or of any general, special or local law to the contrary,
5 and solely for the purpose of determining eligibility for benefits under
6 this section, where:

7 1. A member reported in person to such member's usual place of public
8 employment at the direction of such member's public employer or to any
9 alternate worksite as directed by such public employer, on or after
10 March first, two thousand twenty, provided that such alternate worksite
11 was not such member's home or residence;

12 2. Such member contracted COVID-19 within forty-five days after
13 reporting to work as described in paragraph one of this subdivision as
14 confirmed by a positive laboratory test or as diagnosed before or after
15 such member's death by a licensed, certified, registered or authorized
16 physician, nurse practitioner, or physician's assistant currently in
17 good standing in any state or the District of Columbia, or a physician,
18 nurse practitioner, or physician's assistant authorized to practice in
19 New York by executive order during the declared COVID-19 state of emer-
20 gency; and

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

LBD08806-02-1

1 3. Such member died on or before December thirty-first, two thousand
2 twenty-two, and COVID-19 caused or contributed to such member's death,
3 as documented on such member's death certificate, or as certified by a
4 physician, nurse practitioner, or physician's assistant described in
5 paragraph two of this subdivision who determines with a reasonable
6 degree of medical certainty that COVID-19 caused or contributed to the
7 member's death, such member's statutory beneficiary shall receive an
8 accidental death benefit, unless such statutory beneficiary elects to
9 receive an ordinary death benefit.

10 b. Any amount payable as a result of this section shall be reduced by
11 any amount paid by such member's retirement system to any recipient of
12 ordinary death benefits under this article.

13 c. 1. Notwithstanding any provision of this article or of any general,
14 special or local law to the contrary, and solely for the purpose of
15 determining eligibility for benefits under this section, where a member:

16 (i) retired from his or her retirement system on or after March first,
17 two thousand twenty, and before July first, two thousand twenty;

18 (ii) on or after March first, two thousand twenty, reported in person
19 to such member's usual place of public employment at the direction of
20 such member's public employer or to any alternate worksite as directed
21 by such public employer, provided that such alternate worksite was not
22 such member's home or residence;

23 (iii) contracted COVID-19 within forty-five days after any such date
24 of reporting to work in person, as confirmed by a positive laboratory
25 test or as diagnosed before or after such member's death by a licensed,
26 certified, registered or authorized physician, nurse practitioner, or
27 physician's assistant currently in good standing in any state or the
28 District of Columbia, or a physician, nurse practitioner, or physician's
29 assistant authorized to practice in New York by executive order during
30 the declared COVID-19 state of emergency; and

31 (iv) such member died on or before December thirty-first, two thousand
32 twenty, and COVID-19 caused or contributed to such member's death, as
33 documented on such member's death certificate, or as certified by a
34 physician, nurse practitioner, or physician's assistant described in
35 subparagraph (iii) of this paragraph who determines with a reasonable
36 degree of medical certainty that COVID-19 caused or contributed to the
37 member's death, such member's statutory beneficiary shall receive an
38 accidental death benefit if such statutory beneficiary elects conversion
39 of the member's service or disability retirement benefit into an acci-
40 dental death benefit.

41 2. Such member's statutory beneficiary, as defined under this article,
42 for purposes of accidental death benefits payable from such member's
43 retirement system under this article, may, within ninety days of such
44 member's retirement or September first, two thousand twenty, whichever
45 is later, apply to such member's retirement system to request the
46 conversion of such member's service or disability retirement benefit
47 into an accidental death benefit. For purposes of the salary base upon
48 which the accidental death benefit is calculated, such member shall be
49 deemed to have died on the date of such member's retirement. At the time
50 of such conversion, such statutory beneficiary shall relinquish all
51 rights to the prospective benefits payable under the service or disabili-
52 ty retirement statute, including any post-retirement death benefits,
53 since such member's death. If the statutory beneficiary is not the only
54 beneficiary receiving or entitled to receive a benefit under the service
55 or disability retirement statute, including, but not limited to, a post-
56 retirement death benefit or benefit paid or payable pursuant to the

1 member's option selection, the accidental death benefit payments to the
2 statutory beneficiary will be reduced by any amounts paid or payable to
3 any other statutory beneficiary.

4 d. In order to be eligible for the benefit described in this section,
5 the applicable retirement system or systems are authorized to promulgate
6 rules and regulations to administer this benefit including, but not
7 limited to, requiring a statement to be filed confirming the member
8 contracted COVID-19 and the dates and locations of the member's employ-
9 ment.

10 § 2. The retirement and social security law is amended by adding a new
11 section 361-b to read as follows:

12 § 361-b. COVID-19 benefit. a. Notwithstanding any other provision of
13 this article or of any general, special or local law to the contrary,
14 and solely for the purpose of determining eligibility for benefits under
15 this section, where:

16 1. A member reported in person to such member's usual place of public
17 employment at the direction of such member's public employer or to any
18 alternate worksite as directed by such public employer, on or after
19 March first, two thousand twenty, provided that such alternate worksite
20 was not such member's home or residence;

21 2. Such member contracted COVID-19 within forty-five days after
22 reporting to work as described in paragraph one of this subdivision as
23 confirmed by a positive laboratory test or as diagnosed before or after
24 such member's death by a licensed, certified, registered or authorized
25 physician, nurse practitioner, or physician's assistant currently in
26 good standing in any state or the District of Columbia, or a physician,
27 nurse practitioner, or physician's assistant authorized to practice in
28 New York by executive order during the declared COVID-19 state of emer-
29 gency; and

30 3. Such member died on or before December thirty-first, two thousand
31 twenty-two, and COVID-19 caused or contributed to such member's death,
32 as documented on such member's death certificate, or as certified by a
33 physician, nurse practitioner, or physician's assistant described in
34 paragraph two of this subdivision who determines with a reasonable
35 degree of medical certainty that COVID-19 caused or contributed to the
36 member's death, such member's statutory beneficiary shall receive an
37 accidental death benefit, unless such statutory beneficiary elects to
38 receive an ordinary death benefit.

39 b. Any amount payable as a result of this section shall be reduced by
40 any amount paid by such member's retirement system to any recipient of
41 ordinary death benefits under this article.

42 c. 1. Notwithstanding any provision of this article or of any general,
43 special or local law to the contrary, and solely for the purpose of
44 determining eligibility for benefits under this section, where a member:

45 (i) retired from his or her retirement system on or after March first,
46 two thousand twenty, and before July first, two thousand twenty;

47 (ii) on or after March first, two thousand twenty, reported in person
48 to such member's usual place of public employment at the direction of
49 such member's public employer or to any alternate worksite as directed
50 by such public employer, provided that such alternate worksite was not
51 such member's home or residence;

52 (iii) contracted COVID-19 within forty-five days after any such date
53 of reporting to work in person, as confirmed by a positive laboratory
54 test or as diagnosed before or after such member's death by a licensed,
55 certified, registered or authorized physician, nurse practitioner, or
56 physician's assistant currently in good standing in any state or the

1 District of Columbia, or a physician, nurse practitioner, or physician's
 2 assistant authorized to practice in New York by executive order during
 3 the declared COVID-19 state of emergency; and

4 (iv) such member died on or before December thirty-first, two thousand
 5 twenty, and COVID-19 caused or contributed to such member's death, as
 6 documented on such member's death certificate, or as certified by a
 7 physician, nurse practitioner, or physician's assistant described in
 8 subparagraph (iii) of this paragraph who determines with a reasonable
 9 degree of medical certainty that COVID-19 caused or contributed to the
 10 member's death, such member's statutory beneficiary shall receive an
 11 accidental death benefit if such statutory beneficiary elects conversion
 12 of the member's service or disability retirement benefit into an acci-
 13 dental death benefit.

14 2. Such member's statutory beneficiary, as defined under this article,
 15 for purposes of accidental death benefits payable from such member's
 16 retirement system under this article, may, within ninety days of such
 17 member's retirement or September first, two thousand twenty, whichever
 18 is later, apply to such member's retirement system to request the
 19 conversion of such member's service or disability retirement benefit
 20 into an accidental death benefit. For purposes of the salary base upon
 21 which the accidental death benefit is calculated, such member shall be
 22 deemed to have died on the date of such member's retirement. At the time
 23 of such conversion, such statutory beneficiary shall relinquish all
 24 rights to the prospective benefits payable under the service or disabili-
 25 ty retirement statute, including any post-retirement death benefits,
 26 since such member's death. If the statutory beneficiary is not the only
 27 beneficiary receiving or entitled to receive a benefit under the service
 28 or disability retirement statute, including, but not limited to, a post-
 29 retirement death benefit or benefit paid or payable pursuant to the
 30 member's option selection, the accidental death benefit payments to the
 31 statutory beneficiary will be reduced by any amounts paid or payable to
 32 any other statutory beneficiary.

33 d. In order to be eligible for the benefit described in this section,
 34 the applicable retirement system or systems are authorized to promulgate
 35 rules and regulations to administer this benefit including, but not
 36 limited to, requiring a statement to be filed confirming the member
 37 contracted COVID-19 and the dates and locations of the member's employ-
 38 ment.

39 § 3. The retirement and social security law is amended by adding a new
 40 section 509-a to read as follows:

41 § 509-a. COVID-19 benefit. a. Notwithstanding any other provision of
 42 this article or of any general, special or local law to the contrary,
 43 and solely for the purpose of determining eligibility for benefits under
 44 this section, where:

45 1. A member reported in person to such member's usual place of public
 46 employment at the direction of such member's public employer or to any
 47 alternate worksite as directed by such public employer, on or after
 48 March first, two thousand twenty, provided that such alternate worksite
 49 was not such member's home or residence;

50 2. Such member contracted COVID-19 within forty-five days after
 51 reporting to work as described in paragraph one of this subdivision as
 52 confirmed by a positive laboratory test or as diagnosed before or after
 53 such member's death by a licensed, certified, registered or authorized
 54 physician, nurse practitioner, or physician's assistant currently in
 55 good standing in any state or the District of Columbia, or a physician,
 56 nurse practitioner, or physician's assistant authorized to practice in

1 New York by executive order during the declared COVID-19 state of emer-
2 gency; and

3 3. Such member died on or before December thirty-first, two thousand
4 twenty-two, and COVID-19 caused or contributed to such member's death,
5 as documented on such member's death certificate, or as certified by a
6 physician, nurse practitioner, or physician's assistant described in
7 paragraph two of this subdivision who determines with a reasonable
8 degree of medical certainty that COVID-19 caused or contributed to the
9 member's death, such member's statutory beneficiary shall receive an
10 accidental death benefit, unless such statutory beneficiary elects to
11 receive an ordinary death benefit.

12 b. Any amount payable as a result of this section shall be reduced by
13 any amount paid by such member's retirement system to any recipient of
14 ordinary death benefits under this article.

15 c. 1. Notwithstanding any provision of this article or of any general,
16 special or local law to the contrary, and solely for the purpose of
17 determining eligibility for benefits under this section, where a member:

18 (i) retired from his or her retirement system on or after March first,
19 two thousand twenty, and before July first, two thousand twenty;

20 (ii) on or after March first, two thousand twenty, reported in person
21 to such member's usual place of public employment at the direction of
22 such member's public employer or to any alternate worksite as directed
23 by such public employer, provided that such alternate worksite was not
24 such member's home or residence;

25 (iii) contracted COVID-19 within forty-five days after any such date
26 of reporting to work in person, as confirmed by a positive laboratory
27 test or as diagnosed before or after such member's death by a licensed,
28 certified, registered or authorized physician, nurse practitioner, or
29 physician's assistant currently in good standing in any state or the
30 District of Columbia, or a physician, nurse practitioner, or physician's
31 assistant authorized to practice in New York by executive order during
32 the declared COVID-19 state of emergency; and

33 (iv) such member died on or before December thirty-first, two thousand
34 twenty, and COVID-19 caused or contributed to such member's death, as
35 documented on such member's death certificate, or as certified by a
36 physician, nurse practitioner, or physician's assistant described in
37 subparagraph (iii) of this paragraph who determines with a reasonable
38 degree of medical certainty that COVID-19 caused or contributed to the
39 member's death, such member's statutory beneficiary shall receive an
40 accidental death benefit if such statutory beneficiary elects conversion
41 of the member's service or disability retirement benefit into an acci-
42 dental death benefit.

43 2. Such member's statutory beneficiary, as defined under this article,
44 for purposes of accidental death benefits payable from such member's
45 retirement system under this article, may, within ninety days of such
46 member's retirement or September first, two thousand twenty, whichever
47 is later, apply to such member's retirement system to request the
48 conversion of such member's service or disability retirement benefit
49 into an accidental death benefit. For purposes of the salary base upon
50 which the accidental death benefit is calculated, such member shall be
51 deemed to have died on the date of such member's retirement. At the time
52 of such conversion, such statutory beneficiary shall relinquish all
53 rights to the prospective benefits payable under the service or disabil-
54 ity retirement statute, including any post-retirement death benefits,
55 since such member's death. If the statutory beneficiary is not the only
56 beneficiary receiving or entitled to receive a benefit under the service

1 or disability retirement statute, including, but not limited to, a post-
2 retirement death benefit or benefit paid or payable pursuant to the
3 member's option selection, the accidental death benefit payments to the
4 statutory beneficiary will be reduced by any amounts paid or payable to
5 any other statutory beneficiary.

6 d. In order to be eligible for the benefit described in this section,
7 the applicable retirement system or systems are authorized to promulgate
8 rules and regulations to administer this benefit including, but not
9 limited to, requiring a statement to be filed confirming the member
10 contracted COVID-19 and the dates and locations of the member's employ-
11 ment.

12 § 4. The retirement and social security law is amended by adding a new
13 section 607-i to read as follows:

14 § 607-i. COVID-19 benefit. a. Notwithstanding any other provision of
15 this article or of any general, special or local law to the contrary,
16 and solely for the purpose of determining eligibility for benefits under
17 this section, where:

18 1. A member reported in person to such member's usual place of public
19 employment at the direction of such member's public employer or to any
20 alternate worksite as directed by such public employer, on or after
21 March first, two thousand twenty, provided that such alternate worksite
22 was not such member's home or residence;

23 2. Such member contracted COVID-19 within forty-five days after
24 reporting to work as described in paragraph one of this subdivision as
25 confirmed by a positive laboratory test or as diagnosed before or after
26 such member's death by a licensed, certified, registered or authorized
27 physician, nurse practitioner, or physician's assistant currently in
28 good standing in any state or the District of Columbia, or a physician,
29 nurse practitioner, or physician's assistant authorized to practice in
30 New York by executive order during the declared COVID-19 state of emer-
31 gency; and

32 3. Such member died on or before December thirty-first, two thousand
33 twenty-two, and COVID-19 caused or contributed to such member's death,
34 as documented on such member's death certificate, or as certified by a
35 physician, nurse practitioner, or physician's assistant described in
36 paragraph two of this subdivision who determines with a reasonable
37 degree of medical certainty that COVID-19 caused or contributed to the
38 member's death, such member's statutory beneficiary shall receive an
39 accidental death benefit, unless such statutory beneficiary elects to
40 receive an ordinary death benefit.

41 b. Any amount payable as a result of this section shall be reduced by
42 any amount paid by such member's retirement system to any recipient of
43 ordinary death benefits under this article.

44 c. 1. Notwithstanding any provision of this article or of any general,
45 special or local law to the contrary, and solely for the purpose of
46 determining eligibility for benefits under this section, where a member:

47 (i) retired from his or her retirement system on or after March first,
48 two thousand twenty, and before July first, two thousand twenty;

49 (ii) on or after March first, two thousand twenty, reported in person
50 to such member's usual place of public employment at the direction of
51 such member's public employer or to any alternate worksite as directed
52 by such public employer, provided that such alternate worksite was not
53 such member's home or residence;

54 (iii) contracted COVID-19 within forty-five days after any such date
55 of reporting to work in person, as confirmed by a positive laboratory
56 test or as diagnosed before or after such member's death by a licensed,

1 certified, registered or authorized physician, nurse practitioner, or
2 physician's assistant currently in good standing in any state or the
3 District of Columbia, or a physician, nurse practitioner, or physician's
4 assistant authorized to practice in New York by executive order during
5 the declared COVID-19 state of emergency; and

6 (iv) such member died on or before December thirty-first, two thousand
7 twenty, and COVID-19 caused or contributed to such member's death, as
8 documented on such member's death certificate, or as certified by a
9 physician, nurse practitioner, or physician's assistant described in
10 subparagraph (iii) of this paragraph who determines with a reasonable
11 degree of medical certainty that COVID-19 caused or contributed to the
12 member's death, such member's statutory beneficiary shall receive an
13 accidental death benefit if such statutory beneficiary elects conversion
14 of the member's service or disability retirement benefit into an acci-
15 idental death benefit.

16 2. Such member's statutory beneficiary, as defined under this article,
17 for purposes of accidental death benefits payable from such member's
18 retirement system under this article, may, within ninety days of such
19 member's retirement or September first, two thousand twenty, whichever
20 is later, apply to such member's retirement system to request the
21 conversion of such member's service or disability retirement benefit
22 into an accidental death benefit. For purposes of the salary base upon
23 which the accidental death benefit is calculated, such member shall be
24 deemed to have died on the date of such member's retirement. At the time
25 of such conversion, such statutory beneficiary shall relinquish all
26 rights to the prospective benefits payable under the service or disabili-
27 ty retirement statute, including any post-retirement death benefits,
28 since such member's death. If the statutory beneficiary is not the only
29 beneficiary receiving or entitled to receive a benefit under the service
30 or disability retirement statute, including, but not limited to, a post-
31 retirement death benefit or benefit paid or payable pursuant to the
32 member's option selection, the accidental death benefit payments to the
33 statutory beneficiary will be reduced by any amounts paid or payable to
34 any other statutory beneficiary.

35 d. In order to be eligible for the benefit described in this section,
36 the applicable retirement system or systems are authorized to promulgate
37 rules and regulations to administer this benefit including, but not
38 limited to, requiring a statement to be filed confirming the member
39 contracted COVID-19 and the dates and locations of the member's employ-
40 ment.

41 § 5. Section 512 of the education law is amended by adding a new
42 subdivision h to read as follows:

43 h. 1. Notwithstanding any other provision of this article or of any
44 general, special or local law to the contrary, and solely for the
45 purpose of determining eligibility for benefits under this section,
46 where:

47 (A) a member reported in person to such member's usual place of public
48 employment at the direction of such member's public employer or to any
49 alternate worksite as directed by such public employer, on or after
50 March first, two thousand twenty, provided that such alternate worksite
51 was not such member's home or residence;

52 (B) such member contracted COVID-19 within forty-five days after
53 reporting to work as described in subparagraph (A) of this paragraph as
54 confirmed by a positive laboratory test or as diagnosed before or after
55 such member's death by a licensed, certified, registered or authorized
56 physician, nurse practitioner, or physician's assistant currently in

1 good standing in any state or the District of Columbia, or a physician,
2 nurse practitioner, or physician's assistant authorized to practice in
3 New York by executive order during the declared COVID-19 state of emer-
4 gency; and

5 (C) such member died on or before December thirty-first, two thousand
6 twenty-two, and COVID-19 caused or contributed to such member's death,
7 as documented on such member's death certificate, or as certified by a
8 physician, nurse practitioner, or physician's assistant described in
9 subparagraph (B) of this paragraph who determines with a reasonable
10 degree of medical certainty that COVID-19 caused or contributed to the
11 member's death, such member's statutory beneficiary shall receive an
12 accidental death benefit, unless such statutory beneficiary elects to
13 receive an ordinary death benefit.

14 2. Any amount payable as a result of this section shall be reduced by
15 any amount paid by such member's retirement system to any recipient of
16 ordinary death benefits under this article.

17 3. (A) Notwithstanding any provision of this article or of any gener-
18 al, special or local law to the contrary, and solely for the purpose of
19 determining eligibility for benefits under this section, where a member:

20 (i) retired from his or her retirement system on or after March first,
21 two thousand twenty, and before July first, two thousand twenty;

22 (ii) on or after March first, two thousand twenty, reported in person
23 to such member's usual place of public employment at the direction of
24 such member's public employer or to any alternate worksite as directed
25 by such public employer, provided that such alternate worksite was not
26 such member's home or residence;

27 (iii) contracted COVID-19 within forty-five days after any such date
28 of reporting to work in person, as confirmed by a positive laboratory
29 test or as diagnosed before or after such member's death by a licensed,
30 certified, registered or authorized physician, nurse practitioner, or
31 physician's assistant currently in good standing in any state or the
32 District of Columbia, or a physician, nurse practitioner, or physician's
33 assistant authorized to practice in New York by executive order during
34 the declared COVID-19 state of emergency; and

35 (iv) such member died on or before December thirty-first, two thousand
36 twenty, and COVID-19 caused or contributed to such member's death, as
37 documented on such member's death certificate, or as certified by a
38 physician, nurse practitioner, or physician's assistant described in
39 clause (iii) of this subparagraph who determines with a reasonable
40 degree of medical certainty that COVID-19 caused or contributed to the
41 member's death, such member's statutory beneficiary shall receive an
42 accidental death benefit if such statutory beneficiary elects conversion
43 of the member's service or disability retirement benefit into an acci-
44 dental death benefit.

45 (B) Such member's statutory beneficiary, as defined under this arti-
46 cle, for purposes of accidental death benefits payable from such
47 member's retirement system under this article, may, within ninety days
48 of such member's retirement or September first, two thousand twenty,
49 whichever is later, apply to such member's retirement system to request
50 the conversion of such member's service or disability retirement benefit
51 into an accidental death benefit. For purposes of the salary base upon
52 which the accidental death benefit is calculated, such member shall be
53 deemed to have died on the date of such member's retirement. At the time
54 of such conversion, such statutory beneficiary shall relinquish all
55 rights to the prospective benefits payable under the service or disabil-
56 ity retirement statute, including any post-retirement death benefits,

1 since such member's death. If the statutory beneficiary is not the only
2 beneficiary receiving or entitled to receive a benefit under the service
3 or disability retirement statute, including, but not limited to, a post-
4 retirement death benefit or benefit paid or payable pursuant to the
5 member's option selection, the accidental death benefit payments to the
6 statutory beneficiary will be reduced by any amounts paid or payable to
7 any other statutory beneficiary.

8 4. In order to be eligible for the benefit described in this subdivi-
9 sion, the applicable retirement system or systems are authorized to
10 promulgate rules and regulations to administer this benefit including,
11 but not limited to, requiring a statement to be filed confirming the
12 member contracted COVID-19 and the dates and locations of the member's
13 employment.

14 § 6. Section 2575 of the education law is amended by adding a new
15 subdivision 26 to read as follows:

16 26. (a) Notwithstanding any other provision of this article or of any
17 general, special or local law to the contrary, and solely for the
18 purpose of determining eligibility for benefits under this section,
19 where:

20 (i) a member reported in person to such member's usual place of public
21 employment at the direction of such member's public employer or to any
22 alternate worksite as directed by such public employer, on or after
23 March first, two thousand twenty, provided that such alternate worksite
24 was not such member's home or residence;

25 (ii) such member contracted COVID-19 within forty-five days after
26 reporting to work as described in subparagraph (i) of this paragraph as
27 confirmed by a positive laboratory test or as diagnosed before or after
28 such member's death by a licensed, certified, registered or authorized
29 physician, nurse practitioner, or physician's assistant currently in
30 good standing in any state or the District of Columbia, or a physician,
31 nurse practitioner, or physician's assistant authorized to practice in
32 New York by executive order during the declared COVID-19 state of emer-
33 gency; and

34 (iii) such member died on or before December thirty-first, two thou-
35 sand twenty-two, and COVID-19 caused or contributed to such member's
36 death, as documented on such member's death certificate, or as certified
37 by a physician, nurse practitioner, or physician's assistant described
38 in subparagraph (ii) of this paragraph who determines with a reasonable
39 degree of medical certainty that COVID-19 caused or contributed to the
40 member's death, such member's statutory beneficiary shall receive an
41 accidental death benefit, unless such statutory beneficiary elects to
42 receive an ordinary death benefit.

43 (b) Any amount payable as a result of this subdivision shall be
44 reduced by any amount paid by such member's retirement system to any
45 recipient of ordinary death benefits under this article.

46 (c) (i) Notwithstanding any provision of this article or of any gener-
47 al, special or local law to the contrary, and solely for the purpose of
48 determining eligibility for benefits under this section, where a member:

49 (1) retired from his or her retirement system on or after March first,
50 two thousand twenty, and before July first, two thousand twenty;

51 (2) on or after March first, two thousand twenty, reported in person
52 to such member's usual place of public employment at the direction of
53 such member's public employer or to any alternate worksite as directed
54 by such public employer, provided that such alternate worksite was not
55 such member's home or residence;

1 (3) contracted COVID-19 within forty-five days after any such date of
 2 reporting to work in person, as confirmed by a positive laboratory test
 3 or as diagnosed before or after such member's death by a licensed,
 4 certified, registered or authorized physician, nurse practitioner, or
 5 physician's assistant currently in good standing in any state or the
 6 District of Columbia, or a physician, nurse practitioner, or physician's
 7 assistant authorized to practice in New York by executive order during
 8 the declared COVID-19 state of emergency; and

9 (4) such member died on or before December thirty-first, two thousand
 10 twenty, and COVID-19 caused or contributed to such member's death, as
 11 documented on such member's death certificate, or as certified by a
 12 physician, nurse practitioner, or physician's assistant described in
 13 clause three of this subparagraph who determines with a reasonable
 14 degree of medical certainty that COVID-19 caused or contributed to the
 15 member's death, such member's statutory beneficiary shall receive an
 16 accidental death benefit if such statutory beneficiary elects conversion
 17 of the member's service or disability retirement benefit into an acci-
 18 dental death benefit.

19 (ii) Such member's statutory beneficiary, as defined under this
 20 section, for purposes of accidental death benefits payable from such
 21 member's retirement system under this section, may, within ninety days
 22 of such member's retirement or September first, two thousand twenty,
 23 whichever is later, apply to such member's retirement system to request
 24 the conversion of such member's service or disability retirement benefit
 25 into an accidental death benefit. For purposes of the salary base upon
 26 which the accidental death benefit is calculated, such member shall be
 27 deemed to have died on the date of such member's retirement. At the time
 28 of such conversion, such statutory beneficiary shall relinquish all
 29 rights to the prospective benefits payable under the service or disabili-
 30 ty retirement statute, including any post-retirement death benefits,
 31 since such member's death. If the statutory beneficiary is not the only
 32 beneficiary receiving or entitled to receive a benefit under the service
 33 or disability retirement statute, including, but not limited to, a post-
 34 retirement death benefit or benefit paid or payable pursuant to the
 35 member's option selection, the accidental death benefit payments to the
 36 statutory beneficiary will be reduced by any amounts paid or payable to
 37 any other statutory beneficiary.

38 (d) In order to be eligible for the benefit described in this subdivi-
 39 sion, the applicable retirement system or systems are authorized to
 40 promulgate rules and regulations to administer this benefit including,
 41 but not limited to, requiring a statement to be filed confirming the
 42 member contracted COVID-19 and the dates and locations of the member's
 43 employment.

44 § 7. Section 1266-h of the public authorities law is amended by adding
 45 a new subdivision 8 to read as follows:

46 8. (a) Notwithstanding any other provision of this section or of any
 47 general, special or local law to the contrary, and solely for the
 48 purpose of determining eligibility for benefits under this section,
 49 where:

50 (i) a member reported in person to such member's usual place of public
 51 employment at the direction of such member's public employer or to any
 52 alternate worksite as directed by such public employer, on or after
 53 March first, two thousand twenty, provided that such alternate worksite
 54 was not such member's home or residence;

55 (ii) such member contracted COVID-19 within forty-five days after
 56 reporting to work pursuant to subparagraph (i) of this paragraph, as

1 confirmed by a positive laboratory test or as diagnosed before or after
2 such member's death by a licensed, certified, registered or authorized
3 physician, nurse practitioner, or physician's assistant currently in
4 good standing in any state or the District of Columbia, or a physician,
5 nurse practitioner, or physician's assistant authorized to practice in
6 New York by executive order during the declared COVID-19 state of emer-
7 gency; and

8 (iii) Such member died on or before December thirty-first, two thou-
9 sand twenty-two, and COVID-19 caused or contributed to such member's
10 death, as documented on such member's death certificate, or as certified
11 by a physician, nurse practitioner, or physician's assistant described
12 in subparagraph (ii) of this paragraph who determines with a reasonable
13 degree of medical certainty that COVID-19 caused or contributed to the
14 member's death, such member's statutory beneficiary shall receive an
15 accidental death benefit, unless such statutory beneficiary elects to
16 receive an ordinary death benefit.

17 (b) Any amount payable as a result of this section shall be reduced by
18 any amount paid by such member's retirement system to any recipient of
19 ordinary death benefits pursuant to this section.

20 (c) Notwithstanding any provision of this section or of any general,
21 special or local law to the contrary, and solely for the purpose of
22 determining eligibility for benefits under this section, where a member:

23 (1) retired from his or her retirement system on or after March first,
24 two thousand twenty, and before July first, two thousand twenty;

25 (2) on or after March first, two thousand twenty, reported in person
26 to such member's usual place of public employment at the direction of
27 such member's public employer or to any alternate worksite as directed
28 by such public employer, provided that such alternate worksite was not
29 such member's home or residence;

30 (3) contracted COVID-19 within forty-five days after any such date of
31 reporting to work in person, as confirmed by a positive laboratory test
32 or as diagnosed before or after such member's death by a licensed,
33 certified, registered or authorized physician, nurse practitioner, or
34 physician's assistant currently in good standing in any state or the
35 District of Columbia, or a physician, nurse practitioner, or physician's
36 assistant authorized to practice in New York by executive order during
37 the declared COVID-19 state of emergency; and

38 (4) Such member died on or before December thirty-first, two thousand
39 twenty, and COVID-19 caused or contributed to such member's death, as
40 documented on such member's death certificate, or as certified by a
41 physician, nurse practitioner, or physician's assistant described in
42 subparagraph three of this paragraph who determines with a reasonable
43 degree of medical certainty that COVID-19 caused or contributed to the
44 member's death, such member's statutory beneficiary shall receive an
45 accidental death benefit if such statutory beneficiary elects conversion
46 of the member's service or disability retirement benefit into an acci-
47 idental death benefit.

48 (d) Such member's statutory beneficiary, as defined pursuant to this
49 section, for purposes of accidental death benefits payable from such
50 member's retirement system under this section, may, within ninety days
51 of such member's retirement or September first, two thousand twenty,
52 whichever is later, apply to such member's retirement system to request
53 the conversion of such member's service or disability retirement benefit
54 into an accidental death benefit. For purposes of the salary base upon
55 which the accidental death benefit is calculated, such member shall be
56 deemed to have died on the date of such member's retirement. At the time

1 of such conversion, such statutory beneficiary shall relinquish all
2 rights to the prospective benefits payable under the service or disabili-
3 ty retirement statute, including any post-retirement death benefits,
4 since such member's death. If the statutory beneficiary is not the only
5 beneficiary receiving or entitled to receive a benefit under the service
6 or disability retirement statute including, but not limited to, a post-
7 retirement death benefit or benefit paid or payable pursuant to the
8 member's option selection, the accidental death benefit payments to the
9 statutory beneficiary will be reduced by any amounts paid or payable to
10 any other statutory beneficiary.

11 (e) In order to be eligible for the benefit described in this subdivi-
12 sion, the applicable retirement system or systems are authorized to
13 promulgate rules and regulations to administer this benefit including,
14 but not limited to, requiring a statement to be filed confirming the
15 member contracted COVID-19 and the dates and locations of such member's
16 employment.

17 § 8. The administrative code of the city of New York is amended by
18 adding a new section 13-149.1 to read as follows:

19 § 13-149.1 COVID-19 benefit. 1. Notwithstanding any other provision
20 of this title or of any general, special or local law to the contrary,
21 and solely for the purpose of determining eligibility for benefits under
22 this section, where:

23 (a) a member reported in person to such member's usual place of public
24 employment at the direction of such member's public employer or to any
25 alternate worksite as directed by such public employer, on or after
26 March first, two thousand twenty, provided that such alternate worksite
27 was not such member's home or residence;

28 (b) such member contracted COVID-19 within forty-five days after
29 reporting to work as described in paragraph (a) of this subdivision, as
30 confirmed by a positive laboratory test or as diagnosed before or after
31 such member's death by a licensed, certified, registered or authorized
32 physician, nurse practitioner, or physician's assistant currently in
33 good standing in any state or the District of Columbia, or a physician,
34 nurse practitioner, or physician's assistant authorized to practice in
35 New York by executive order during the declared COVID-19 state of emer-
36 gency; and

37 (c) Such member died on or before December thirty-first, two thousand
38 twenty-two, and COVID-19 caused or contributed to such member's death,
39 as documented on such member's death certificate, or as certified by a
40 physician, nurse practitioner, or physician's assistant described in
41 paragraph (b) of this subdivision who determines with a reasonable
42 degree of medical certainty that COVID-19 caused or contributed to the
43 member's death, such member's statutory beneficiary shall receive an
44 accidental death benefit, unless such statutory beneficiary elects to
45 receive an ordinary death benefit.

46 2. Any amount payable as a result of this title shall be reduced by
47 any amount paid by such member's retirement system to any recipient of
48 ordinary death benefits under this title.

49 3. Notwithstanding any provision of this title or of any general,
50 special or local law to the contrary, and solely for the purpose of
51 determining eligibility for benefits under this section, where a member:

52 (a) retired from his or her retirement system on or after March first,
53 two thousand twenty, and before July first, two thousand twenty;

54 (b) on or after March first, two thousand twenty, reported in person
55 to such member's usual place of public employment at the direction of
56 such member's public employer or to any alternate worksite as directed

1 by such public employer, provided that such alternate worksite was not
 2 such member's home or residence;

3 (c) contracted COVID-19 within forty-five days after any such date of
 4 reporting to work in person, as confirmed by a positive laboratory test
 5 or as diagnosed before or after such member's death by a licensed,
 6 certified, registered or authorized physician, nurse practitioner, or
 7 physician's assistant currently in good standing in any state or the
 8 District of Columbia, or a physician, nurse practitioner, or physician's
 9 assistant authorized to practice in New York by executive order during
 10 the declared COVID-19 state of emergency; and

11 (d) Such member died on or before December thirty-first, two thousand
 12 twenty, and COVID-19 caused or contributed to such member's death, as
 13 documented on such member's death certificate, or as certified by a
 14 physician, nurse practitioner, or physician's assistant described in
 15 paragraph (c) of this subdivision who determines with a reasonable
 16 degree of medical certainty that COVID-19 caused or contributed to the
 17 member's death, such member's statutory beneficiary shall receive an
 18 accidental death benefit if such statutory beneficiary elects conversion
 19 of the member's service or disability retirement benefit into an acci-
 20 dental death benefit.

21 4. Such member's statutory beneficiary, as defined pursuant to this
 22 title, for purposes of accidental death benefits payable from such
 23 member's retirement system under this title, may, within ninety days of
 24 such member's retirement or September first, two thousand twenty, which-
 25 ever is later, apply to such member's retirement system to request the
 26 conversion of such member's service or disability retirement benefit
 27 into an accidental death benefit. For purposes of the salary base upon
 28 which the accidental death benefit is calculated, such member shall be
 29 deemed to have died on the date of such member's retirement. At the time
 30 of such conversion, such statutory beneficiary shall relinquish all
 31 rights to the prospective benefits payable under the service or disabili-
 32 ty retirement statute, including any post-retirement death benefits,
 33 since such member's death. If the statutory beneficiary is not the only
 34 beneficiary receiving or entitled to receive a benefit under the service
 35 or disability retirement statute including, but not limited to, a post-
 36 retirement death benefit or benefit paid or payable pursuant to the
 37 member's option selection, the accidental death benefit payments to the
 38 statutory beneficiary will be reduced by any amounts paid or payable to
 39 any other statutory beneficiary.

40 5. In order to be eligible for the benefit described in this title,
 41 the applicable retirement system or systems are authorized to promulgate
 42 rules and regulations to administer this benefit including, but not
 43 limited to, requiring a statement to be filed confirming the member
 44 contracted COVID-19 and the dates and locations of such member's employ-
 45 ment.

46 § 9. The administrative code of the city of New York is amended by
 47 adding a new section 13-244.1 to read as follows:

48 § 13-244.1 COVID-19 benefit. 1. Notwithstanding any other provision
 49 of this title or of any general, special or local law to the contrary,
 50 and solely for the purpose of determining eligibility for benefits under
 51 this section, where:

52 (a) a member reported in person to such member's usual place of public
 53 employment at the direction of such member's public employer or to any
 54 alternate worksite as directed by such public employer, on or after
 55 March first, two thousand twenty, provided that such alternate worksite
 56 was not such member's home or residence;

1 (b) such member contracted COVID-19 within forty-five days after
2 reporting to work as described in paragraph (a) of this subdivision, as
3 confirmed by a positive laboratory test or as diagnosed before or after
4 such member's death by a licensed, certified, registered or authorized
5 physician, nurse practitioner, or physician's assistant currently in
6 good standing in any state or the District of Columbia, or a physician,
7 nurse practitioner, or physician's assistant authorized to practice in
8 New York by executive order during the declared COVID-19 state of emer-
9 gency; and

10 (c) Such member died on or before December thirty-first, two thousand
11 twenty-two, and COVID-19 caused or contributed to such member's death,
12 as documented on such member's death certificate, or as certified by a
13 physician, nurse practitioner, or physician's assistant described in
14 paragraph (b) of this subdivision who determines with a reasonable
15 degree of medical certainty that COVID-19 caused or contributed to the
16 member's death, such member's statutory beneficiary shall receive an
17 accidental death benefit, unless such statutory beneficiary elects to
18 receive an ordinary death benefit.

19 2. Any amount payable as a result of this title shall be reduced by
20 any amount paid by such member's retirement system to any recipient of
21 ordinary death benefits under this title.

22 3. Notwithstanding any provision of this title or of any general,
23 special or local law to the contrary, and solely for the purpose of
24 determining eligibility for benefits under this section, where a member:

25 (a) retired from his or her retirement system on or after March first,
26 two thousand twenty, and before July first, two thousand twenty;

27 (b) on or after March first, two thousand twenty, reported in person
28 to such member's usual place of public employment at the direction of
29 such member's public employer or to any alternate worksite as directed
30 by such public employer, provided that such alternate worksite was not
31 such member's home or residence;

32 (c) contracted COVID-19 within forty-five days after any such date of
33 reporting to work in person, as confirmed by a positive laboratory test
34 or as diagnosed before or after such member's death by a licensed,
35 certified, registered or authorized physician, nurse practitioner, or
36 physician's assistant currently in good standing in any state or the
37 District of Columbia, or a physician, nurse practitioner, or physician's
38 assistant authorized to practice in New York by executive order during
39 the declared COVID-19 state of emergency; and

40 (d) Such member died on or before December thirty-first, two thousand
41 twenty, and COVID-19 caused or contributed to such member's death, as
42 documented on such member's death certificate, or as certified by a
43 physician, nurse practitioner, or physician's assistant described in
44 paragraph (c) of this subdivision who determines with a reasonable
45 degree of medical certainty that COVID-19 caused or contributed to the
46 member's death, such member's statutory beneficiary shall receive an
47 accidental death benefit if such statutory beneficiary elects conversion
48 of the member's service or disability retirement benefit into an acci-
49 dental death benefit.

50 4. Such member's statutory beneficiary, as defined pursuant to this
51 title, for purposes of accidental death benefits payable from such
52 member's retirement system under this title, may, within ninety days of
53 such member's retirement or September first, two thousand twenty, which-
54 ever is later, apply to such member's retirement system to request the
55 conversion of such member's service or disability retirement benefit
56 into an accidental death benefit. For purposes of the salary base upon

1 which the accidental death benefit is calculated, such member shall be
2 deemed to have died on the date of such member's retirement. At the time
3 of such conversion, such statutory beneficiary shall relinquish all
4 rights to the prospective benefits payable under the service or disabili-
5 ty retirement statute, including any post-retirement death benefits,
6 since such member's death. If the statutory beneficiary is not the only
7 beneficiary receiving or entitled to receive a benefit under the service
8 or disability retirement statute including, but not limited to, a post-
9 retirement death benefit or benefit paid or payable pursuant to the
10 member's option selection, the accidental death benefit payments to the
11 statutory beneficiary will be reduced by any amounts paid or payable to
12 any other statutory beneficiary.

13 5. In order to be eligible for the benefit described in this title,
14 the applicable retirement system or systems are authorized to promulgate
15 rules and regulations to administer this benefit including, but not
16 limited to, requiring a statement to be filed confirming the member
17 contracted COVID-19 and the dates and locations of such member's employ-
18 ment.

19 § 10. The administrative code of the city of New York is amended by
20 adding a new section 13-347.1 to read as follows:

21 § 13-347.1 COVID-19 benefit. 1. Notwithstanding any other provision of
22 this title or of any general, special or local law to the contrary, and
23 solely for the purpose of determining eligibility for benefits under
24 this section, where:

25 (a) a member reported in person to such member's usual place of public
26 employment at the direction of such member's public employer or to any
27 alternate worksite as directed by such public employer, on or after
28 March first, two thousand twenty, provided that such alternate worksite
29 was not such member's home or residence;

30 (b) such member contracted COVID-19 within forty-five days after
31 reporting to work as described in paragraph (a) of this subdivision, as
32 confirmed by a positive laboratory test or as diagnosed before or after
33 such member's death by a licensed, certified, registered or authorized
34 physician, nurse practitioner, or physician's assistant currently in
35 good standing in any state or the District of Columbia, or a physician,
36 nurse practitioner, or physician's assistant authorized to practice in
37 New York by executive order during the declared COVID-19 state of emer-
38 gency; and

39 (c) Such member died on or before December thirty-first, two thousand
40 twenty-two, and COVID-19 caused or contributed to such member's death,
41 as documented on such member's death certificate, or as certified by a
42 physician, nurse practitioner, or physician's assistant described in
43 paragraph (b) of this subdivision who determines with a reasonable
44 degree of medical certainty that COVID-19 caused or contributed to the
45 member's death, such member's statutory beneficiary shall receive an
46 accidental death benefit, unless such statutory beneficiary elects to
47 receive an ordinary death benefit.

48 2. Any amount payable as a result of this title shall be reduced by
49 any amount paid by such member's retirement system to any recipient of
50 ordinary death benefits under this title.

51 3. Notwithstanding any provision of this title or of any general,
52 special or local law to the contrary, and solely for the purpose of
53 determining eligibility for benefits under this section, where a member:

54 (a) retired from his or her retirement system on or after March first,
55 two thousand twenty, and before July first, two thousand twenty;

1 (b) on or after March first, two thousand twenty, reported in person
 2 to such member's usual place of public employment at the direction of
 3 such member's public employer or to any alternate worksite as directed
 4 by such public employer, provided that such alternate worksite was not
 5 such member's home or residence;

6 (c) contracted COVID-19 within forty-five days after any such date of
 7 reporting to work in person, as confirmed by a positive laboratory test
 8 or as diagnosed before or after such member's death by a licensed,
 9 certified, registered or authorized physician, nurse practitioner, or
 10 physician's assistant currently in good standing in any state or the
 11 District of Columbia, or a physician, nurse practitioner, or physician's
 12 assistant authorized to practice in New York by executive order during
 13 the declared COVID-19 state of emergency; and

14 (d) Such member died on or before December thirty-first, two thousand
 15 twenty, and COVID-19 caused or contributed to such member's death, as
 16 documented on such member's death certificate, or as certified by a
 17 physician, nurse practitioner, or physician's assistant described in
 18 paragraph (c) of this subdivision who determines with a reasonable
 19 degree of medical certainty that COVID-19 caused or contributed to the
 20 member's death, such member's statutory beneficiary shall receive an
 21 accidental death benefit if such statutory beneficiary elects conversion
 22 of the member's service or disability retirement benefit into an acci-
 23 dental death benefit.

24 4. Such member's statutory beneficiary, as defined pursuant to this
 25 title, for purposes of accidental death benefits payable from such
 26 member's retirement system under this title, may, within ninety days of
 27 such member's retirement or September first, two thousand twenty, which-
 28 ever is later, apply to such member's retirement system to request the
 29 conversion of such member's service or disability retirement benefit
 30 into an accidental death benefit. For purposes of the salary base upon
 31 which the accidental death benefit is calculated, such member shall be
 32 deemed to have died on the date of such member's retirement. At the time
 33 of such conversion, such statutory beneficiary shall relinquish all
 34 rights to the prospective benefits payable under the service or disabili-
 35 ty retirement statute, including any post-retirement death benefits,
 36 since such member's death. If the statutory beneficiary is not the only
 37 beneficiary receiving or entitled to receive a benefit under the service
 38 or disability retirement statute including, but not limited to, a post-
 39 retirement death benefit or benefit paid or payable pursuant to the
 40 member's option selection, the accidental death benefit payments to the
 41 statutory beneficiary will be reduced by any amounts paid or payable to
 42 any other statutory beneficiary.

43 5. In order to be eligible for the benefit described in this title,
 44 the applicable retirement system or systems are authorized to promulgate
 45 rules and regulations to administer this benefit including, but not
 46 limited to, requiring a statement to be filed confirming the member
 47 contracted COVID-19 and the dates and locations of such member's employ-
 48 ment.

49 § 11. The administrative code of the city of New York is amended by
 50 adding a new section 13-544.1 to read as follows:

51 § 13-544.1 COVID-19 benefit. 1. Notwithstanding any other provision
 52 of this title or of any general, special or local law to the contrary,
 53 and solely for the purpose of determining eligibility for benefits under
 54 this section, where:

55 (a) a member reported in person to such member's usual place of public
 56 employment at the direction of such member's public employer or to any

1 alternate worksite as directed by such public employer, on or after
2 March first, two thousand twenty, provided that such alternate worksite
3 was not such member's home or residence;

4 (b) such member contracted COVID-19 within forty-five days after
5 reporting to work as described in paragraph (a) of this subdivision, as
6 confirmed by a positive laboratory test or as diagnosed before or after
7 such member's death by a licensed, certified, registered or authorized
8 physician, nurse practitioner, or physician's assistant currently in
9 good standing in any state or the District of Columbia, or a physician,
10 nurse practitioner, or physician's assistant authorized to practice in
11 New York by executive order during the declared COVID-19 state of emer-
12 gency; and

13 (c) Such member died on or before December thirty-first, two thousand
14 twenty-two, and COVID-19 caused or contributed to such member's death,
15 as documented on such member's death certificate, or as certified by a
16 physician, nurse practitioner, or physician's assistant described in
17 paragraph (b) of this subdivision who determines with a reasonable
18 degree of medical certainty that COVID-19 caused or contributed to the
19 member's death, such member's statutory beneficiary shall receive an
20 accidental death benefit, unless such statutory beneficiary elects to
21 receive an ordinary death benefit.

22 2. Any amount payable as a result of this title shall be reduced by
23 any amount paid by such member's retirement system to any recipient of
24 ordinary death benefits under this title.

25 3. Notwithstanding any provision of this title or of any general,
26 special or local law to the contrary, and solely for the purpose of
27 determining eligibility for benefits under this section, where a member:

28 (a) retired from his or her retirement system on or after March first,
29 two thousand twenty, and before July first, two thousand twenty;

30 (b) on or after March first, two thousand twenty, reported in person
31 to such member's usual place of public employment at the direction of
32 such member's public employer or to any alternate worksite as directed
33 by such public employer, provided that such alternate worksite was not
34 such member's home or residence;

35 (c) contracted COVID-19 within forty-five days after any such date of
36 reporting to work in person, as confirmed by a positive laboratory test
37 or as diagnosed before or after such member's death by a licensed,
38 certified, registered or authorized physician, nurse practitioner, or
39 physician's assistant currently in good standing in any state or the
40 District of Columbia, or a physician, nurse practitioner, or physician's
41 assistant authorized to practice in New York by executive order during
42 the declared COVID-19 state of emergency; and

43 (d) Such member died on or before December thirty-first, two thousand
44 twenty, and COVID-19 caused or contributed to such member's death, as
45 documented on such member's death certificate, or as certified by a
46 physician, nurse practitioner, or physician's assistant described in
47 paragraph (c) of this subdivision who determines with a reasonable
48 degree of medical certainty that COVID-19 caused or contributed to the
49 member's death, such member's statutory beneficiary shall receive an
50 accidental death benefit if such statutory beneficiary elects conversion
51 of the member's service or disability retirement benefit into an acci-
52 dental death benefit.

53 4. Such member's statutory beneficiary, as defined pursuant to this
54 title, for purposes of accidental death benefits payable from such
55 member's retirement system under this title, may, within ninety days of
56 such member's retirement or September first, two thousand twenty, which-

1 ever is later, apply to such member's retirement system to request the
 2 conversion of such member's service or disability retirement benefit
 3 into an accidental death benefit. For purposes of the salary base upon
 4 which the accidental death benefit is calculated, such member shall be
 5 deemed to have died on the date of such member's retirement. At the time
 6 of such conversion, such statutory beneficiary shall relinquish all
 7 rights to the prospective benefits payable under the service or disabili-
 8 ty retirement statute, including any post-retirement death benefits,
 9 since such member's death. If the statutory beneficiary is not the only
 10 beneficiary receiving or entitled to receive a benefit under the service
 11 or disability retirement statute including, but not limited to, a post-
 12 retirement death benefit or benefit paid or payable pursuant to the
 13 member's option selection, the accidental death benefit payments to the
 14 statutory beneficiary will be reduced by any amounts paid or payable to
 15 any other statutory beneficiary.

16 5. In order to be eligible for the benefit described in this title,
 17 the applicable retirement system or systems are authorized to promulgate
 18 rules and regulations to administer this benefit including, but not
 19 limited to, requiring a statement to be filed confirming the member
 20 contracted COVID-19 and the dates and locations of such member's employ-
 21 ment.

22 § 12. The heads and boards of the retirement systems described herein
 23 are hereby authorized to promulgate rules and regulations to implement
 24 the provisions of this act, including guidance on what shall constitute
 25 a positive diagnosis of COVID-19 from a physician, nurse practitioner,
 26 or physician's assistant in the absence of a laboratory test.

27 § 13. Notwithstanding any other provision of law to the contrary, none
 28 of the provisions of this act shall be subject to section 25 of the
 29 retirement and social security law.

30 § 14. This act shall take effect immediately and shall be deemed to
 31 have been in full force and effect on and after March 1, 2020; provided
 32 that the provisions of this act shall expire and be deemed repealed on
 33 December 31, 2022.

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

This bill would allow a beneficiary of any member of a public retirement system to be paid an accidental death benefit, as if the member died in the performance and discharge of duty, provided that the member

- a) physically reported for work on or after March 1, 2020,
- b) contracted COVID-19 within 45 days from such work date, and
- c) died from such disease on or before December 31, 2022.

A positive test result, death certificate citing COVID-19, or certification by certain medical personnel is sufficient to establish contraction and death from COVID-19.

The accidental death benefit would be based on the member's plan coverage. This bill also would create benefits payable under the Public Authorities Law.

Insofar as this bill would affect the New York State and Local Employees' Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS), qualifying COVID-19 deaths which currently are considered ordinary deaths will be treated as accidental deaths. The cost of the proposed benefit will depend upon the applicant's age, service, salary, plan, and benefit type otherwise payable.

Service Retirement Eligible:	Yes	No
PFRS Benefit Increase/Cost:	8 times salary	13 times salary
ERS Benefit Increase/Cost:	3.5 times salary	3.5 times salary

The number of members and retirees who could be affected by this legislation cannot be readily determined. However, all ERS and PFRS members will be covered and eligible for these benefits, including new hires through the expiration of the coverage provided under this legislation. All costs incurred in the PFRS will be shared by the State of New York and all the participating employers in the PFRS. All costs incurred in the ERS will be shared by the State of New York and all the participating employers in the ERS.

In addition to these per person costs, there would be annual increases in administrative and legal costs to implement the provisions of this legislation.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 22, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-50, prepared by the Actuary for the New York State and Local Retirement System.

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

This bill would extend the provisions of the COVID-19 enhanced death benefit provided under Chapter 89 of the Laws of 2020 until December 31, 2022 on account of eligible active members of the New York State Teachers' Retirement System (NYSTRS) who die due to contracting COVID-19. Chapter 89 of the Laws of 2020 provides a member's statutory beneficiary with the accidental death benefit, consisting of a lifetime annuity of 50% of the member's most recent year's salary. Under current law the death benefit on account of an active member who dies in service not due to COVID-19 with three or more years of active service is a lump-sum benefit equal to three times the member's most recent year's salary. An active member must have reported to work on or after March 1, 2020, and contracted COVID-19 within 45 days of reporting to work, and then died either due to COVID-19, or had COVID-19 as a contributing factor in the member's death.

The overall cost of this bill cannot be readily determined as the ultimate number of COVID-19 deaths cannot be determined at this time. It is estimated that it will provide on average an additional cost per member of 3 to 4 times salary. The average cost per individual member impacted in terms of the additional present value of liability, is estimated as follows:

Member age 30: \$220,000

Member age 40: \$300,000

Member age 50: \$310,000

The actual cost per member would be dependent on the member and beneficiary's age, tier, years of service, and salary. The costs above are determined based on averages, so the actual cost for a member could be higher or lower.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-20 dated January 21, 2021 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY OF BILL: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would add new Sections to the Retirement and Social Security Law (RSSL), the Administrative Code of the City of New York (ACCNY), and the Education Law to provide Accidental Death Benefits, less other statutory benefits paid or payable, to beneficiaries of certain members and retirees of NYCRS who physically reported to non-home work sites on and after March 1, 2020 and died on or before December 31, 2022 due to Coronavirus Disease 2019 (COVID-19) that was contracted within 45 days of such reporting to work.

This proposed legislation extends certain provisions contained in Chapter 89 of the Laws of 2020 that was set to expire on December 31, 2020, but has been extended beyond December 31, 2020 on a temporary basis by Executive Order.

Beneficiaries of deceased members, including beneficiaries of those who retired between March 1, 2020 and December 31, 2020 and died on or before December 31, 2020, who meet the enumerated qualifications would be eligible for an Accidental Death Benefit, less any other statutory benefits paid or payable.

In determining whether Accidental Death Benefits should be awarded, a deceased member or retiree must have a positive lab test for COVID-19 within 45 days of reporting to such work assignment, or have been diagnosed with such condition, within the same period, from a qualified medical provider, either before or after the member's or retiree's death. The beneficiary of such deceased member or retiree would also have to show that that COVID-19 was the cause or contributing factor in the member's or retiree's death, as documented by a death certificate or by a qualified health care provider.

Effective Date: Upon enactment, and retroactive to March 1, 2020, except that the provisions shall expire and be deemed repealed on December 31, 2022.

IMPACT ON BENEFITS PAYABLE: Under the proposed legislation, the benefits payable to beneficiaries of active members of NYCRS who die due to COVID-19 would be revised from a lump sum Ordinary Death Benefit generally equal to three times a member's last salary to a lifetime Accidental Death Benefit equal to 50% of Final Average Salary plus, if applicable, the Special Accidental Death Benefit payable under General

Municipal Law section 208-f. Accidental Death Benefits, less any other benefits paid or payable, are also payable to beneficiaries of those who retired between March 1, 2020 and December 31, 2020 and died due to COVID-19 on or before December 31, 2020. Costs for these retirees, due to the limited scope and unknown optional payments, are not included in this Fiscal Note.

FINANCIAL IMPACT - OVERVIEW: There is very limited data available to estimate the number of members who might die due to COVID-19 and potentially benefit from this proposed legislation. Therefore, the estimated financial impact has been calculated on a per event basis equal to the increase in the Present Value of Future Benefits (PVFB) for an average member who dies from COVID-19 and would benefit from the proposed legislation.

With respect to an individual member, the additional cost of this proposed legislation could vary greatly depending on the member's length of service, age, and salary history.

FINANCIAL IMPACT - PRESENT VALUES: Based on the census data and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would result in an increase in PVFB. A breakdown of the PVFB by NYCERS on average for each occurrence of death is shown in the table below.

Estimated Additional Present Value of Future Benefits due to COVID-19 Death

	NYCERS	TRS	BERS	POLICE	FIRE	All Systems
Age<40	\$531,900	\$343,600	\$263,600	\$1,974,800	\$1,856,400	\$743,400
40<=Age<60	408,200	314,300	179,800	2,267,100	2,332,300	548,400
Age>=60	247,400	225,200	126,600	1,696,100	1,623,200	239,100
All Ages	\$415,100	\$315,900	\$182,600	\$2,087,900	\$2,089,100	\$573,400

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: Enactment of this proposed legislation would increase employer contributions, where such amount would depend on the number of members affected as well as other characteristics including the age, years of service, and salary history of the member.

As there is very limited data currently available to estimate the number of members who might die from COVID-19, the financial impact would be recognized at the time of event.

Consequently, changes in employer contributions have been estimated assuming that the increase in the PVFB will be financed over the same time period used for actuarial losses in accordance with Section 13-638.2(k-2) of the ACCNY. Using this approach, the additional PVFB would be amortized over a closed 15-year period (14 payments under the One-Year Lag Methodology) using level dollar payments.

Based on the Actuary's actuarial assumptions and methods described herein, the enactment of this proposed legislation is estimated to increase first-year annual employer contributions on average for each death benefit due to COVID-19 as shown in the table below.

Estimated Additional First-Year Annual Employer Contributions due to COVID-19 Death

	NYCERS	TRS	BERS	POLICE	FIRE	All Systems
Age<40	\$62,900	\$40,600	\$31,200	\$233,600	\$219,600	\$87,900
40<=Age<60	48,300	37,200	21,300	268,100	275,900	64,900
Age>=60	29,300	26,600	15,000	200,600	192,000	28,300
All Ages	\$49,100	\$37,400	\$21,600	\$247,000	\$247,100	\$67,800

With respect to the timing, increases in employer contributions would depend upon when members die due to COVID-19 but, generally, increased employer contributions will first occur the second fiscal year following approval of the performance of duty death benefit.

CENSUS DATA: For purposes of this Fiscal Note, it was assumed that the census data had the same age, gender, and service characteristics as the census data used in the June 30, 2019 (Lag) actuarial valuation of NYCERS to determine the Preliminary Fiscal Year 2021 employer contributions. Active members' salaries have been adjusted to reflect estimated salary increases from June 30, 2019 to June 30, 2020.

Counts	NYCERS	TRS	BERS	POLICE	FIRE	All Systems
Age<40	52,782	48,861	4,810	21,945	5,369	133,767
40<=Age<60	106,335	60,632	14,809	14,267	5,623	201,666
Age>=60	32,384	13,843	6,206	189	252	52,874
All Ages	191,501	123,336	25,825	36,401	11,244	388,307

Average Age	NYCERS	TRS	BERS	POLICE	FIRE	All Systems
Age<40	33.0	32.5	33.3	32.1	32.7	32.7
40<=Age<60	50.1	48.7	50.7	46.1	47.0	49.3
Age>=60	64.1	64.3	64.5	61.9	61.9	64.2
All Ages	47.7	44.1	50.8	37.7	40.5	45.6

Average Service	NYCERS	TRS	BERS	POLICE	FIRE	All Systems
Age<40	4.7	5.8	3.5	7.0	6.6	5.5
40<=Age<60	13.6	14.9	9.1	18.7	19.7	14.2
Age>=60	19.7	19.8	14.0	31.7	34.9	19.2
All Ages	12.2	11.8	9.2	11.7	13.8	11.9

Average Salary	NYCERS	TRS	BERS	POLICE	FIRE	All Systems
Age<40	\$68,800	\$78,800	\$58,700	\$101,800	\$ 93,600	\$78,500
40<=Age<60	81,800	95,900	52,700	138,800	141,300	89,600
Age>=60	81,900	89,700	46,700	163,300	158,200	80,500
All Ages	\$78,200	\$88,400	\$52,400	\$116,600	\$118,900	\$84,500

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of NYCERS.

The Actuary is proposing a set of changes for use in the June 30, 2019 (Lag) actuarial valuations of NYCERS to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted, it is estimated that it would produce increases in the Present Value of Employer Contributions and annual employer contributions that are approximately 2% larger than the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The impact of potential changes to the Ordinary Death Benefit in order to keep the plans in compliance with the Older Workers Benefit Protection Act.

* The initial, additional administrative costs to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-02 dated January 29, 2021 was prepared by the Chief Actuary for the five New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

888

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general obligations law, in relation to the statutory short form and other powers of attorney for purposes of financial and estate planning

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

1 Section 1. Paragraph (b) of subdivision 1 of section 5-1501B of the
2 general obligations law, as amended by a chapter of the laws of 2020
3 amending the general obligations law relating to reforming the statutory
4 short form and other powers of attorney for purposes of financial and
5 estate planning, as proposed in legislative bills numbers S. 3923-a and
6 A. 5630-a, is amended to read as follows:

7 (b) Be signed, initialed and dated by a principal with capacity, or in
8 the name of such principal by another person, other than a person desig-
9 nated as the principal's agent or successor agent, in the principal's
10 presence and at the principal's direction, in either case with the
11 signature of the person signing duly acknowledged in the manner
12 prescribed for the acknowledgment of a conveyance of real property and
13 witnessed by two persons who are not named in the instrument as agents
14 or as permissible recipients of gifts, in the manner described in
15 subparagraph two of paragraph (a) of section 3-2.1 of the estate, powers
16 and trusts law in the presence of the principal. The person who takes
17 the acknowledgement under this paragraph may also serve as one of the
18 witnesses. When a person signs at the direction of a principal he or she
19 shall sign by writing or printing the principal's name, and printing and
20 signing his or her own name.

21 § 2. The section heading and subdivisions 1 and 3 of section 5-1504 of
22 the general obligations law, as amended by a chapter of the laws of 2020
23 amending the general obligations law relating to reforming the statutory

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

LBD07173-01-1

1 short form and other powers of attorney for purposes of financial and
2 estate planning, as proposed in legislative bills numbers S. 3923-a and
3 A. 5630-a, are amended to read as follows:

4 Acceptance of and reliance upon acknowledged **and witnessed** statutory
5 short form power of attorney. 1. (a) For purposes of this section,
6 "acknowledged" means purportedly verified before a notary public or
7 other individual authorized to take acknowledgements. **For purposes of**
8 **this section, "witnessed" means purportedly witnessed by two persons who**
9 **are not named in the instrument as agents or as permissible recipients**
10 **of gifts.**

11 (b) A person that in good faith accepts an acknowledged **and witnessed**
12 power of attorney without actual knowledge that the signature is not
13 genuine may rely upon the presumption that the signature is genuine.

14 (c) A person that in good faith accepts an acknowledged **and witnessed**
15 power of attorney without actual knowledge that the power of attorney is
16 void, invalid, or terminated, that the purported agent's authority is
17 void, invalid, or terminated, or that the agent is exceeding or improv-
18 erly exercising the agent's authority may rely upon the power of attor-
19 ney as if the power of attorney were genuine, valid and still in effect,
20 the agent's authority were genuine, valid and still in effect, and the
21 agent had not exceeded and had properly exercised the authority.

22 (d) A person that is asked to accept an acknowledged **and witnessed**
23 power of attorney may request, and rely upon, without further investi-
24 gation:

25 (1) an agent's certification under penalty of perjury of any factual
26 matter concerning the principal, agent or power of attorney; and

27 (2) an opinion of counsel as to any matter of law concerning the power
28 of attorney if the person making the request provides in a writing or
29 other record the reason for the request.

30 (e) An opinion of counsel requested under this section must be
31 provided at the principal's expense unless the request is made more than
32 ten business days after the power of attorney is presented for accept-
33 ance.

34 (f) For purposes of this section, a person that conducts activities
35 through employees is without actual knowledge of a fact relating to a
36 power of attorney, a principal, or an agent if the employee conducting
37 the transaction involving the power of attorney is without actual know-
38 ledge of the fact after making reasonable inquiry with respect thereto.

39 3. (a) Not later than the tenth business day after presentation of an
40 original or attorney certified copy of a statutory short form power of
41 attorney properly executed in accordance with section 5-1501B of this
42 title or in accordance with the laws in effect at the time of its
43 execution to a third party for acceptance, such third party shall either

44 (a) honor the statutory short form power of attorney, or (b) reject the
45 statutory short form power of attorney in a writing that sets forth the
46 reasons for such rejection, which writing shall be sent to the principal
47 and the agent at the addresses on the power of attorney and such other
48 addresses as provided by the principal or the agent, or (c) request the
49 agent to execute an acknowledged affidavit pursuant to subdivision seven
50 of this section stating that the power of attorney is in full force and
51 effect if the statutory short form power of attorney was not submitted
52 for acceptance together with such an acknowledged affidavit. Such
53 reasons for rejection may include, but not be limited to non-conforming
54 form, missing or wrong signature, invalid notarization, or unacceptable
55 identification. In the event that the statutory short form power of
56 attorney presented is not an original or attorney certified copy, as

1 part of the initial rejection, such short form power of attorney may be
 2 rejected for such reason, provided, however, in explaining the reason
 3 for rejecting the short form power of attorney, the third party shall
 4 also identify such other provisions of the short form power of attorney,
 5 if any, that would otherwise constitute cause for rejection of the stat-
 6 utory short form power of attorney. If the third party initially rejects
 7 the statutory short form power of attorney in a writing that sets forth
 8 the reasons for such rejection, the third party shall within seven busi-
 9 ness days after receipt of a writing in response to the reasons for such
 10 rejection (i) honor the statutory short form power of attorney, or (ii)
 11 finally reject the statutory short form power of attorney in a writing
 12 that sets forth the reasons for such rejection. Such writing shall be
 13 sent to the address provided on the power of attorney, to the address of
 14 the agent, if any, and may also be sent to such other address as shall
 15 be provided on the account documents, or to the address of the attorney
 16 as provided in an opinion of counsel pursuant to this section. If the
 17 third party requests the agent to execute such an acknowledged affida-
 18 vit, the third party shall honor such statutory short form power of
 19 attorney within seven business days after receipt by the third party of
 20 an acknowledged affidavit which complies with the provisions of subdivi-
 21 sion seven of this section, stating that the power of attorney is in
 22 full force and effect unless reasonable cause exists as described in
 23 paragraph (a) of subdivision two of this section. For the purposes of
 24 this subdivision, notice shall be considered delivered at the time such
 25 notice is mailed and the time requirements in which to honor or reject
 26 the statutory short form power of attorney or request the agent to
 27 execute an acknowledged affidavit shall not apply to the department of
 28 audit and control ~~or~~, a public retirement system of the state as
 29 defined in subdivision six of section one hundred fifty-two of the
 30 retirement and social security law, or the department of health, includ-
 31 ing social services districts, in the administration of the medical
 32 assistance "Medicaid" program pursuant to title XIX of the federal
 33 social security act or other public health insurance programs.

34 (b) Notice to the agent as required by paragraph (a) of this subdivi-
 35 sion shall not be sent until after a determination is made by adult
 36 protective services if the reason for rejection is a reason set forth in
 37 subdivision two of this section and is otherwise prohibited by law or
 38 regulation.

39 § 3. Section 5-1513 of the general obligations law, as amended by a
 40 chapter of the laws of 2020 amending the general obligations law relat-
 41 ing to reforming the statutory short form and other powers of attorney
 42 for purposes of financial and estate planning, as proposed in legisla-
 43 tive bills numbers S. 3923-a and A. 5630-a, is amended to read as
 44 follows:

45 § 5-1513. Statutory short form power of attorney. The use of the
 46 following form, or one which substantially conforms to the following
 47 form, in the creation of a power of attorney is lawful, and, when used,
 48 and executed in accordance with subdivision one of section 5-1501B of
 49 this title, it shall be construed as a statutory short form power of
 50 attorney in accordance with the provisions of this title; provided
 51 however, that any section indicated as "Optional" which is not used may
 52 be omitted and replaced by the words "Intentionally Omitted":

53
 54

"POWER OF ATTORNEY
 NEW YORK STATUTORY SHORT FORM

1 (a) CAUTION TO THE PRINCIPAL: Your Power of Attorney is an important
 2 document. As the "principal," you give the person whom you choose (your
 3 "agent") authority to spend your money and sell or dispose of your prop-
 4 erty during your lifetime without telling you. You do not lose your
 5 authority to act even though you have given your agent similar authori-
 6 ty.

7 When your agent exercises this authority, he or she must act according
 8 to any instructions you have provided or, where there are no specific
 9 instructions, in your best interest. "Important Information for the
 10 Agent" at the end of this document describes your agent's responsibil-
 11 ities.

12 Your agent can act on your behalf only after signing the Power of
 13 Attorney before a notary public.

14 You can request information from your agent at any time. If you are
 15 revoking a prior Power of Attorney, you should provide written notice of
 16 the revocation to your prior agent(s) and to any third parties who may
 17 have acted upon it, including the financial institutions where your
 18 accounts are located.

19 You can revoke or terminate your Power of Attorney at any time for any
 20 reason as long as you are of sound mind. If you are no longer of sound
 21 mind, a court can remove an agent for acting improperly.

22 Your agent cannot make health care decisions for you. You may execute
 23 a "Health Care Proxy" to do this.

24 The law governing Powers of Attorney is contained in the New York
 25 General Obligations Law, Article 5, Title 15. This law is available at a
 26 law library, or online through the New York State Senate or Assembly
 27 websites, www.nysenate.gov or www.nyassembly.gov.

28 If there is anything about this document that you do not understand,
 29 you should ask a lawyer of your own choosing to explain it to you.

30 (b) DESIGNATION OF AGENT(S):

31 I, _____, hereby appoint:
 32 _____ name and address of principal
 33 _____ as my agent(s)

34 _____ name(s) and address(es) of agent(s)

35 If you designate more than one agent above and you do not initial [a]
 36 the statement below, they must act together.

- 37 [] ~~My agents must act TOGETHER.~~
 38 () My [successor] agents may act SEPARATELY.

39 (c) DESIGNATION OF SUCCESSOR AGENT(S): (OPTIONAL)

40 If any agent designated above is unable or unwilling to serve, I
 41 appoint as my successor agent(s):

42 _____
 43 name(s) and address(es) of successor agent(s)

44 If you do not initial [a] the statement below, successor agents desig-
 45 nated above must act together.

- 46 [] ~~My agents must act TOGETHER.~~
 47 () My successor agents may act SEPARATELY.

48 You may provide for specific succession rules in this section. Insert
 49 specific succession provisions here:

50 (d) This POWER OF ATTORNEY shall not be affected by my subsequent inca-
 51 pacity unless I have stated otherwise below, under "Modifications".

52 (e) This POWER OF ATTORNEY DOES NOT REVOKE any Powers of Attorney previ-
 53 ously executed by me unless I have stated otherwise below, under
 54 "Modifications."

55 (f) GRANT OF AUTHORITY:

56 To grant your agent some or all of the authority below, either

- 1 (1) Initial the bracket at each authority you grant, or
 2 (2) Write or type the letters for each authority you grant on the
 3 blank line at (P), and initial the bracket at (P). If you initial
 4 (P), you do not need to initial the other lines.

5 I grant authority to my agent(s) with respect to the following
 6 subjects as defined in sections 5-1502A through 5-1502N of the New York
 7 General Obligations Law:

- 8 (A) real estate transactions;
 9 (B) chattel and goods transactions;
 10 (C) bond, share, and commodity transactions;
 11 (D) banking transactions;
 12 (E) business operating transactions;
 13 (F) insurance transactions;
 14 (G) estate transactions;
 15 (H) claims and litigation;
 16 (I) personal and family maintenance. If you grant your agent
 17 this authority, it will allow the agent to make gifts that you
 18 customarily have made to individuals, including the agent, and
 19 charitable organizations. The total amount of all such gifts in
 20 any one calendar year cannot exceed five thousand dollars;
 21 (J) benefits from governmental programs or civil or military
 22 service;
 23 (K) financial matters related to health care; records, reports,
 24 and statements;
 25 (L) retirement benefit transactions;
 26 (M) tax matters;
 27 (N) all other matters;
 28 (O) full and unqualified authority to my agent(s) to delegate
 29 any or all of the foregoing powers to any person or persons whom
 30 my agent(s) select;
 31 (P) EACH of the matters identified by the following
 32 letters_____.

33 You need not initial the other lines if you initial line (P).

34 (g) CERTAIN GIFT TRANSACTIONS: (OPTIONAL)

35 In order to authorize your agent to make gifts in excess of an annual
 36 total of \$5,000 for all gifts described in (I) of the grant of authority
 37 section of this document (under personal and family maintenance), and/or
 38 to make changes to interest in your property, you must expressly grant
 39 that authorization in the Modifications section below. If you wish to
 40 authorize your agent to make gifts to himself or herself, you must
 41 expressly grant such authorization in the Modifications section below.
 42 Granting such authority to your agent gives your agent the authority to
 43 take actions which could significantly reduce your property and/or
 44 change how your property is distributed at your death. Your choice to
 45 grant such authority should be discussed with a lawyer.

46 I grant my agent authority to make gifts in accordance with the
 47 terms and conditions of the Modifications that supplement this Statutory
 48 Power of Attorney.

49 (h) MODIFICATIONS: (OPTIONAL)

50 In this section, you may make additional provisions, including, but
 51 not limited to, language to limit or supplement authority granted to
 52 your agent, language to grant your agent the specific authority to make
 53 gifts to himself or herself, and/or language to grant your agent the
 54 specific authority to make other gift transactions and/or changes to
 55 interests in your property. Your agent is entitled to be reimbursed from
 56 your assets for reasonable expenses incurred on your behalf. In this

1 section, you may make additional provisions if you ALSO wish your
2 agent(s) to be compensated from your assets for services rendered on
3 your behalf, and you may define "reasonable compensation."

4 (i) DESIGNATION OF MONITOR(S): (OPTIONAL)

5 If you wish to appoint monitor(s), initial and fill in the section
6 below:

7 () I wish to designate _____, whose address(es) is
8 (are) _____, as
9 monitor(s). Upon the request of the monitor(s), my agent(s) must provide
10 the monitor(s) with a copy of the power of attorney and a record of all
11 transactions done or made on my behalf. Third parties holding records of
12 such transactions shall provide the records to the monitor(s) upon
13 request.

14 (j) COMPENSATION OF AGENT(S):

15 Your agent is entitled to be reimbursed from your assets for reason-
16 able expenses incurred on your behalf. If you ALSO wish your agent(s) to
17 be compensated from your assets for services rendered on your behalf,
18 and/or you wish to define "reasonable compensation", you may do so
19 above, under "Modifications".

20 (k) ACCEPTANCE BY THIRD PARTIES: I agree to indemnify the third party
21 for any claims that may arise against the third party because of reli-
22 ance on this Power of Attorney. I understand that any termination of
23 this Power of Attorney, whether the result of my revocation of the Power
24 of Attorney or otherwise, is not effective as to a third party until the
25 third party has actual notice or knowledge of the termination.

26 (l) TERMINATION: This Power of Attorney continues until I revoke it or
27 it is terminated by my death or other event described in section 5-1511
28 of the General Obligations Law.

29 Section 5-1511 of the General Obligations Law describes the manner in
30 which you may revoke your Power of Attorney, and the events which termi-
31 nate the Power of Attorney.

32 (m) SIGNATURE AND ACKNOWLEDGMENT: In Witness Whereof I have hereunto
33 signed my name on _____, 20__.

34 PRINCIPAL signs here: ==> _____
35 (acknowledgment)

36 (n) SIGNATURES OF WITNESSES:

37 By signing as a witness, I acknowledge that the principal signed the
38 Power of Attorney in my presence and in the presence of the other
39 witness, or that the principal acknowledged to me that the principal's
40 signature was affixed by him or her or at his or her direction. I also
41 acknowledge that the principal has stated that this Power of Attorney
42 reflects his or her wishes and that he or she has signed it voluntarily.
43 I am not named herein as an agent or as a permissible recipient of
44 gifts.

45 _____
46 Signature of Witness 1 Signature of Witness 2
47 _____
48 Date Date
49 _____
50 Print name Print name
51 _____
52 Address Address
53 _____
54 City, State, Zip Code City, State, Zip Code

55 (o) IMPORTANT INFORMATION FOR THE AGENT:

1 When you accept the authority granted under this Power of Attorney, a
2 special legal relationship is created between you and the principal.
3 This relationship imposes on you legal responsibilities that continue
4 until you resign or the Power of Attorney is terminated or revoked. You
5 must:

6 (1) act according to any instructions from the principal, or, where
7 there are no instructions, in the principal's best interest;

8 (2) avoid conflicts that would impair your ability to act in the prin-
9 cipal's best interest;

10 (3) keep the principal's property separate and distinct from any
11 assets you own or control, unless otherwise permitted by law;

12 (4) keep a record of all transactions conducted for the principal or
13 keep all receipts of payments and transactions conducted for the princi-
14 pal; and

15 (5) disclose your identity as an agent whenever you act for the prin-
16 cipal by writing or printing the principal's name and signing your own
17 name as "agent" in either of the following manners: (Principal's Name)
18 by (Your Signature) as Agent, or (your signature) as Agent for (Princi-
19 pal's Name).

20 You may not use the principal's assets to benefit yourself or anyone
21 else or make gifts to yourself or anyone else unless the principal has
22 specifically granted you that authority in the modifications section of
23 this document or a Non-Statutory Power of Attorney. If you have that
24 authority, you must act according to any instructions of the principal
25 or, where there are no such instructions, in the principal's best inter-
26 est. You may resign by giving written notice to the principal and to any
27 co-agent, successor agent, monitor if one has been named in this docu-
28 ment, or the principal's guardian if one has been appointed. If there is
29 anything about this document or your responsibilities that you do not
30 understand, you should seek legal advice.

31 Liability of agent:

32 The meaning of the authority given to you is defined in New York's
33 General Obligations Law, Article 5, Title 15. If it is found that you
34 have violated the law or acted outside the authority granted to you in
35 the Power of Attorney, you may be liable under the law for your
36 violation.

37 ~~(p)~~ (p) AGENT'S SIGNATURE AND ACKNOWLEDGMENT OF APPOINTMENT:

38 It is not required that the principal and the agent(s) sign at the
39 same time, nor that multiple agents sign at the same time.

40 I/we, _____, have read the forego-
41 ing Power of Attorney. I am/we are the person(s) identified therein as
42 agent(s) for the principal named therein.

43 I/we acknowledge my/our legal responsibilities.

44 In Witness Whereof I have hereunto signed my name on _____
45 20_____.

46 Agent(s) sign(s) here:==> _____
47 (acknowledgment(s))

48 ~~(q)~~ (q) SUCCESSOR AGENT'S SIGNATURE AND ACKNOWLEDGMENT OF APPOINTMENT:

49 It is not required that the principal and the SUCCESSOR agent(s), if
50 any, sign at the same time, nor that multiple SUCCESSOR agents sign at
51 the same time. Furthermore, successor agents can not use this power of
52 attorney unless the agent(s) designated above is/are unable or unwilling
53 to serve.

54 I/we, _____, have read the forego-
55 ing Power of Attorney. I am/we are the person(s) identified therein as
56 SUCCESSOR agent(s) for the principal named therein.

1 In Witness Whereof I have hereunto signed my name on _____
2 20_____.

3 Successor Agent(s) sign(s) here:==> _____
4 (acknowledgment(s))"

5 § 4. This act shall take effect on the same date and in the same
6 manner as a chapter of the laws of 2020 amending the general obligations
7 law relating to reforming the statutory short form and other powers of
8 attorney for purposes of financial and estate planning, as proposed in
9 legislative bills numbers S. 3923-a and A. 5630-a, takes effect.

STATE OF NEW YORK

3476

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

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

AN ACT to amend the retirement and social security law, in relation to the retirement of members who serve as police medics, police medic supervisors and members who perform police medic related services in the Nassau county police department

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

1 Section 1. The section heading and subdivisions a and d of section
2 89-s of the retirement and social security law, as amended by chapter
3 578 of the laws of 1998, are amended to read as follows:

4 Retirement of members who serve as ambulance medical technicians,
5 ambulance medical technician/supervisors [~~and~~], members who perform
6 ambulance medical technician related services, police medics, police
7 medic supervisors and members who perform police medic related services
8 in the Nassau county police department.

9 a. Any member who serves as an ambulance medical technician, ambulance
10 medical technician/supervisor or a member who performs ambulance medical
11 technician related services, or a police medic, police medic supervisor
12 or a member who performs police medic related services and is employed
13 in the Nassau county police department shall be eligible to retire
14 pursuant to the provisions of this section. Such eligibility shall be an
15 alternative to the eligibility provisions available under any other plan
16 of this article to which such member is subject.

17 d. As used in this section "creditable service" shall include any and
18 all services performed as an ambulance medical technician, ambulance
19 medical technician/supervisor or member who performs ambulance medical
20 technician related services, or a police medic, police medic supervisor
21 or a member who performs police medic related services in the Nassau
22 county police department.

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

LBD03627-02-1

1 § 2. Subdivision a of section 445 of the retirement and social securi-
2 ty law, as amended by chapter 476 of the laws of 2018, is amended to
3 read as follows:
4 a. No member of a retirement system who is subject to the provisions
5 of this article shall retire without regard to age, exclusive of retire-
6 ment for disability, unless he or she is a police officer, an investi-
7 gator member of the New York city employees' retirement system, fire-
8 fighter, correction officer, a qualifying member as defined in section
9 eighty-nine-t, as added by chapter six hundred fifty-seven of the laws
10 of nineteen hundred ninety-eight, of this chapter, sanitation worker, a
11 special officer (including persons employed by the city of New York in
12 the title urban park ranger or associate urban park ranger), school
13 safety agent, campus peace officer or a taxi and limousine commission
14 inspector member of the New York city employees' retirement system or
15 the New York city board of education retirement system, a dispatcher
16 member of the New York city employees' retirement system, a police
17 communications member of the New York city employees' retirement system,
18 an EMT member of the New York city employees' retirement system, a depu-
19 ty sheriff member of the New York city employees' retirement system, a
20 correction officer of the Westchester county correction department as
21 defined in section eighty-nine-e of this chapter or employed in Suffolk
22 county as a peace officer, as defined in section eighty-nine-s, as added
23 by chapter five hundred eighty-eight of the laws of nineteen hundred
24 ninety-seven, of this chapter, employed in Suffolk county as a
25 correction officer, as defined in section eighty-nine-f of this chapter,
26 or employed in Nassau county as a correction officer, uniformed
27 correction division personnel, sheriff, undersheriff or deputy sheriff,
28 as defined in section eighty-nine-g of this chapter, or employed in
29 Nassau county as an ambulance medical technician, an ambulance medical
30 technician/supervisor or a member who performs ambulance medical techni-
31 cian related services, **or a police medic, police medic supervisor or a**
32 **member who performs police medic related services**, as defined in section
33 eighty-nine-s, as amended by chapter five hundred seventy-eight of the
34 laws of nineteen hundred ninety-eight, of this chapter, or employed in
35 Nassau county as a peace officer, as defined in section eighty-nine-s,
36 as added by chapter five hundred ninety-five of the laws of nineteen
37 hundred ninety-seven, of this chapter, or employed in Albany county as a
38 sheriff, undersheriff, deputy sheriff, correction officer or identifica-
39 tion officer, as defined in section eighty-nine-h of this chapter or is
40 employed in St. Lawrence county as a sheriff, undersheriff, deputy sher-
41 iff or correction officer, as defined in section eighty-nine-i of this
42 chapter or is employed in Orleans county as a sheriff, undersheriff,
43 deputy sheriff or correction officer, as defined in section
44 eighty-nine-l of this chapter or is employed in Jefferson county as a
45 sheriff, undersheriff, deputy sheriff or correction officer, as defined
46 in section eighty-nine-j of this chapter or is employed in Onondaga
47 county as a deputy sheriff-jail division competitively appointed or as a
48 correction officer, as defined in section eighty-nine-k of this chapter
49 or is employed in a county which makes an election under subdivision j
50 of section eighty-nine-p of this chapter as a sheriff, undersheriff,
51 deputy sheriff or correction officer as defined in such section eighty-
52 nine-p or is employed in Broome County as a sheriff, undersheriff, depu-
53 ty sheriff or correction officer, as defined in section eighty-nine-m of
54 this chapter or is a Monroe county deputy sheriff-court security, or
55 deputy sheriff-jailor as defined in section eighty-nine-n, as added by
56 chapter five hundred ninety-seven of the laws of nineteen hundred nine-

1 ty-one, of this chapter or is employed in Greene county as a sheriff,
 2 undersheriff, deputy sheriff or correction officer, as defined in
 3 section eighty-nine-o of this chapter or is a traffic officer with the
 4 town of Elmira as defined in section eighty-nine-q of this chapter or is
 5 employed by Suffolk county as a park police officer, as defined in
 6 section eighty-nine-r of this chapter or is a peace officer employed by
 7 a county probation department as defined in section eighty-nine-t, as
 8 added by chapter six hundred three of the laws of nineteen hundred nine-
 9 ty-eight, of this chapter or is employed in Rockland county as a deputy
 10 sheriff-civil as defined in section eighty-nine-v of this chapter as
 11 added by chapter four hundred forty-one of the laws of two thousand one,
 12 or is employed in Rockland county as a superior correction officer as
 13 defined in section eighty-nine-v of this chapter as added by chapter
 14 five hundred fifty-six of the laws of two thousand one or is a paramedic
 15 employed by the police department in the town of Tonawanda and retires
 16 under the provisions of section eighty-nine-v of this chapter, as added
 17 by chapter four hundred seventy-two of the laws of two thousand one, or
 18 is a county fire marshal, supervising fire marshal, fire marshal,
 19 assistant fire marshal, assistant chief fire marshal or chief fire
 20 marshal employed by the county of Nassau as defined in section eighty-
 21 nine-w of this chapter and is in a plan which permits immediate retire-
 22 ment upon completion of a specified period of service without regard to
 23 age. Except as provided in subdivision c of section four hundred forty-
 24 five-a of this article, subdivision c of section four hundred forty-
 25 five-b of this article, subdivision c of section four hundred forty-
 26 five-c of this article, subdivision c of section four hundred
 27 forty-five-d of this article, subdivision c of section four hundred
 28 forty-five-e of this article, subdivision c of section four hundred
 29 forty-five-f of this article and subdivision c of section four hundred
 30 forty-five-h of this article, a member in such a plan and such an occu-
 31 pation, other than a police officer or investigator member of the New
 32 York city employees' retirement system or a firefighter, shall not be
 33 permitted to retire prior to the completion of twenty-five years of
 34 credited service; provided, however, if such a member in such an occupa-
 35 tion is in a plan which permits retirement upon completion of twenty
 36 years of service regardless of age, he or she may retire upon completion
 37 of twenty years of credited service and prior to the completion of twen-
 38 ty-five years of service, but in such event the benefit provided from
 39 funds other than those based on such a member's own contributions shall
 40 not exceed two per centum of final average salary per each year of cred-
 41 ited service.

42 § 3. Subdivision o of section 603 of the retirement and social securi-
 43 ty law, as amended by chapter 578 of the laws of 1998, is amended to
 44 read as follows:

45 o. The service retirement benefit specified in section six hundred
 46 four of this article shall be payable to members with twenty-five or
 47 more years of creditable service, without regard to age, who are
 48 employed as ambulance medical technicians, ambulance medical
 49 technician/supervisors or a member who performs ambulance medical tech-
 50 nician related services, **or a police medic, police medic supervisor or a**
 51 **member who performs police medic related services** within the Nassau
 52 county police department, as defined in section eighty-nine-s of this
 53 chapter if: (i) such members have met the minimum service requirements
 54 upon retirement, and (ii) in the case of a member subject to the
 55 provisions of article fourteen of this chapter, such member files an
 56 election therefor which provides that he or she will be subject to the

1 provisions of this article and to none of the provisions of such article
 2 fourteen. Such election, which shall be irrevocable, shall be in writ-
 3 ing, duly executed and shall be filed with the comptroller on or before
 4 January first, two thousand. For the purposes of this subdivision, the
 5 term "creditable service" shall have the meaning as so defined in both
 6 sections eighty-nine-s and six hundred one of this chapter.

7 § 4. Subdivision p of section 604 of the retirement and social securi-
 8 ty law, as amended by chapter 578 of the laws of 1998, is amended to
 9 read as follows:

10 p. The early service retirement for a member who is employed as an
 11 ambulance medical technician, ambulance medical technician/supervisor or
 12 a member who performs ambulance medical technician related services, or
 13 a police medic, police medic supervisor or a member who performs police
 14 medic related services as defined in section eighty-nine-s of this chap-
 15 ter, shall be a pension equal to one-fiftieth of final average salary
 16 times years of credited service at the completion of twenty-five years
 17 of service, but not exceeding one-half of his or her final average sala-
 18 ry; for service beyond twenty-five years the benefits shall increase by
 19 one-sixtieth of final average salary for each year of additional service
 20 credit provided, however, that the total allowance payable pursuant to
 21 this section shall not exceed three-fourths of such member's final aver-
 22 age salary.

23 § 5. The section heading, the opening paragraph of subdivision a and
 24 subdivision g of section 605-e of the retirement and social security
 25 law, as added by chapter 522 of the laws of 2014, are amended to read as
 26 follows:

27 Accidental disability retirement for ambulance medical technician
 28 supervisors, ambulance medical technician coordinators [~~and~~], ambulance
 29 medical technicians, police medic supervisors, police medic coordina-
 30 tors, and police medics in Nassau county.

31 A member employed as [~~a~~] an ambulance medical technician supervisor,
 32 ambulance medical technician coordinator [~~and~~], ambulance medical tech-
 33 nician, police medic supervisor, police medic coordinator, or police
 34 medic in Nassau county shall be entitled to an accidental disability
 35 retirement allowance if, at the time application therefor is filed, such
 36 member is:

37 g. Notwithstanding any other provision of law, this section shall
 38 apply to ambulance medical technician supervisors, ambulance medical
 39 technician coordinators [~~and~~], ambulance medical technicians, police
 40 medic supervisors, police medic coordinators, and police medics in
 41 Nassau county who were hired on or after July twenty-seventh, nineteen
 42 hundred seventy-six.

43 § 6. This act shall take effect immediately.

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

This bill will add police medic titles and members who perform police
 medic related services in Nassau County to the ambulance medical techni-
 cian titles eligible for certain retirement benefits.

If this bill is enacted during the 2021 legislative session, there
 will not be a past service cost as these members were previously in the
 ambulance medical technician titles and covered by the same sections of
 law.

There will be no increase in the annual contributions of Nassau Coun-
 ty.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact
 of the proposed change, the same data used in the April 1, 2020 actuari-

al valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 December 21, 2020, and intended for use only during the 2021 Legislative Session, is **Fiscal Note** No. 2021-3, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

7124

2021-2022 Regular Sessions

IN ASSEMBLY

April 23, 2021

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

AN ACT to amend the general municipal law and the retirement and social
security law, in relation to increasing certain special accidental
death benefits

**The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:**

1 Section 1. Subdivision c of section 208-f of the general municipal
2 law, as amended by section 1 of item NNN of subpart B of part XXX of
3 chapter 58 of the laws of 2020, is amended to read as follows:
4 c. Commencing July first, two thousand [~~twenty~~] **twenty-one** the special
5 accidental death benefit paid to a widow or widower or the deceased
6 member's children under the age of eighteen or, if a student, under the
7 age of twenty-three, if the widow or widower has died, shall be esca-
8 lated by adding thereto an additional percentage of the salary of the
9 deceased member (as increased pursuant to subdivision b of this section)
10 in accordance with the following schedule:
11 calendar year of death
12 of the deceased member per centum
13 1977 or prior [~~256.5%~~] **267.1%**
14 1978 [~~246.1%~~] **256.5%**
15 1979 [~~236%~~] **246.1%**
16 1980 [~~226.2%~~] **236%**
17 1981 [~~216.7%~~] **226.2%**
18 1982 [~~207.5%~~] **216.7%**
19 1983 [~~198.5%~~] **207.5%**
20 1984 [~~189.8%~~] **198.5%**
21 1985 [~~181.4%~~] **189.8%**
22 1986 [~~173.2%~~] **181.4%**
23 1987 [~~165.2%~~] **173.2%**
24 1988 [~~157.5%~~] **165.2%**

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

LBD09925-03-1

1	1989	[150.0%]	<u>157.5%</u>
2	1990	[142.7%]	<u>150.0%</u>
3	1991	[135.7%]	<u>142.7%</u>
4	1992	[128.8%]	<u>135.7%</u>
5	1993	[122.1%]	<u>128.8%</u>
6	1994	[115.7%]	<u>122.1%</u>
7	1995	[109.4%]	<u>115.7%</u>
8	1996	[103.3%]	<u>109.4%</u>
9	1997	[97.4%]	<u>103.3%</u>
10	1998	[91.6%]	<u>97.4%</u>
11	1999	[86.0%]	<u>91.6%</u>
12	2000	[80.6%]	<u>86.0%</u>
13	2001	[75.4%]	<u>80.6%</u>
14	2002	[70.2%]	<u>75.4%</u>
15	2003	[65.3%]	<u>70.2%</u>
16	2004	[60.5%]	<u>65.3%</u>
17	2005	[55.8%]	<u>60.5%</u>
18	2006	[51.3%]	<u>55.8%</u>
19	2007	[46.9%]	<u>51.3%</u>
20	2008	[42.6%]	<u>46.9%</u>
21	2009	[38.4%]	<u>42.6%</u>
22	2010	[34.4%]	<u>38.4%</u>
23	2011	[30.5%]	<u>34.4%</u>
24	2012	[26.7%]	<u>30.5%</u>
25	2013	[23.0%]	<u>26.7%</u>
26	2014	[19.4%]	<u>23.0%</u>
27	2015	[15.9%]	<u>19.4%</u>
28	2016	[12.6%]	<u>15.9%</u>
29	2017	[9.3%]	<u>12.6%</u>
30	2018	[6.1%]	<u>9.3%</u>
31	2019	[3.0%]	<u>6.1%</u>
32	2020	[0.0%]	<u>3.0%</u>
33	<u>2021</u>		<u>0.0%</u>

§ 2. Subdivision c of section 361-a of the retirement and social security law, as amended by section 2 of item NNN of subpart B of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

c. Commencing July first, two thousand ~~[twenty]~~ **twenty-one** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member, as increased pursuant to subdivision b of this section, in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[256.5%] <u>267.1%</u>
1978	[246.1%] <u>256.5%</u>
1979	[236%] <u>246.1%</u>
1980	[226.2%] <u>236%</u>
1981	[216.7%] <u>226.2%</u>
1982	[207.5%] <u>216.7%</u>
1983	[198.5%] <u>207.5%</u>
1984	[189.8%] <u>198.5%</u>
1985	[181.4%] <u>189.8%</u>
1986	[173.2%] <u>181.4%</u>
1987	[165.2%] <u>173.2%</u>

1	1988	[157.5%]	<u>165.2%</u>
2	1989	[150.0%]	<u>157.5%</u>
3	1990	[142.7%]	<u>150.0%</u>
4	1991	[135.7%]	<u>142.7%</u>
5	1992	[128.8%]	<u>135.7%</u>
6	1993	[122.1%]	<u>128.8%</u>
7	1994	[115.7%]	<u>122.1%</u>
8	1995	[109.4%]	<u>115.7%</u>
9	1996	[103.3%]	<u>109.4%</u>
10	1997	[97.4%]	<u>103.3%</u>
11	1998	[91.6%]	<u>97.4%</u>
12	1999	[86.0%]	<u>91.6%</u>
13	2000	[80.6%]	<u>86.0%</u>
14	2001	[75.4%]	<u>80.6%</u>
15	2002	[70.2%]	<u>75.4%</u>
16	2003	[65.3%]	<u>70.2%</u>
17	2004	[60.5%]	<u>65.3%</u>
18	2005	[55.8%]	<u>60.5%</u>
19	2006	[51.3%]	<u>55.8%</u>
20	2007	[46.9%]	<u>51.3%</u>
21	2008	[42.6%]	<u>46.9%</u>
22	2009	[38.4%]	<u>42.6%</u>
23	2010	[34.4%]	<u>38.4%</u>
24	2011	[30.5%]	<u>34.4%</u>
25	2012	[26.7%]	<u>30.5%</u>
26	2013	[23.0%]	<u>26.7%</u>
27	2014	[19.4%]	<u>23.0%</u>
28	2015	[15.9%]	<u>19.4%</u>
29	2016	[12.6%]	<u>15.9%</u>
30	2017	[9.3%]	<u>12.6%</u>
31	2018	[6.1%]	<u>9.3%</u>
32	2019	[3.0%]	<u>6.1%</u>
33	2020	[0.0%]	<u>3.0%</u>
34	<u>2021</u>		<u>0.0%</u>

35 § 3. This act shall take effect July 1, 2021.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2021.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately \$654,000 above the approximately \$14.7 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 17, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-102, prepared by the Actuary for the New York State and Local Retirement System.

SUMMARY OF BILL: This proposed legislation would amend General Municipal Law (GML) Section 208-f(c) to increase certain Special Accidental Death Benefits (SADB) for surviving spouses, dependent children, and certain other individuals (Eligible Beneficiaries) of former uniformed employees of the City of New York and the New York City Health and Hospitals Corporation, and for certain former employees of the Triborough Bridge and Tunnel Authority, who were members of certain New York City Retirement Systems and Pension Funds (NYCRS) and died as a natural and proximate result of an accident sustained in the performance of duty.

Effective Date: July 1, 2021.

BACKGROUND: Under the GML, the basic SADB is defined as:

The salary of the deceased member at date of death (or, in certain instances, a greater salary based on a higher rank or other status) (Final Salary), less the following payments to an Eligible Beneficiary:

- * Any NYCRS death benefit as adjusted by any Supplementation or Cost-of-Living Adjustment (COLA),
- * Any Social Security death benefit, and
- * Any Workers' Compensation benefit.

The SADB is paid to the deceased member's surviving spouse, if alive. If the spouse is no longer alive, the SADB is paid to the deceased member's children until age eighteen or until age twenty-three if a student. If neither a spouse nor a dependent child is alive, the SADB may be paid to certain other individuals, if eligible, in accordance with certain laws related to the World Trade Center attack.

The GML also provides that the SADB is subject to escalation based on the calendar year in which the former member died. The SADB has traditionally been increased by a cumulative, incremental percentage of Final Salary based on the calendar year of the member's death.

IMPACT ON BENEFITS: With respect to the NYCRS, the proposed legislation would impact the SADB payable to certain survivors of members of the:

- * New York City Employees' Retirement System (NYCERS),
 - * New York City Police Pension Fund (POLICE), or
 - * New York City Fire Pension Fund (FIRE),
- and who were employed by one of the following employers in certain positions:
- * New York City Police Department - Uniformed Position,
 - * New York City Fire Department - Uniformed Position,
 - * New York City Department of Sanitation - Uniformed Position,
 - * New York City Housing Authority - Uniformed Position,
 - * New York City Transit Authority - Uniformed Position,
 - * New York City Department of Correction - Uniformed Position,
 - * New York City - Uniformed Position as Emergency Medical Technician (EMT),

* New York City Health and Hospitals Corporation - Uniformed Position as EMT, or

* Triborough Bridge and Tunnel Authority - Bridge and Tunnel Position.

Under the proposed legislation, effective July 1, 2021, an additional 3.0% of Final Salary would be applied to the SADB paid due to deaths occurring in each calendar year on and after 1977. The SADB for deaths occurring prior to 1977 would receive the same escalation as deaths occurring in 1977.

FINANCIAL IMPACT - PRESENT VALUES: Based on the Eligible Beneficiaries of deceased NYCERS members who would be impacted by this proposed legislation and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) by approximately \$55.0 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: As a result of the past four decades' practice of providing 3.0% COLAs on the SADB each year, and the likelihood that COLAs will continue to be granted in the future, the Actuary assumes that the SADB benefit will continue to increase 3.0% per year in the future in determining NYCERS employer contributions. Therefore, the costs of this proposed legislation have already been accounted for and will not result in a further increase in employer contributions. There will, however, be a decrease in employer contributions if the proposed legislation is not enacted.

In accordance with Section 13-638.2(k-2) of the Administrative Code of the City of New York (ACCNY), new Unfunded Accrued Liability to benefit changes are to be amortized as determined by the Actuary, but are generally amortized over the remaining working lifetime of those impacted by the benefit changes. However, since changes in the SADB COLA paid are not known in advance, the decrease in expected pension payments due to this legislation not passing would be treated as an actuarial gain. These actuarial gains would be amortized over a 15-year period (14 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This would result in a decrease in NYCERS annual employer contributions of approximately \$6.5 million each year.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the PVFB and annual employer contributions if this proposed legislation fails to pass, would be reflected for the first time in the Final June 30, 2022 actuarial valuations of NYCERS, POLICE, and FIRE. In accordance with the OYLM used to determine employer contributions, the decrease in employer contributions would first be reflected in Fiscal Year 2024.

CENSUS DATA: The estimates presented herein are based upon the census data for such Eligible Beneficiaries provided by NYCERS.

Retirement System	Number of Deceased Members with Eligible Survivors	Annual Accidental Death Benefit Prior to Proposed July 1, 2021 Increase (\$ Millions)
NYCERS	77	\$ 7.4
POLICE	456	54.3
FIRE	601	77.1
Total	1,134	\$138.8

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019

(Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of NYCERS, POLICE, and FIRE.

The Actuary is proposing a set of changes for use beginning with the June 30, 2019 (Lag) actuarial valuations of NYCERS, POLICE, and FIRE to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted, it is estimated that it would produce PVFB and annual employer contribution results that are not materially different than the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS, POLICE and FIRE and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of NYCERS, POLICE, and FIRE and other New York City agencies to implement the proposed legislation.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-21 dated April 22, 2021 was prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund, and New York City Fire Pension Fund. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

4961--B
Cal. No. 1341

2021-2022 Regular Sessions

IN SENATE

February 19, 2021

Introduced by Sens. GOUNARDES, JACKSON, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the retirement and social security law, in relation to including certain employees who were employed in public service but became members of a retirement system at a later date for eligibility for those who participated in the World Trade Center rescue, recovery or cleanup operations

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

1 Section 1. Paragraph (e) of subdivision 36 of section 2 of the retire-
2 ment and social security law, as added by chapter 489 of the laws of
3 2008, is amended to read as follows:

4 (e) "Participated in World Trade Center rescue, recovery or cleanup
5 operations" shall mean any member who: (i) participated in the rescue,
6 recovery, or cleanup operations at the World Trade Center site, as
7 defined in paragraph (f) of this subdivision; (ii) worked at the Fresh
8 Kills Land Fill in New York; (iii) worked at the New York city morgue or
9 the temporary morgue on pier locations on the west side of Manhattan;
10 (iv) manned the barges between the west side of Manhattan and the Fresh
11 Kills Land Fill in New York; (v) repaired, cleaned or rehabilitated
12 vehicles or equipment, including emergency vehicle radio equipment owned
13 by the city of New York that were contaminated by debris in the World
14 Trade Center site, as defined in paragraph (f) of this subdivision,
15 regardless of whether the work on the repair, cleaning or rehabilitation
16 of said vehicles and equipment was performed within the World Trade

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

LBD03559-13-1

1 Center site, provided such work was performed prior to decontamination
 2 of such vehicles or equipment; or (vi) worked in the following depart-
 3 ments, worksites and titles: (A) New York City Police Department at 11
 4 Metrotec Center in Brooklyn or 1 Police Plaza in Manhattan as a Police
 5 Communication Technician (PCT), Supervisor Police Communication Techni-
 6 cian (SPCT), Principal Police Communication Technician I, Principal
 7 Police Communication Technician II, Principal Police Communication Tech-
 8 nician III, Administrative Manager - Communications, or in the Police
 9 Administrative Aide title series; (B) Fire Department of the City of New
 10 York at 35 Empire Boulevard in Brooklyn, 79th Street Transverse in
 11 Manhattan, 83-98 Woodhaven Boulevard in Queens, 1129 East 180 Street in
 12 the Bronx, 65 Slosson Avenue in Staten Island, 9 Metrotec Center in
 13 Brooklyn, or 25 Rockaway Avenue in Brooklyn as Fire Alarm Dispatchers
 14 (FAD), Supervising Fire Alarm Dispatchers I (SFAD), Supervising Fire
 15 Alarm Dispatchers II (Borough Supervisor), Deputy Director & Director
 16 Fire Dispatch Operations, or Assistant Commissioner for Communications;
 17 (C) for the Fire Department of the City of New York's Emergency Medical
 18 Service at 1 or 9 Metrotec Centers in Brooklyn, or 55-30 58 Street in
 19 Maspeth Queens as Emergency Medical Specialist-Level I (EMT), Emergency
 20 Medical Specialist Level II-(Paramedic), Supervising Emergency Medical
 21 Specialist Level I (LT), Supervising Emergency Medical Specialist Level
 22 II (Capt), Deputy Chief EMS Communications, or Division Commander EMS
 23 Communications. **For purposes of this paragraph, the term "member" shall**
 24 **include each person who during the qualifying period was in the employ-**
 25 **ment of a public employer which then participated for such employees in**
 26 **a public retirement system in this state, irrespective of whether the**
 27 **person was a participant in such system at that time, provided that the**
 28 **person has become a participant in such retirement system and has**
 29 **purchased service credit for a period of time that includes some or all**
 30 **of the qualifying period in accordance with provisions of law applicable**
 31 **to such purchase of service credit.**

32 § 2. Notwithstanding any other provision of law to the contrary, none
 33 of the provisions of this act shall be subject to section 25 of the
 34 retirement and social security law.

35 § 3. This act shall take effect immediately.

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

This bill would expand the definition of a member who participated in World Trade Center rescue, recovery or cleanup operations. The term member shall include any person during the qualifying period who was employed by a public employer participating in the New York State and Local Retirement System (NYSLRS) irrespective of whether the employee was a participant of the system at that time. The employee must have become a participant in NYSLRS since that time and purchased service credit for some or all of qualifying period.

If this bill is enacted, it would reclassify certain current and future retirement benefits. The cost of the revised benefit will depend upon the applicant's age, service, salary, plan, and benefit type otherwise payable.

Benefit without enactment:	None	Ordinary Disability	In Performance of Duty	Service Disability
Cost for WTC benefit:	9 times salary	5 times salary	2.5 times salary	2 times salary

This bill would also lead to more deaths being classified as "accidental". For each death classified as accidental due to this bill, the cost would depend on the age, service, salary, plan, and status at time of death. It is estimated that the cost for each Employees' Retirement System (ERS) member affected would average approximately 3.5 times final average salary. The estimated cost for each Police and Fire Retirement System (PFRS) member would average approximately 11 times final average salary.

ERS Costs: These costs would be shared by the State of New York and the participating employees in the ERS.

PFRS Costs: These costs would be shared by the State of New York and the participating employees in the PFRS.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 May 17, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-142, prepared by the Actuary for the New York State and Local Retirement System.

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

This bill (legislative bill draft 03559-08-1) would amend paragraph e of subdivision 36 in section 2 of the Retirement and Social Security Law to expand the term "member" to include those individuals who were employed by a public employer during a qualifying period of the World Trade Center rescue, recovery or cleanup operations, who later became a member of a New York State public retirement system and purchased prior service credit during all or part of a qualifying period of the World Trade Center rescue, recovery or cleanup operations. The public employer must be a participating employer in a New York State public retirement system.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Annual Report. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-55 dated May 27, 2021 prepared by the Actuary of the New York State Teachers' Retirement

System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY OF BILL: This proposed legislation (see Appendix) would amend Section 2 of the Retirement and Social Security Law (RSSL) to permit eligible members of the New York City Retirement Systems and Pension Funds (NYCRS)1 who participated in the Rescue, Recovery, or Cleanup operations related to the World Trade Center (WTC) attack on September 11, 2001 as non-members employed by a public employer within the State and subsequently purchased such service as a NYCRS member, to be eligible for the applicable WTC presumption.

Effective Date: Upon enactment.

FINANCIAL IMPACT - OVERVIEW: There is no data available to estimate the number of members who might buyback service during qualifying WTC participation periods and potentially benefit from this proposed legislation. Therefore, the estimated financial impact has been calculated on a per event basis equal to the increase in the Present Value of Future Benefits (PVFB) for an average member who is diagnosed with a qualifying WTC condition and could benefit from the enactment of the proposed legislation.

In determining the increase in the PVFB for members who could benefit from the proposed legislation, we have shown the impact due to disability and death separately. To value the impact due to disability, it has been assumed that 100% of the members who would retire with a WTC qualifying condition were those who would have retired with an Ordinary Disability Retirement benefit or Service Retirement benefit, if eligible, if the proposed legislation were not passed. To value the impact due to death, it has also been assumed that 100% of the beneficiaries of members who would die due to a WTC qualifying condition would have been entitled to receive an Ordinary Death benefit, if the proposed legislation were not passed.

With respect to an individual member, the additional cost of this proposed legislation could vary greatly depending on the member's length of service, age, and salary history. In particular, the increase in PVFB due to the proposed legislation would be greater for a member who is not yet eligible for an Ordinary Disability Retirement benefit when a disabling WTC related event occurs.

FINANCIAL IMPACT - PRESENT VALUES: Based on the census data and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the PVFB as follows:

NYCRS	Estimated increase in the average PVFB for each occurrence of Accidental Disability Retirement due to a WTC qualifying condition	Estimated increase in the average PVFB for each occurrence of Accidental Death due to a WTC related illness
NYCERS	\$101,500	\$358,600
TRS	\$332,900	\$292,000
BERS	\$68,700	\$156,900
POLICE	\$614,500	\$2,207,700
FIRE	\$656,400	\$2,185,100

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: Enactment of this proposed legislation would increase employer contributions, where such amount would depend on the number of members affected as well as other characteristics including the age, years of service, and salary history of the member.

As there is no credible data currently available to estimate the number of members who might buyback service during qualifying WTC participation periods, the financial impact would be recognized at the time of event. Consequently, changes in employer contributions have been estimated assuming that the increase in the PVFB will be financed over the same time period used for actuarial losses in accordance with Section 13-638.2(k-2) of the Administrative Code of the City of New York. Using this approach, the additional PVFB would be amortized over a closed 15-year period (14 payments under the One-Year Lag Methodology) using level dollar payments.

Based on the Actuary's actuarial assumptions and methods described herein, the enactment of this proposed legislation is estimated to increase annual employer contributions as follows:

NYCRS	Estimated Increase in Annual Employer Contributions for Each Occurrence of Accidental Disability Retirement Due to a WTC Qualifying Condition	Estimated Increase in Annual Employer Contributions for Each Occurrence of Accidental Death Due to a WTC Related Illness
NYCERS	\$12,000	\$42,400
TRS	\$39,400	\$34,500
BERS	\$8,100	\$18,600
POLICE	\$72,700	\$261,100
FIRE	\$77,600	\$258,500

With respect to the timing, increases in employer contributions would depend upon when members would retire or die due to a WTC qualifying condition but, generally, increased employer contributions will first occur the second fiscal year following approval of the Accidental Disability Retirement or Accidental Death.

CENSUS DATA: The estimates presented herein are based on the census data used in the June 30, 2020 (Lag) actuarial valuation of each NYCRS to determine the respective Preliminary Fiscal Year 2022 employer contributions. The analysis was based on members that are currently over age 40 on an age-nearest basis (since this population would have been over age 21 as of September 11, 2001).

NYCRS	Count	Average Age	Average Service	Average Salary
NYCERS	132,874	53.8	15.1	\$83,700
TRS	72,077	52.1	16.2	\$96,700
BERS	22,698	55.2	10.4	\$50,400
POLICE	12,911	46.9	19.3	\$144,300
FIRE	5,430	48.3	21.0	\$142,400

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of each respective NYCRS.

In addition, for the purposes of this Fiscal Note we have assumed that members have already purchased this service and therefore the only additional benefit of this legislation is the qualification for WTC presumptions and benefits.

The Actuary is proposing a set of changes for use beginning with the June 30, 2019 (Lag) actuarial valuations of each NYCERS to determine the respective Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted it is estimated that it would produce PVFB and annual employer contribution results that are within 3% of the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of each respective NYCERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs to implement the proposed legislation.

- * The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-38 dated June 1, 2021 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

7009

2021-2022 Regular Sessions

IN SENATE

May 24, 2021

Introduced by Sen. SAVINO -- 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 and the administrative code of the city of New York, in relation to allowing for the electronic submission of a notice that a member of a retirement system participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period

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

1 Section 1. Paragraph (a) of subdivision 36 of section 2 of the retire-
2 ment and social security law, as amended by chapter 266 of the laws of
3 2018, is amended to read as follows:

4 (a) "Qualifying World Trade Center condition" shall mean a qualifying
5 condition or impairment of health resulting in disability to a member
6 who participated in World Trade Center rescue, recovery or cleanup oper-
7 ations for a qualifying period, as those terms are defined below,
8 provided the following conditions have been met: (i) such member, or
9 eligible beneficiary in the case of the member's death, must have either
10 filed a written and sworn statement with the member's retirement system
11 on a form provided by such system, or as allowed by the member's retire-
12 ment system, electronically submitted a statement on a form provided by
13 such system through a secure online portal maintained by the member's
14 retirement system that has duly validated the member's identity, indi-
15 cating the underlying dates and locations of employment not later than
16 September eleventh, two thousand twenty-two, and (ii) such member has
17 either successfully passed a physical examination for entry into public
18 service, or authorized release of all relevant medical records, if the
19 member did not undergo a physical examination for entry into public
20 service; and (iii) there is no evidence of the qualifying condition or
21 impairment of health that formed the basis for the disability in such
22 physical examination for entry into public service or in the relevant

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

LBD08579-07-1

1 medical records, prior to September eleventh, two thousand one except
 2 for such member, or eligible beneficiary in the case of the member's
 3 death, of a local retirement system of a city with a population of one
 4 million or more that is covered by section 13-551 of the administrative
 5 code of the city of New York, or by section twenty-five hundred seven-
 6 ty-five of the education law and for such member who separated from
 7 service with vested rights, or eligible beneficiary of such member who
 8 separated from service with vested rights in the case of the member's
 9 death, of a local retirement system of a city with a population of one
 10 million or more who are covered by sections 13-168, 13-252.1 or 13-353.1
 11 of the administrative code of the city of New York or sections five
 12 hundred seven-c, six hundred five-b, six hundred five-c, or six hundred
 13 seven-b of this chapter. The deadline for filing a written and sworn
 14 statement required by subparagraph (i) of this paragraph shall be
 15 September eleventh, two thousand twenty-two for such member, or eligible
 16 beneficiary in the case of the member's death, of a local retirement
 17 system of a city with a population of one million or more that is
 18 covered by section 13-551 of the administrative code of the city of New
 19 York, or by section twenty-five hundred seventy-five of the education
 20 law and for such member who separated from service with vested rights,
 21 or eligible beneficiary of such member who separated from service with
 22 vested rights in the case of the member's death, of a local retirement
 23 system of a city with a population of one million or more who are
 24 covered by sections 13-168, 13-252.1 or 13-353.1 of the administrative
 25 code of the city of New York and sections five hundred seven-c, six
 26 hundred five-b, six hundred five-c, or six hundred seven-b of this chap-
 27 ter. Every retirement system shall keep a copy of every written and
 28 sworn statement that is presented for filing not later than September
 29 eleventh, two thousand twenty-two, including those that are rejected for
 30 filing as untimely.

31 § 2. Subparagraph (e) of paragraph 1 and clause (i) of subparagraph
 32 (b) of paragraph 2 of subdivision h of section 363-bb of the retirement
 33 and social security law, as amended by chapter 495 of the laws of 2007,
 34 are amended to read as follows:

35 (e) In order to be eligible for consideration for such presumption,
 36 such member must file **either** a written and sworn statement with the
 37 member's retirement system on a form provided by such system, **or as**
 38 **allowed by the member's retirement system, electronically submit a**
 39 **statement on a form provided by such system through a secure online**
 40 **portal maintained by the member's retirement system that has duly vali-**
 41 **dated the member's identity,** indicating the dates and locations of
 42 employment. Such statement must be filed not later than four years
 43 following the effective date of chapter one hundred four of the laws of
 44 two thousand five.

45 (i) the member files **either** a written and sworn statement with the
 46 member's retirement system on a form provided by such system, **or as**
 47 **allowed by the member's retirement system, electronically submits a**
 48 **statement on a form provided by such system through a secure online**
 49 **portal maintained by the member's retirement system that has duly vali-**
 50 **dated the member's identity,** indicating the dates and locations of
 51 employment within four years following the effective date of chapter one
 52 hundred four of the laws of two thousand five; and

53 § 3. Clause (i) of subparagraph (b) of paragraph 2 of subdivision h of
 54 section 605 of the retirement and social security law, as amended by
 55 chapter 489 of the laws of 2008, is amended to read as follows:

1 (i) the member files either a written and sworn statement with the
2 member's retirement system on a form provided by such system, or as
3 allowed by the member's retirement system, electronically submits a
4 statement on a form provided by such system through a secure online
5 portal maintained by the member's retirement system that has duly vali-
6 dated the member's identity, indicating the dates and locations of
7 employment within four years following the effective date of chapter one
8 hundred four of the laws of two thousand five; and

9 § 4. Paragraph a of section 13-168 of the administrative code of the
10 city of New York, as amended by chapter 489 of the laws of 2008, is
11 amended to read as follows:

12 a. Medical examination of a member in city-service for accident disa-
13 bility and investigation of all statements and certifications by him or
14 her or on his or her behalf in connection therewith shall be made upon
15 the application of the head of the agency in which the member is
16 employed, or upon the application of a member or of a person acting in
17 his or her behalf, either in writing or, as allowed by the member's
18 retirement system, electronically submitted on a form provided by such
19 system through a secure online portal maintained by the member's retire-
20 ment system that has duly validated the member's identity, stating that
21 such member is physically or mentally incapacitated for the performance
22 of city-service, as a natural and proximate result of such city-service,
23 and certifying the time, place and conditions of such city-service
24 performed by such member resulting in such alleged disability and that
25 such alleged disability was not the result of wilful negligence on the
26 part of such member and that such member should, therefore, be retired.
27 Such application shall be filed within two years from the happening of
28 such accident, except, however, that such requirement as to time of
29 filing shall not apply to any such application which (1) is filed by or
30 with respect to a member who is a member of the uniformed force of the
31 department of sanitation (as such force is defined in subdivision a of
32 section 13-154 of this chapter) and is based on an accident occurring
33 wholly on or after July first, nineteen hundred sixty-three, or (2) if
34 filed by a vested member incapacitated as a result of a qualifying World
35 [~~trade~~] **Trade** Center condition as defined in section two of the retire-
36 ment and social security law. If such medical examination and investi-
37 gation shows that any member, by whom or with respect to whom an appli-
38 cation is filed under this section, is physically or mentally
39 incapacitated for the performance of city-service as a natural and prox-
40 imate result of an accidental injury received in such city-service while
41 a member, and that such disability was not the result of wilful negli-
42 gence on the part of such member and that such member should be retired,
43 the medical board shall so certify to the board stating the time, place
44 and conditions of such city-service performed by such member resulting
45 in such disability. The board shall review such certification with
46 respect to any issues other than the existence or non-existence of phys-
47 ical or mental incapacitation and shall determine the member's eligibil-
48 ity with respect to any such issues. Upon such certification by the
49 medical board of the member's physical or mental incapacitation and a
50 determination by the board finding the member otherwise eligible, such
51 member shall be retired for accident disability effective the date the
52 application is filed or the date immediately following the last date the
53 member was on the payroll, whichever is later.

54 § 5. This act shall take effect immediately.

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

This bill would authorize a retirement system to make available the option for a member, or eligible beneficiary in the case of a member's death, to electronically submit a statement through a secure online portal maintained by the member's retirement system indicating that the member participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period.

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), certain technology upgrades would be necessary to expand current functionality of the online portal, generating additional administrative costs to implement the provisions of this legislation should NYSLRS make this electronic filing option available to members.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 31, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-67, prepared by the Actuary for the New York State and Local Retirement System.

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

This bill (bill A6934) would amend subdivision h of Section 605 of the Retirement and Social Security Law to allow the New York State Teachers' Retirement System (NYSTRS) to make available the option for a member, or a member's beneficiary, to electronically submit a statement on a form provided by NYSTRS through a secure online portal maintained by NYSTRS indicating such member participated in the World Trade Center rescue, recovery or cleanup operations during a qualifying period. Currently, a member or beneficiary must file a paper form provided by NYSTRS to indicate their participation in the World Trade Center rescue, recovery or cleanup operations during a qualifying period.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Annual Report. System assets are as reported in the System's financial statements, and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-50 dated May 12, 2021 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session.

I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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

SUMMARY OF BILL: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS)¹, would, among other things, amend provisions of the Retirement and Social Security Law (RSSL) and the Administrative Code of the City of New York to permit certain NYCRS members to file a World Trade Center (WTC) Notice of Participation electronically². The electronic filing would provide an alternative mechanism to the current written and sworn Notice of Participation filing.

EFFECTIVE DATE: Upon enactment.

BACKGROUND: Currently, in order to be eligible for WTC benefits, members must file a written and sworn WTC Notice of Participation statement with their respective retirement system on a form provided by such system within the permitted time deadline.

The proposed legislation would allow a member to electronically submit a WTC Notice of Participation through a secure online portal maintained by the member's retirement system that has duly validated the member's identity.

IMPACT ON BENEFITS: If enacted, this proposed legislation, to the extent an electronic filing would not enable a Notice of Participation to be submitted timely when a written sworn statement would be untimely, would have no impact on benefits paid to members.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: The Employer Contribution for a fiscal year includes the amount of administrative expenses paid during the second prior fiscal year adjusted with interest to the current date. If enacted, this proposed legislation would increase the amount of administrative expenses initially due to the cost of setting up electronic submission capabilities but could potentially have long term savings and therefore, the impact on annual Employer Contribution will depend on the actual change in administrative expenses. The actual increase or decrease in the Employer Contribution, is expected to be de minimis.

ACTUARIAL ASSUMPTIONS AND METHODS: The interest rate for adjusting the administrative expenses from the date paid out of NYCRS to the date the Employer Contribution is received is 7%.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCRS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have

been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-20 dated April 22, 2021 was prepared by the Chief Actuary for the five New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

6500

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

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

AN ACT to amend the retirement and social security law, in relation to providing accidental disability retirement benefits for chief fire marshals, assistant chief fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees in Nassau county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 607-j to read as follows:

3 § 607-j. Performance of duty, disability retirement for chief fire
4 marshals, assistant chief fire marshals, division supervising fire
5 marshals, supervising fire marshals, fire marshals and fire marshal
6 trainees in Nassau county. a. The county of Nassau shall make the bene-
7 fits provided herein available to chief fire marshals, assistant chief
8 fire marshals, division supervising fire marshals, supervising fire
9 marshals, fire marshals and fire marshal trainees in the employ of
10 Nassau county.

11 b. A member shall be entitled to retirement for disability incurred in
12 the performance of duty if, at the time application therefor is filed,
13 he or she is:

14 1. Physically or mentally incapacitated for performance of duty as the
15 natural and proximate result of a disability, not caused by his or her
16 own willful negligence sustained in such service and while actually a
17 member of the retirement system; and

18 2. Actually in service upon which his or her membership is based.
19 However, in a case where a member is discontinued from service, either
20 voluntarily or involuntarily, subsequent to sustaining a disability in
21 such service, application may be made not later than two years after the
22 member is first discontinued from service; and provided that the member

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

LBD04835-02-1

1 meets the requirements of subdivision a of this section and this subdi-
2 vision.

3 c. Application for a performance of duty disability retirement allow-
4 ance for such a member may be made by:

5 1. Such member; or
6 2. The head of the department in which such member is employed; or
7 3. Any person acting on behalf of and authorized by such member.

8 d. 1. After the filing of such an application, such member shall be
9 given one or more medical examinations. No such application shall be
10 approved, however, unless the member or some other person on his or her
11 behalf shall have filed written notice in the office of the comptroller
12 within ninety days after such occurrence which is the basis for the
13 disability incurred in the performance of duty, setting forth:

14 (a) The time and the place of such occurrence; and
15 (b) The particulars thereof; and
16 (c) The nature and extent of the member's injuries; and
17 (d) His or her alleged disability.

18 2. The notice herein required need not be given:

19 (a) If the notice of such occurrence shall be filed in accordance with
20 the provisions of the workers' compensation law of any state within
21 which a participating employer in Nassau county shall have its employees
22 located or performing functions and duties within the normal scope of
23 their employment; or
24 (b) If the application for performance of duty disability retirement
25 is filed within one year after the date of the occurrence which forms
26 the basis for the application; or
27 (c) If a failure to file notice has been excused for good cause shown
28 as provided by rules and regulations promulgated by the comptroller.

29 e. If the comptroller determines that the member is physically or
30 mentally incapacitated for the performance of duty pursuant to subdivi-
31 sion b of this section and ought to be retired, such member shall be so
32 retired. Such retirement shall be effective as of a date approved by the
33 comptroller.

34 f. The annual retirement allowance payable upon retirement for disa-
35 bility incurred in the performance of duty shall be a pension of one-
36 half of his or her final average salary plus an annuity which shall be
37 the actuarial equivalent of the member's accumulated contributions, if
38 any.

39 g. If the member, at the time of the filing of an application under
40 the provisions of subdivision c of this section, is eligible for a
41 service retirement benefit, then and in that event, he or she may simul-
42 taneously file an application for service retirement in accordance with
43 the provisions of section seventy of this chapter, provided that the
44 member indicates on the application for service retirement that such
45 application is filed without prejudice to the application for the
46 retirement for disability incurred in performance of duty.

47 h. Any benefit provided pursuant to this section shall not be consid-
48 ered as an accidental disability benefit within the meaning of section
49 sixty-four of this chapter.

50 i. Any benefit payable pursuant to the workers' compensation law to a
51 member receiving a disability allowance pursuant to this section shall
52 be in addition to such retirement for disability incurred in performance
53 of duty allowance.

54 j. A final determination of the comptroller that the member is not
55 entitled to retirement benefits pursuant to this section shall not in
56 any respect be, or constitute, a determination with regard to benefits

1 payable pursuant to section two hundred seven-a of the general municipal
2 law.

3 § 2. All costs associated with implementing the provisions of this act
4 shall be borne by Nassau county.

5 § 3. All past service costs incurred due to implementing the
6 provisions of this act will be borne by Nassau County, and may be amor-
7 tized over a 10 year period.

8 § 4. This act shall take effect immediately.

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

This bill would grant any Nassau County Tier 3, 4, 5 and 6 chief fire marshal, assistant chief fire marshal, division supervising fire marshal, supervising fire marshal, fire marshal and fire marshal trainee an enhanced disability benefit for injuries sustained in the performance of duty. The benefit for a performance of duty disability would be 50% of final average salary.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$27,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salaries of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$154,000 which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year including interest would be approximately \$20,300.

These estimated costs above are based on 50 fire marshals employed by Nassau County having a total annual salary of approximately \$5.2 million for the fiscal year ending March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 December 28, 2020, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-12, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

3100

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

AN ACT to amend the retirement and social security law, in relation to providing performance of duty disability retirement benefits for the employee titles police medic, police medic supervisor, police medic coordinator, bureau director emergency ambulance, and deputy bureau director emergency ambulance in the employ of Nassau county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 607-j to read as follows:

3 § 607-j. Performance of duty disability retirement benefits for
4 certain first responders in Nassau county. a. The county of Nassau shall
5 make the benefits provided herein available to the following employee
6 titles in the employ of Nassau county: police medic; police medic super-
7 visor; police medic coordinator; bureau director emergency ambulance;
8 and deputy bureau director emergency ambulance.

9 b. A member shall be entitled to retirement for disability incurred in
10 the performance of duty if, at the time application therefor is filed,
11 he or she is:

12 1. Physically or mentally incapacitated for performance of duty as the
13 natural and proximate result of a disability not caused by his or her
14 own willful negligence sustained in such service and while actually a
15 member of the retirement system; and

16 2. Actually in service upon which his or her membership is based.
17 However, in the case where a member is discontinued from service, either
18 voluntarily, or involuntarily, subsequent to sustaining a disability in
19 such service, application may be made not later than two years after the
20 member is first discontinued from service; and provided that the member
21 meets the requirements of subdivision a of this section and this subdi-
22 vision.

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

LBD04827-02-1

1 c. Application for a performance of duty disability retirement allow-
2 ance for such a member may be made by:

3 1. Such member; or

4 2. The head of the department in which such member is employed; or

5 3. Any person acting on behalf of and authorized by such member.

6 d. 1. After the filing of such an application, such member shall be
7 given one or more medical examinations. No such application shall be
8 approved, however, unless the member or some other person on his or her
9 behalf shall have filed written notice in the office of the comptroller
10 within ninety days after the occurrence which is the basis for the disa-
11 bility incurred in the performance of duty, setting forth:

12 (a) The time when and the place of such occurrence; and

13 (b) The particulars thereof; and

14 (c) The nature and extent of the member's injuries; and

15 (d) His or her alleged disability.

16 2. The notice herein required need not be given:

17 (a) If the notice of such accident shall be filed in accordance with
18 the provisions of the workers' compensation law of any state within
19 which a participating employer in Nassau county shall have its employees
20 located or performing functions and duties within the normal scope of
21 their employment; or

22 (b) If the application for performance of duty disability retirement
23 is filed within one year after the date of the occurrence which forms
24 the basis for the application; or

25 (c) If a failure to file notice has been excused for good cause shown
26 as provided by rules and regulations promulgated by the comptroller.

27 e. If the comptroller determines that the member is physically or
28 mentally incapacitated for the performance of duty pursuant to subdivi-
29 sion b of this section and ought to be retired, such member shall be so
30 retired. Such retirement shall be effective as of a date approved by the
31 comptroller.

32 f. The annual retirement allowance payable upon retirement for disa-
33 bility incurred in the performance of duty shall be a pension of one-
34 half of his or her final average salary plus an annuity which shall be
35 the actuarial equivalent of the member's accumulated contributions, if
36 any.

37 g. If the member, at the time of the filing of an application under
38 the provision of subdivision c of this section, is eligible for a
39 service retirement benefit, then and in that event, he or she may simul-
40 taneously file an application for service retirement in accordance with
41 the provision of section seventy of this chapter, provided that the
42 member indicates on the application for service retirement that such
43 application is filed without prejudice to the application for the
44 retirement for disability incurred in performance of duty.

45 h. Any benefit provided pursuant to this section shall not be consid-
46 ered as an accidental disability benefit within the meaning of section
47 sixty-four of this chapter.

48 i. Any benefit payable pursuant to the workers' compensation law to a
49 member receiving a disability allowance pursuant to this section shall
50 be in addition to such retirement for disability incurred in performance
51 of duty allowance.

52 j. A final determination of the comptroller that the member is not
53 entitled to retirement benefits pursuant to this section shall not in
54 any respect be, or constitute, a determination with regard to benefits
55 payable pursuant to section two hundred seven-c of the general municipal
56 law.

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

3 § 3. All past costs incurred due to implementing the provisions of
4 this act will be borne by Nassau county, and may be amortized over a ten
5 year period.

6 § 4. This act shall take effect immediately.

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

This bill would grant Nassau County Tier 3, 4, 5 and 6 police medics, police medic supervisors, police medic coordinators, emergency ambulance bureau directors and deputy bureau directors an enhanced disability benefit for injuries sustained in the performance of duty. The benefit for a performance of duty disability would be 50 percent of final average salary.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$220,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2022.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$1.21 million which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Nassau County elects to amortize this cost over a 10-year period, the cost for the first year would be \$160,000.

These estimated costs are based on 117 affected members employed by Nassau County, with annual salary of approximately \$14 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 December 30, 2020, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-11, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

6511

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

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

AN ACT to amend the retirement and social security law, in relation to establishing a death benefit for deputy sheriffs employed by Nassau county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 508-b to read as follows:

3 § 508-b. Death benefit for deputy sheriffs employed by Nassau county.
4 Notwithstanding any provision of law to the contrary, where a deputy
5 sheriff would have been entitled to a service retirement benefit at the
6 time of his or her death and where his or her death occurs on or after
7 the effective date of this section, the beneficiary or beneficiaries may
8 elect to receive, in a lump sum, an amount payable which shall be equal
9 to the pension reserve that would have been established had the member
10 retired on the date of his or her death, or the value of the death bene-
11 fit and the reserve-for-increased-take-home-pay, if any, whichever is
12 greater.

13 § 2. The retirement and social security law is amended by adding a new
14 section 606-b to read as follows:

15 § 606-b. Death benefit for deputy sheriffs employed by Nassau county.
16 Notwithstanding any provision of law to the contrary, where a deputy
17 sheriff would have been entitled to a service retirement benefit at the
18 time of his or her death and where his or her death occurs on or after
19 the effective date of this section, the beneficiary or beneficiaries may
20 elect to receive, in a lump sum, an amount payable which shall be equal
21 to the pension reserve that would have been established had the member
22 retired on the date of his or her death, or the value of the death bene-
23 fit and the reserve-for-increased-take-home-pay, if any, whichever is
24 greater.

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

LBD04830-02-1

1 § 3. All past service costs associated with implementing the
2 provisions of this act shall be borne by Nassau County and may be amor-
3 tized over a period of ten years.

4 § 4. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for Nassau County Deputy Sheriffs who are retirement eligible in tiers 3 through 6 of the New York State and Local Employees' Retirement System. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$5,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$67,300 which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year including interest would be \$8,880.

These estimated costs are based on 57 affected members employed by Nassau County, with annual salary of approximately \$6.1 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 8, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-9, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

5325

2021-2022 Regular Sessions

IN ASSEMBLY

February 12, 2021

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

AN ACT to authorize the village of Endicott to offer an optional twenty year retirement plan to a certain police officer employed by such village

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 Jennifer Quinn, a member of the New York state and local police and fire
3 retirement system, who was first employed as a police officer for the
4 village of Endicott on August 7, 2000, and who, through no fault of her
5 own, failed to file a timely application to participate in the special
6 twenty year retirement plan contained in section 384-d of the retirement
7 and social security law resulting in the crediting of her service with
8 the village of Endicott in the retirement plan contained in section
9 375-i of such law, shall be given full credit in the section 384-d
10 special twenty year retirement plan for such service upon the election
11 of the village of Endicott to assume the additional cost of such service
12 and her election to participate in such plan. The village of Endicott
13 may so elect by, within one year of the effective date of this act,
14 filing with the state comptroller a resolution of its local legislative
15 body together with certification that such member did not bar herself
16 from participation in such retirement plan as a result of her own negli-
17 gence. Such police officer may elect to be covered by the provisions of
18 section 384-d of the retirement and social security law, and shall be
19 entitled to the full rights and benefits associated with coverage under
20 such section by filing a request to that effect with the state comp-
21 troller within eighteen months of the effective date of this act.
22 § 2. All past service costs associated with implementing the
23 provisions of this act shall be borne by the village of Endicott and may
24 be amortized over a period of five years.

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

LBD04156-02-1

1 § 3. This act shall take effect immediately.

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

This bill would allow the Village of Endicott to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Jennifer Quinn.

If this bill is enacted during the 2021 legislative session and Jennifer Quinn becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$8,300 in the annual contributions of the Village of Endicott for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Jennifer Quinn change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$151,000, which will be borne by the Village of Endicott as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If the Village of Endicott elects to amortize this cost over a 5 year period, the cost for the first year would be \$34,400.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 13, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-17, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

4343

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

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

AN ACT to authorize the county of Ulster to offer an optional twenty year retirement plan to certain deputy sheriffs employed by such county

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the county of Ulster, a participating employer in the New York state and
3 local employees' retirement system, which previously elected to offer
4 the optional twenty year retirement plan established pursuant to section
5 552 of the retirement and social security law, to deputy sheriffs
6 employed by such county, is hereby authorized to make participation in
7 such plan available to Kyle Frano, Joseph Sciutto and Emmett Vedder III,
8 deputy sheriffs employed by the county of Ulster, who, for reasons not
9 ascribable to their own negligence failed to make timely application to
10 participate in such twenty year retirement plan. The county of Ulster
11 may so elect by filing with the state comptroller within six months of
12 the effective date of this act, a resolution of the Ulster county legis-
13 lature together with certification that such deputy sheriffs did not bar
14 themselves from participation in such retirement plan as a result of
15 their own negligence. Thereafter, such deputy sheriffs may elect to be
16 covered by the provisions of section 552 of the retirement and social
17 security law, and shall be entitled to the full rights and benefits
18 associated with coverage under such section, by filing a request to that
19 effect with the state comptroller within one year of the effective date
20 of this act.

21 § 2. All past service costs associated with implementing the
22 provisions of this act shall be borne by the county of Ulster.

23 § 3. This act shall take effect immediately.

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

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

LBD04989-02-1

This bill would allow the County of Ulster to elect to reopen the provisions of Section 552 of the Retirement and Social Security Law for deputy sheriffs Kyle Frano, Joseph Sciutto, and Emmett Vedder III.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$22,000 in the annual contributions of the County of Ulster for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of all three deputy sheriffs change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$302,000 which will be borne by the County of Ulster as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 4, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-18, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

4401

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

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

AN ACT to authorize Jason M. Schiedel to receive certain credit under section 384-d of the retirement and social security law

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 Jason M. Schiedel, a member of the New York state and local police and
3 fire retirement system covered under section 384-d of the retirement and
4 social security law, who for the period beginning February 1, 1995 and
5 ending February 28, 2003, was intermittently employed as a police offi-
6 cer with the village of Gowanda, and who, for reasons not ascribable to
7 his own negligence, was not granted service credit under section 384-d
8 of the retirement and social security law for such period of employment
9 with the village of Gowanda, shall be granted such service credit under
10 section 384-d of the retirement and social security law and shall be
11 entitled to the full rights and benefits associated with coverage under
12 such section as well as section **384-e** of such law, provided that a
13 request to that effect is filed with the state comptroller within one
14 year from the effective date of this act.

15 § 2. All past service costs incurred in implementing the provisions of
16 this act shall be borne by the village of Gowanda.

17 § 3. This act shall take effect immediately.

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

This bill would grant service credit under section 384-d of the Retirement and Social Security Law to Jason M. Schiedel, a current member of the New York State and Local Police and Fire Retirement System (PFRS), for the period beginning February 1, 1995 and ending February 28, 2003, during which he was intermittently employed as a police officer with the Village of Gowanda.

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

LBD04215-02-1

If this bill is enacted during the 2021 legislative session, there will be an immediate past service cost of approximately \$77,100 which will be borne by the Village of Gowanda as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

There will be no increase in the annual contributions of the Village of Gowanda.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 29, 2021, and intended for use only during the 2021 Legislative Session, is **Fiscal Note** No. 2021-37, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

4408

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

Introduced by Sen. SKOUFIS -- 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, in relation to disability benefits for firefighters employed by the division of military and naval affairs

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

1 Section 1. The retirement and social security law is amended by adding
2 two new sections 63-g and 63-h to read as follows:

3 § 63-g. Performance of duty disability retirement. a. Any member of
4 the retirement system employed by the division of military and naval
5 affairs shall be eligible to retire pursuant to the provisions of this
6 section if he or she is an airport firefighter apprentice, airport fire-
7 fighter I, airport firefighter II, airport firefighter III or training
8 and safety officer.

9 b. Notwithstanding any provision of this chapter or of any general or
10 special law to the contrary, any member who becomes physically or
11 mentally incapacitated as the result of a disability, who is presently
12 employed and who shall have sustained such disability while so employed
13 and while actually a member of the retirement system, provided that such
14 disability or death (A) was caused by the natural and proximate result
15 of a disability, not caused by such firefighter's own willful negligence
16 and (B) was incurred in the performance and discharge of duty, unless
17 the contrary be proven by competent evidence, shall be paid a perform-
18 ance of duty disability retirement benefit payable pursuant to this
19 section.

20 c. Application for a performance of duty disability retirement allow-
21 ance for such a member may be made by:

- 22 1. Such member;
- 23 2. The head of the department in which such member is employed; or
- 24 3. Some person acting on behalf of and authorized by such member.

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

LBD06237-02-1

1 d. After the filing of such an application such member shall be given
2 one or more medical examinations. If the comptroller determines that
3 the member is physically or mentally incapacitated for the performance
4 of duty and ought to be retired for performance of duty disability, such
5 member shall be so retired. Such retirement shall be effective as of a
6 date approved by the comptroller.

7 e. The retirement allowance payable upon retirement for performance of
8 duty disability shall consist of a pension of one-half of his or her
9 final average salary plus an annuity which shall be the actuarial equiv-
10 alent of such member's accumulated contributions, if any.

11 f. If the member, at the time of the filing of an application under
12 the provisions of subdivision c of this section, is eligible for a
13 service retirement benefit, then and in that event, such member may
14 simultaneously file an application for service retirement in accordance
15 with the provisions of section seventy of this article, provided that
16 the member indicates on the application for service retirement that such
17 application is filed without prejudice to the application for perform-
18 ance of duty disability retirement.

19 g. Any benefit provided pursuant to this section shall not be consid-
20 ered as an accidental disability benefit within the meaning of section
21 sixty-four of this title. Any benefit payable pursuant to the workers'
22 compensation law to a member receiving a disability allowance pursuant
23 to this section shall be in addition to such retirement for disability
24 incurred in performance of duty allowance.

25 § 63-h. Certain impairments of health; presumption. a. Any member of
26 the retirement system employed by the division of military and naval
27 affairs shall be eligible to retire pursuant to the provisions of this
28 section if he or she is an airport firefighter apprentice, airport fire-
29 fighter I, airport firefighter II, airport firefighter III or training
30 and safety officer.

31 b. Notwithstanding any provision of this chapter or of any general or
32 special law to the contrary, any condition of impairment of health
33 caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii)
34 condition of cancer affecting the lymphatic, digestive, hematological,
35 urinary, neurological, breast, reproductive or prostate systems result-
36 ing in disability to a member covered by this section, presently
37 employed, who successfully passed a physical examination on entry into
38 service as an airport firefighter apprentice, airport firefighter I,
39 airport firefighter II, airport firefighter III or training and safety
40 officer which examination failed to reveal evidence of any disease or
41 other impairment of the heart or such melanoma or condition, shall be
42 presumptive evidence that it was incurred in the performance and
43 discharge of duty, unless the contrary be proven by competent evidence
44 and shall be paid a performance of duty disability retirement allowance
45 equal to that which is provided in section sixty-three of this title,
46 subject to the provisions of section sixty-four of this title.

47 c. Notwithstanding any provision of this chapter or of any general or
48 special law to the contrary, any condition of impairment of health
49 caused by diseases of the lung, resulting in disability to a member
50 covered by this section, presently employed, who successfully passed a
51 physical examination on entry into service as an airport firefighter
52 apprentice, airport firefighter I, airport firefighter II, airport fire-
53 fighter III or training and safety officer, which examination failed to
54 disclose evidence of any disease or other impairment of the lung, shall
55 be presumptive evidence that it was incurred in the performance and
56 discharge of duty, unless the contrary be proven by competent evidence

1 and shall be paid a performance of duty disability retirement allowance
2 equal to that which is provided in section sixty-three of this title,
3 subject to the provisions of section sixty-four of this title.

4 d. After the filing of an application such member shall be given one
5 or more medical examinations. If the comptroller determines that the
6 member is physically or mentally incapacitated for the performance of
7 duty and ought to be retired for performance of duty disability, such
8 member shall be so retired. Such retirement shall be effective as of a
9 date approved by the comptroller.

10 e. If the member, at the time of the filing of such application, is
11 eligible for a service retirement benefit, then and in that event, such
12 member may simultaneously file an application for service retirement,
13 provided that the member indicates on the application for service
14 retirement that such application is filed without prejudice to the
15 application for performance of duty disability retirement.

16 § 2. The retirement and social security law is amended by adding two
17 new sections 607-j and 607-k to read as follows:

18 § 607-j. Performance of duty disability retirement. a. Any member of
19 the retirement system employed by the division of military and naval
20 affairs shall be eligible to retire pursuant to the provisions of this
21 section if he or she is an airport firefighter apprentice, airport fire-
22 fighter I, airport firefighter II, airport firefighter III or training
23 and safety officer.

24 b. Notwithstanding any provision of this chapter or of any general or
25 special law to the contrary, any member who becomes physically or
26 mentally incapacitated as the result of a disability, who is presently
27 employed and who shall have sustained such disability while so employed
28 and while actually a member of the retirement system, provided that such
29 disability or death (A) was caused by the natural and proximate result
30 of a disability, not caused by such firefighter's own willful negligence
31 and (B) was incurred in the performance and discharge of duty, unless
32 the contrary be proven by competent evidence, shall be paid a perform-
33 ance of duty disability retirement benefit payable pursuant to this
34 section.

35 c. Application for a performance of duty disability retirement allow-
36 ance for such a member may be made by:

- 37 1. Such member;
- 38 2. The head of the department in which such member is employed; or
- 39 3. Some person acting on behalf of and authorized by such member.

40 d. After the filing of such an application such member shall be given
41 one or more medical examinations. If the comptroller determines that
42 the member is physically or mentally incapacitated for the performance
43 of duty and ought to be retired for performance of duty disability, such
44 member shall be so retired. Such retirement shall be effective as of a
45 date approved by the comptroller.

46 e. The retirement allowance payable upon retirement for performance of
47 duty disability shall consist of a pension of one-half of his or her
48 final average salary plus an annuity which shall be the actuarial equiv-
49 alent of such member's accumulated contributions, if any.

50 f. If the member, at the time of the filing of an application under
51 the provisions of subdivision c of this section, is eligible for a
52 service retirement benefit, then and in that event, such member may
53 simultaneously file an application for service retirement in accordance
54 with the provisions of section seventy of this chapter, provided that
55 the member indicates on the application for service retirement that such

1 application is filed without prejudice to the application for perform-
2 ance of duty disability retirement.

3 g. Any benefit provided pursuant to this section shall not be consid-
4 ered as an accidental disability benefit within the meaning of section
5 sixty-four of this chapter. Any benefit payable pursuant to the workers'
6 compensation law to a member receiving a disability allowance pursuant
7 to this section shall be in addition to such retirement for disability
8 incurred in performance of duty allowance.

9 § 607-k. Certain impairments of health; presumption. a. Any member of
10 the retirement system employed by the division of military and naval
11 affairs shall be eligible to retire pursuant to the provisions of this
12 section if he or she is an airport firefighter apprentice, airport fire-
13 fighter I, airport firefighter II, airport firefighter III or training
14 and safety officer.

15 b. Notwithstanding any provision of this chapter or of any general or
16 special law to the contrary, any condition of impairment of health
17 caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii)
18 condition of cancer affecting the lymphatic, digestive, hematological,
19 urinary, neurological, breast, reproductive or prostate systems result-
20 ing in disability to a member covered by this section, presently
21 employed, who successfully passed a physical examination on entry into
22 service as an airport firefighter apprentice, airport firefighter I,
23 airport firefighter II, airport firefighter III or training and safety
24 officer which examination failed to reveal evidence of any disease or
25 other impairment of the heart or such melanoma or condition, shall be
26 presumptive evidence that it was incurred in the performance and
27 discharge of duty, unless the contrary be proven by competent evidence
28 and shall be paid a performance of duty disability retirement allowance
29 equal to that which is provided in section sixty-three of this chapter,
30 subject to the provisions of sections sixty-three and sixty-four of this
31 chapter.

32 c. Notwithstanding any provision of this chapter or of any general or
33 special law to the contrary, any condition of impairment of health
34 caused by diseases of the lung, resulting in disability to a member
35 covered by this section, presently employed, who successfully passed a
36 physical examination on entry into service as an airport firefighter
37 apprentice, airport firefighter I, airport firefighter II, airport fire-
38 fighter III or training and safety officer, which examination failed to
39 disclose evidence of any disease or other impairment of the lung, shall
40 be presumptive evidence that it was incurred in the performance and
41 discharge of duty, unless the contrary be proven by competent evidence
42 and shall be paid a performance of duty disability retirement allowance
43 equal to that which is provided in section sixty-three of this chapter,
44 subject to the provisions of section sixty-four of this chapter.

45 d. After the filing of an application such member shall be given one
46 or more medical examinations. If the comptroller determines that the
47 member is physically or mentally incapacitated for the performance of
48 duty and ought to be retired for performance of duty disability, such
49 member shall be so retired. Such retirement shall be effective as of a
50 date approved by the comptroller.

51 e. If the member, at the time of the filing of such application, is
52 eligible for a service retirement benefit, then and in that event, such
53 member may simultaneously file an application for service retirement,
54 provided that the member indicates on the application for service
55 retirement that such application is filed without prejudice to the
56 application for performance of duty disability retirement.

1 § 3. This act shall take effect immediately.

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

This bill would grant improved disability pensions to airport fire-fighters and training and safety officers in the New York State division of military and naval affairs who sustain a disability in the performance of their duties equal to 50% of final average salary (FAS), or 75% of FAS less worker's compensation (WC) when such disability is related to heart disease, lung disease, or certain forms of cancer, unless the contrary be proven by competent evidence. Currently, affected members are entitled to an ordinary disability benefit of 1/3 of FAS.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$96,000 in the annual contributions of the State of New York for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$672,000 which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2022.

These estimated costs are based on 61 members having an annual salary for the fiscal year ending March 31, 2020 of approximately \$4.9 million.

Summary of relevant resources:

The identities of the members who are affected by this legislation are not obtainable from our database. Job title code data provided by the Civil Service Employees Association was relied upon to identify affected members.

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 21, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-59, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

4440

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

Introduced by Sen. GOUNARDES -- 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, in relation to providing death benefits for correction officers employed by Nassau county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 508-b to read as follows:

3 § 508-b. Death benefits for correction officers employed by Nassau
4 county. a. As used in this section, the term "correction officer" shall
5 mean a person employed by Nassau county with a title of correction
6 recruit, correction officer, correction corporal, correction sergeant,
7 correction lieutenant, or correction captain.

8 b. Notwithstanding any provision of law to the contrary, where a
9 correction officer would have been entitled to a service retirement
10 benefit at the time of his or her death and where his or her death
11 occurs on or after the effective date of this section, the beneficiary
12 or beneficiaries may elect to receive, in a lump sum, an amount payable
13 which shall be equal to the pension reserve that would have been estab-
14 lished had the member retired on the date of his or her death, or the
15 value of the death benefit and the reserve-for-increased-take-home-pay,
16 if any, whichever is greater.

17 § 2. The retirement and social security law is amended by adding a new
18 section 606-b to read as follows:

19 § 606-b. Death benefits for correction officers employed by Nassau
20 county. a. As used in this section, the term "correction officer" shall
21 mean a person employed by Nassau county with a title of correction
22 recruit, correction officer, correction corporal, correction sergeant,
23 correction lieutenant, or correction captain.

24 b. Notwithstanding any provision of law to the contrary, where a
25 correction officer would have been entitled to a service retirement
26 benefit at the time of his or her death and where his or her death
27 occurs on or after the effective date of this section, the beneficiary

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

LBD08569-02-1

1 or beneficiaries may elect to receive, in a lump sum, an amount payable
 2 which shall be equal to the pension reserve that would have been estab-
 3 lished had the member retired on the date of his or her death, or the
 4 value of the death benefit and the reserve-for-increased-take-home-pay,
 5 if any, whichever is greater.

6 § 3. All past service costs associated with implementing the
 7 provisions of this act shall be borne by the county of Nassau and may be
 8 amortized over a period of ten years.

9 § 4. Notwithstanding any other provision of law to the contrary, none
 10 of the provisions of this act shall be subject to the appropriation
 11 requirement of section 25 of the retirement and social security law.

12 § 5. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for retirement eligible tiers 3 through 6 members of the New York State and Local Employees' Retirement System who are employed by Nassau County in certain correction officer job titles. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$55,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$778,000 which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year including interest would be \$103,000.

These estimated costs are based on 787 affected members employed by Nassau County, with annual salary of approximately \$94.9 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 February 1, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-64, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

7905

2021-2022 Regular Sessions

IN ASSEMBLY

May 28, 2021

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

AN ACT to amend the retirement and social security law, in relation to death benefits for correction officers employed by Suffolk county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 508-b to read as follows:

3 § 508-b. Death benefits for correction officers employed by Suffolk
4 county. 1. As used in this section, the term "correction officer" shall
5 have the same meaning as in subdivision e of section eighty-nine-f of
6 this chapter.

7 2. Notwithstanding any provision of law to the contrary, where a
8 correction officer would have been entitled to a service retirement
9 benefit at the time of his or her death and where his or her death
10 occurs on or after the effective date of this section, the beneficiary
11 or beneficiaries may elect to receive, in a lump sum, an amount payable
12 which shall be equal to the pension reserve that would have been estab-
13 lished had the member retired on the date of his or her death, or the
14 value of the death benefit and the reserve-for-increased-take-home-pay,
15 if any, whichever is greater.

16 § 2. The retirement and social security law is amended by adding a new
17 section 606-b to read as follows:

18 § 606-b. Death benefits for correction officers employed by Suffolk
19 county. 1. As used in this section, the term "correction officer" shall
20 have the same meaning as in subdivision e of section eighty-nine-f of
21 this chapter.

22 2. Notwithstanding any provision of law to the contrary, where a
23 correction officer would have been entitled to a service retirement
24 benefit at the time of his or her death and where his or her death
25 occurs on or after the effective date of this section, the beneficiary

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

LBD08571-02-1

1 or beneficiaries may elect to receive, in a lump sum, an amount payable
 2 which shall be equal to the pension reserve that would have been estab-
 3 lished had the member retired on the date of his or her death, or the
 4 value of the death benefit and the reserve-for-increased-take-home-pay,
 5 if any, whichever is greater.

6 § 3. All past service costs associated with implementing the
 7 provisions of this act shall be borne by the county of Suffolk and may
 8 be amortized over a period of ten years.

9 § 4. Notwithstanding any other provision of law to the contrary, none
 10 of the provisions of this act shall be subject to the appropriation
 11 requirement of section 25 of the retirement and social security law.

12 § 5. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for retirement eligible tiers 3 through 6 members of the New York State and Local Employees' Retirement System who are employed by Suffolk County in certain correction officer job titles. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this legislation is enacted during the 2021 legislative session, we anticipate that there will be an increase in the annual contributions of Suffolk County of approximately \$64,000 for the fiscal year ending March 31, 2022. In the future, this cost will vary as the billing rates and salaries of those affected change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$930,000 which will be borne by Suffolk County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Suffolk County elects to amortize this cost over a 10-year period, the cost for the first year would be \$123,000.

These estimated costs are based on 95 affected members employed by Suffolk County, with annual salary of approximately \$117 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 29, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-64, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

4779

2021-2022 Regular Sessions

IN SENATE

February 11, 2021

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

AN ACT to authorize the village of Athens, in the county of Greene, to offer an optional twenty-year retirement plan to police officer Edward Tercasio, Jr.

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the village of Athens, in the county of Greene, a participating employer
3 in the New York state and local police and fire retirement system, which
4 previously elected to offer the optional twenty-year retirement plan,
5 established pursuant to section 384-d of the retirement and social secu-
6 rity law, to police officers employed by such village, is hereby author-
7 ized to make participation in such plan available to Edward Tercasio,
8 Jr., a police officer employed by the village of Athens, who, for
9 reasons not ascribable to his own negligence, failed to make a timely
10 application to participate in such optional twenty-year retirement plan.
11 The village of Athens may so elect by filing with the state comptroller,
12 within 12 months of the effective date of this act, a resolution of the
13 village board of trustees together with certification that such police
14 officer did not bar himself from participation in such retirement plan
15 as a result of his own negligence. Thereafter, such police officer may
16 elect to be covered by the provisions of section 384-d of the retirement
17 and social security law, and shall be entitled to the full rights and
18 benefits associated with coverage under such section, by filing a
19 request to that effect with the state comptroller within 18 months of
20 the effective date of this act.

21 § 2. All past costs associated with implementing the provisions of
22 this act shall be borne by the village of Athens and may be amortized
23 over a period of ten years.

24 § 3. This act shall take effect immediately.

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

LBD09084-02-1

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

This bill would allow the Village of Athens to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Edward Tercasio Jr.

If this bill is enacted during the 2021 legislative session and Officer Tercasio becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$810 in the annual contributions of the Village of Athens for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Officer Tercasio change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$41,600 which will be borne by the Village of Athens as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If the Village of Athens elects to amortize this cost over a 10-year period, the cost for the first year including interest would be \$5,490.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 February 10, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-69, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

5691

2021-2022 Regular Sessions

IN SENATE

March 16, 2021

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

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to David Goodman

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 David Goodman, a member of the New York state and local employees'
3 retirement system, who on November 24, 2009 commenced part time employ-
4 ment with the town of Marcy, and who applied for membership in such
5 retirement system on December 2, 2009, and who, for reasons not ascriba-
6 ble to his own negligence, failed to become a member of the New York
7 state and local employees' retirement system on December 2, 2009 and
8 therefore has tier VI instead of tier IV status, shall be deemed to have
9 joined such retirement system on November 24, 2009, the commencement of
10 his employment with the town of Marcy, if within one year of the effec-
11 tive date of this act he shall file an application therefor with the
12 state comptroller. Upon receipt of such application, David Goodman shall
13 be deemed to have joined the New York state and local employees' retire-
14 ment system on November 24, 2009.

15 § 2. All past service costs of implementing the provisions of this act
16 shall be borne by the town of Marcy, and there shall be no refund of
17 member contributions to David Goodman.

18 § 3. This act shall take effect immediately.

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

This bill would allow David Goodman, currently a Tier 6 member of the New York State and Local Employees' Retirement System, to elect into Tier 4 by changing his date of membership to November 24, 2009. There will be no refund of member contributions.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$7,000 in the

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

LBD03501-03-1

annual contributions of Mohawk Valley Psychiatric Center for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of David Goodman change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$9,010 which will be borne by the Town of Marcy as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 5, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-83, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

6336

2021-2022 Regular Sessions

IN SENATE

April 22, 2021

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

AN ACT in relation to granting Blake Russell additional service credit with 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:

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the village of Perry, in the county of Wyoming, a participating employer
3 in the New York state and local police and fire retirement system, which
4 previously elected to offer the optional twenty year retirement plan,
5 established pursuant to section 384-d of the retirement and social secu-
6 rity law, to police officers employed by such village, is hereby author-
7 ized to make participation in such plan available to Blake Russell, who
8 is currently employed by the village of Perry police department, and
9 who, for reasons not ascribable to his own negligence, failed to make a
10 timely application to participate in such optional twenty year retire-
11 ment plan. Thereafter, Blake Russell may elect to be covered by the
12 provisions of section 384-d of the retirement and social security law,
13 and shall be entitled to the full rights and benefits associated with
14 coverage under such section as well as section **384-e** of such law,
15 provided a request to that effect is filed with the state comptroller
16 within one year from the effective date of this act.

17 § 2. All past service costs associated with implementing the
18 provisions of this act shall be borne by the village of Perry and may be
19 amortized over a ten-year period.

20 § 3. This act shall take effect immediately.

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

This bill would allow the Village of Perry to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Blake Russell.

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

LBD10546-02-1

If this bill is enacted during the 2021 legislative session and Blake Russell becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$3,400 in the annual contributions of the Village of Perry for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Blake Russell change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$11,700, which will be borne by the Village of Perry as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If the Village of Perry elects to amortize this cost over a 10 year period, the cost for the first year would be \$1,541.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 25, 2021, and intended for use only during the 2021 Legislative Session, is **Fiscal Note** No. 2021-114, prepared

STATE OF NEW YORK

6710

2021-2022 Regular Sessions

IN SENATE

May 12, 2021

Introduced by Sen. GAUGHRAN -- 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, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers in Nassau county

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

1 Section 1. Section 607-c of the retirement and social security law is
2 amended by adding a new subdivision g to read as follows:
3 g. Any sheriff, deputy sheriff, undersheriff, or correction officer as
4 defined in subdivision a of section sixty-three-b of this chapter, and
5 who is employed in Nassau county, who becomes physically or mentally
6 incapacitated for the performance of duties as the natural and proximate
7 result of an injury, sustained in the performance or discharge of his or
8 her duties by, or as the natural and proximate result of an intentional
9 or reckless act of any civilian visiting, or otherwise present at, an
10 institution under the jurisdiction of such county where such injury was
11 sustained and documented after the enactment of this section, shall be
12 paid a performance of duty disability retirement allowance equal to that
13 which is provided in section sixty-three of this chapter, subject to the
14 provisions of section sixty-four of this chapter. Notwithstanding any
15 other provision of law to the contrary, none of the provisions of this
16 subdivision shall be subject to section twenty-five of this chapter.

17 § 2. All past service costs associated with implementing the
18 provisions of this act will be borne by Nassau county, and may be amor-
19 tized over a ten year period.

20 § 3. This act shall take effect immediately.

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

This bill would allow any Tier 3, 4, 5 or 6 sheriff, undersheriff, deputy sheriff, or correction officer employed by Nassau County to become eligible to receive a performance of duty benefit due to the

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

LBD11060-02-1

intentional or reckless act of a civilian visiting an institution under the jurisdiction of such county. The benefit will be 75% of final average salary less worker's compensation. Currently, to be eligible for such improved benefit, it is required that such injuries be sustained as the result of an "act of an inmate". Such injuries must be sustained and documented after the enactment of this legislation.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$220,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$1.27 million which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year including interest would be \$167,000.

These estimated costs are based on 845 affected members employed by Nassau County, with annual salary of approximately \$101 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 April 27, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-134, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

6796

2021-2022 Regular Sessions

IN SENATE

May 17, 2021

Introduced by Sen. BROOKS -- 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, in relation to death benefits for deputy sheriffs employed by Suffolk county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 508-b to read as follows:

3 § 508-b. Death benefits for deputy sheriffs employed by Suffolk county.
4 Notwithstanding any provision of law to the contrary, where a deputy
5 sheriff would have been entitled to a service retirement benefit at the
6 time of his or her death and where his or her death occurs on or after
7 the effective date of this section, the beneficiary or beneficiaries may
8 elect to receive, in a lump sum, an amount payable which shall be equal
9 to the pension reserve that would have been established had the member
10 retired on the date of his or her death, or the value of the death bene-
11 fit and the reserve-for-increased-take-home-pay, if any, whichever is
12 greater.

13 § 2. The retirement and social security law is amended by adding a new
14 section 606-b to read as follows:

15 § 606-b. Death benefits for deputy sheriffs employed by Suffolk county.
16 Notwithstanding any provision of law to the contrary, where a deputy
17 sheriff would have been entitled to a service retirement benefit at the
18 time of his or her death and where his or her death occurs on or after
19 the effective date of this section, the beneficiary or beneficiaries may
20 elect to receive, in a lump sum, an amount payable which shall be equal
21 to the pension reserve that would have been established had the member
22 retired on the date of his or her death, or the value of the death bene-
23 fit and the reserve-for-increased-take-home-pay, if any, whichever is
24 greater.

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

LBD06764-02-1

1 § 3. Notwithstanding any other provision of law to the contrary, none
2 of the provisions of this act shall be subject to the appropriation
3 requirement of section 25 of the retirement and social security law.

4 § 4. All past service costs associated with this act shall be paid by
5 Suffolk county.

6 § 5. This act shall take effect immediately.

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

This bill would modify the in-service death benefit for Suffolk County Deputy Sheriffs who are retirement eligible in Tiers 3 through 6 of the New York State and Local Employees' Retirement System. The in-service death benefit will be the value of the pension reserve as if the member had retired on their date of death.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$29,000 in the annual contributions of Suffolk County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salaries of those affected change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$384,000 which will be borne by Suffolk County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

These estimated costs are based on 247 affected members employed by Suffolk County, with annual salary of approximately \$35 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 May 11, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-136, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

7444

2021-2022 Regular Sessions

IN ASSEMBLY

May 10, 2021

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

AN ACT to authorize the town of Orangetown to offer a certain retirement option to Orangetown police officers Patrick J. Casey, Elizabeth M. Muckell and Keith E. Trojan

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the town of Orangetown, a participating employer in the New York state
3 and local police and fire retirement system, which previously elected to
4 offer the optional retirement plan established pursuant to section 384-d
5 of the retirement and social security law to police officers employed by
6 such police department, is hereby authorized to make participation in
7 such plan available to police officer Patrick J. Casey who, on the
8 effective date of this act is covered under the provisions of section
9 384 of the retirement and social security law, and to police officers
10 Elizabeth M. Muckell and Keith E. Trojan who, on the effective date of
11 this act are covered under the provisions of section 375-i of the
12 retirement and social security law and who, for reasons not ascribable
13 to their own negligence failed to make a timely application to partic-
14 ipate in such optional retirement plan. Thereafter, police officers
15 Patrick J. Casey, Elizabeth M. Muckell and Keith E. Trojan may elect to
16 be covered by the provisions of section 384-d of the retirement and
17 social security law, and shall be entitled to the full rights and bene-
18 fits associated with coverage under such section, by filing a request to
19 that effect with the state comptroller within one year of the effective
20 date of this act.

21 § 2. All past service costs associated with implementing the
22 provisions of this act shall be borne by the town of Orangetown.

23 § 3. This act shall take effect immediately.

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

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

LBD10568-02-1

This bill would allow the Town of Orangetown to elect to reopen the provisions of Section 384-d together with **384-e** of the Retirement and Social Security Law for police officers Patrick J. Casey, Elizabeth M. Muckell, and Keith E. Trojan.

If this bill is enacted during the 2021 legislative session and Officers Casey, Muckell, and Trojan become covered under the provisions of Section 384-d together with **384-e**, we anticipate that there will be an increase of approximately \$41,000 in the annual contributions of the Town of Orangetown for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salaries of Officers Casey, Muckell, and Trojan change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$124,000 which will be borne by the Town of Orangetown as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 April 8, 2021, and intended for use only during the 2021 Legislative Session, is **Fiscal Note** No. 2021-116, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

5527

2021-2022 Regular Sessions

IN SENATE

March 10, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the South Nassau water authority

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

1 Section 1. Article 5 of the public authorities law is amended by
2 adding a new title 5-A to read as follows:

TITLE 5-A

SOUTH NASSAU WATER AUTHORITY

- Section 1114-a. Short title.
1114-b. Definitions.
1114-c. South Nassau water authority district.
1114-d. South Nassau water authority.
1114-e. Powers of the authority.
1114-f. Transfer of officers and employees.
1114-g. Bonds of the authority.
1114-h. Remedies of bondholders.
1114-i. State and municipalities not liable on authority bonds.
1114-j. Moneys of the authority.
1114-k. Bonds; legal investments for fiduciaries.
1114-l. Agreement with the state.
1114-m. Exemption from taxes, assessments and certain fees; payments in lieu of taxes.
1114-n. Actions against the authority.
1114-o. Conflicts of interest of members of the board of directors and officers and employees of the authority.
1114-p. Construction and purchase contracts.
1114-q. Separability clause.
1114-r. Effect of inconsistent provisions.

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

LBD09799-03-1

1 1114-s. Acquisition by eminent domain.
2 § 1114-a. Short title. This title shall be known and may be cited as
3 the "South Nassau water authority act".
4 § 1114-b. Definitions. As used or referred to in this title, unless a
5 different meaning clearly appears from the context:
6 1. "Authority" shall mean the corporation created by section eleven
7 hundred fourteen-d of this title.
8 2. "Board of directors" shall mean the governing board of the authori-
9 ty.
10 3. "Bonds" shall mean the bonds, notes or other evidences of indebt-
11 edness issued by the authority pursuant to this title.
12 4. "Calendar year" shall mean the twelve month period from January
13 first through December thirty-first.
14 5. "Chief executive officer" when referring to a municipality shall
15 mean the chief elected official of such municipality and, when referring
16 to the authority, shall mean the chairperson of the authority.
17 6. "Civil service commission" shall mean the civil service commission
18 of the county of Nassau.
19 7. "Comptroller" shall mean the comptroller of the state of New York.
20 8. "Construction" shall mean the negotiation, acquisition, erection,
21 building, alteration, improvement, testing, increase, enlargement,
22 extension, reconstruction, interconnection, renovation or rehabilitation
23 of a water facility as defined in this section; the inspection and
24 supervision thereof; and the engineering, architectural, legal,
25 appraisal, fiscal, economic and environmental investigations, services
26 and studies, surveys, designs, plans, working drawings, specifications,
27 procedures and other actions incidental thereto.
28 9. "Costs", as applied to any project, shall include the cost of
29 construction, the cost of the acquisition of all property, including
30 both real, personal and mixed, the cost of demolishing, removing or
31 relocating any buildings or structures on lands so acquired including
32 the cost of acquiring any land to which such buildings or structures may
33 be moved or relocated, the cost of all systems, facilities, machinery,
34 apparatus and equipment, financing charges and bond discount, interest
35 to the extent not paid or provided for from revenues or other sources,
36 the cost of engineering and architectural surveys, plans and specifica-
37 tions, bond insurance, bond credit enhancement arrangements, other
38 expenses necessary or incidental to the construction of such project and
39 the financing of the construction thereof, including the cost of legal
40 and financial advices and credit arrangements with banks or other finan-
41 cial institutions, the amount authorized in the resolution of the
42 authority providing for the issuance of bonds to be paid into any
43 reserve or special fund from the proceeds of such bonds and the financ-
44 ing of the placing of any project in operation, including the reimburse-
45 ment to any municipality, state agency, the state, the United States
46 government, or any other person for expenditures made by them that would
47 be costs of the project hereunder, notwithstanding the fact that such
48 expenditures may have been incurred prior to the effective date of this
49 title.
50 10. "County" shall mean the county of Nassau.
51 11. "Distribution system" shall mean the water facility or facilities
52 employed to deliver water from a transmission facility, or where there
53 is no transmission facility, from a supply facility, to the ultimate
54 consumers of water.
55 12. "District" shall mean the water authority of South Nassau water
56 district created by section eleven hundred fourteen-c of this title.

1 13. "Governing body" shall mean:
2 (a) in the case of a city, county, town or village or district corpo-
3 ration, the finance board as such term is defined in the local finance
4 law; or
5 (b) in the case of a public benefit corporation, the members thereof.
6 14. "Members" shall mean the members of the board of directors.
7 15. "Municipality" shall mean any city, county, town, village or coun-
8 ty or town acting on behalf of an improvement district.
9 16. "Real property" shall mean lands, structures, franchises and inter-
10 ests in land, waters, lands under water, groundwater riparian rights and
11 air rights and any and all things and rights customarily included within
12 the term "real property" and includes not only fee simple absolute, but
13 also any and all lesser interests including, but not limited to, ease-
14 ments, rights of way, uses, leases, licenses and all other incorporeal
15 hereditaments and every estate, interest or right, legal or equitable,
16 including terms for years and liens thereon by way of judgments, mort-
17 gages or otherwise.
18 17. "State sanitary code" shall mean regulations adopted pursuant to
19 section two hundred twenty-five of the public health law.
20 18. "State" shall mean the state of New York.
21 19. "State agency" shall mean any state office, public benefit corpo-
22 ration, department, board, commission, bureau or division, or other
23 agency or instrumentality of the state.
24 20. "Supply facility" shall mean a water facility employed to make
25 groundwater or surface water available for delivery into a transmission
26 facility or distribution system.
27 21. "System revenues" shall mean all rates, rents, fees, charges,
28 payments and other income and receipts derived from users of the author-
29 ity without limiting the generality of the foregoing, investment
30 proceeds and proceeds of insurance, condemnation, sales or other dispo-
31 sitions of assets, together with all federal, state or municipal aid as
32 well as any other income derived from the operation of the water facili-
33 ty of the authority.
34 22. "Transmission facility" shall mean a water facility used to carry
35 water from a supply facility to a distribution system.
36 23. "Treasurer" shall mean the treasurer of the authority.
37 24. "Water facility" or "water facilities" shall mean any plants,
38 structures and other real and personal property acquired, rehabilitated
39 or constructed for the purpose of supplying, transmitting, distributing
40 or treating water, including but not limited to surface or groundwater
41 reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipe-
42 lines, mains, pumping stations, water distribution systems, compensating
43 reservoirs, intake stations, waterworks or sources of water supply,
44 wells, purification or filtration plants or other treatment plants and
45 works, connections, water meters, rights of flowage or diversion and
46 other plants, structures, equipment, towers, conveyances, real or
47 personal property or rights therein and appurtenances thereto necessary
48 or useful and convenient for the accumulation, supply, transmission,
49 treatment or distribution of water.
50 25. "Water project" shall mean any water facility, including the plan-
51 ning, development, financing or construction thereof.
52 26. "Watershed rules" shall mean the rules and regulations made by the
53 department of health pursuant to section eleven hundred of the public
54 health law.
55 § 1114-c. South Nassau water authority district. 1. There is hereby
56 created a district to be known as the "South Nassau water authority

1 district" which shall be defined as all that portion of Nassau county
2 being serviced by the New York American water service corporation as its
3 Long Island Water operations district as of the effective date of this
4 title, and lying south of the area serviced by the Town of Hempstead
5 Department of Water.

6 § 1114-d. South Nassau water authority. 1. A corporation known as
7 "South Nassau water authority" is hereby created for the purposes and
8 charged with the duties and having the powers provided in this title.
9 The authority shall be a corporate governmental agency constituting a
10 public benefit corporation and shall be a "public district" for the
11 purposes of section eighty-nine of the public service law. The authority
12 shall be governed by a board of directors consisting of five members.
13 The governing board of the town of Hempstead shall appoint three
14 members, and the Nassau county legislature shall appoint two members who
15 are residents serviced by the water authority of South Nassau. Each
16 member shall serve for a period of two years. Each chief executive offi-
17 cer shall file with the secretary of state a certificate of appointment
18 or reappointment of any member appointed or reappointed by such chief
19 executive officer within thirty days of the appointment or reappoint-
20 ment. Members shall receive no compensation for their services but shall
21 be entitled to reimbursement of their necessary expenses, including
22 traveling expenses, incurred in the discharge of their duties. Nothing
23 in this section shall be construed as preventing a chief executive offi-
24 cer of a municipality from appointing himself or herself to be a member
25 of the board of directors.

26 2. If the authority decides to enter into a contract to purchase or
27 otherwise acquire an interest in the New York American water service
28 corporation or to initiate a condemnation proceeding pursuant to the
29 eminent domain procedure law for the area it services within the South
30 Nassau water authority district, prior to entering into any contract to
31 purchase or otherwise acquire an interest in the New York American water
32 service corporation or the initiation of any condemnation proceeding by
33 the authority pursuant to the eminent domain procedure law for the area
34 it services within the South Nassau water authority district, the
35 authority shall provide ratepayers within the area serviced by the New
36 York American water service corporation and the public with public
37 forums for the expression and discussion of views regarding such
38 purchase, acquisition or condemnation of the New York American water
39 service corporation. The authority shall hold at least one forum in the
40 town of Hempstead.

41 3. If the authority decides to enter into a contract to purchase or
42 otherwise acquire an interest in the New York American water service
43 corporation or to initiate a condemnation proceeding pursuant to the
44 eminent domain procedure law for the area it services within the South
45 Nassau water authority district, the authority is authorized to provide
46 registered voters within the area serviced by the New York American
47 water service corporation within the South Nassau water authority
48 district prior to entering into such contract to purchase or otherwise
49 acquire an interest in the New York American water service corporation
50 or the initiation of any condemnation proceeding by the authority pursu-
51 ant to the eminent domain procedure law for the area the New York Ameri-
52 can water service corporation services within the South Nassau water
53 authority district, with a nonbinding referendum, regarding whether the
54 authority should enter into a contract to purchase or otherwise acquire
55 an interest in the New York American water service corporation or initi-
56 ate condemnation proceedings pursuant to the eminent domain procedure

1 law for the area it services within the South Nassau water authority
2 district. The proposition shall be placed on the ballot and voted upon
3 at a special election on a date to be determined by the Nassau county
4 board of elections.

5 4. Any one or more of the members of the board of directors may be an
6 official or an employee of a municipality situated within the district.
7 In the event that an official or an employee of such municipality shall
8 be elected as a member of the board of directors, acceptance or
9 retention of such appointment shall not be deemed a forfeiture of his or
10 her municipal office or employment, or incompatible therewith or affect
11 his or her tenure or compensation in any way.

12 5. No action shall be taken by the authority except pursuant to the
13 favorable vote of a simple majority of the board of directors.

14 6. The powers of the authority shall be vested in and shall be exer-
15 cised by the board of directors at a meeting duly called and held.
16 Three members of the board of directors, who together are authorized to
17 cast a majority of the vote, shall constitute a quorum. The board of
18 directors may delegate to one or more of its members, or to one or more
19 of the officers, agents or employees of the authority, such powers and
20 duties as it may deem proper.

21 7. The officers of the authority shall consist of a chairperson, vice
22 chairperson, deputy chairperson, treasurer, and secretary, who shall not
23 be members of the board of directors. The officers of the authority
24 shall be appointed by the board of directors. The board of directors may
25 appoint and at its pleasure remove an attorney and an engineer, which
26 positions, in addition to the officers above named, shall be in the
27 exempt class of the civil service and such additional officers and
28 employees as it may require for the performance of its duties, fix and
29 determine their qualifications, duties, compensations and terms of
30 office or tenure, subject to the provisions of the civil service law of
31 the state and such rules as the civil service commission may adopt and
32 make applicable to the authority. The authority may also from time to
33 time contract for expert professional services. The duties of the offi-
34 cers shall be as follows:

35 (a) Chairperson. The chairperson shall be the chief executive officer
36 of the authority and it shall be the responsibility of the chairperson
37 to:

38 (i) preside at all meetings of the board of directors and of the offi-
39 cers;

40 (ii) manage the water facility, the transmission facility and the
41 distribution system and to effectuate the decisions of the board of
42 directors;

43 (iii) exercise supervision over the conduct of the officers and
44 employees of the authority;

45 (iv) report annually to each customer, either by mail or by publica-
46 tion once in a newspaper having general circulation within the district;
47 such report shall include but not be limited to the following informa-
48 tion:

49 (1) a brief financial account on operations of the water system
50 including, but not limited to, water rates, total revenues, operating
51 and maintenance expenses, and interest on bonds and notes;

52 (2) the population served by the authority;

53 (3) the number of wells, towers and other storage facilities operated
54 by the authority;

- 1 (4) the total pumpage of groundwater including the amount received
2 through interdistrict interconnections and the estimated amount lost
3 from the system;
- 4 (5) the single highest level from each well of each synthetic organic
5 chemical, nitrate and chloride constituent tested for by the authority
6 at any time during the year which exceeds the applicable county water
7 quality standard or guideline, that standard or guideline, the site of
8 each well at which each reported constituent was found, and the date on
9 which each reported constituent was analyzed;
- 10 (6) the highest level from each well of each synthetic organic chemi-
11 cal, nitrate and chloride constituent tested for by the authority at any
12 time during the year which does not exceed the applicable county water
13 standard or guideline, but which contains a level equal to or greater
14 than two-thirds of the amount permitted before exceeding a standard or
15 guideline, that standard or guideline, the site of each well at which
16 each reported constituent was found and the date on which each reported
17 constituent was analyzed;
- 18 (7) once every five years, the highest level of any constituent
19 discovered within the distribution system which contains a level equal
20 to or greater than two-thirds of the amount permitted before exceeding a
21 standard or guideline, that standard or guideline, and the resulting
22 action taken by the authority;
- 23 (8) any well restricted, removed from service or otherwise limited in
24 its use and the cause for such action;
- 25 (9) any actions taken to secure new supplies or replace lost capacity;
- 26 (10) the types of treatment which the water receives before entering
27 the distribution system;
- 28 (11) any compliance activities required by regulations of the depart-
29 ment of environmental conservation or the department of health or any
30 local health department and any instances of noncompliance;
- 31 (12) the present condition of the distribution system and any signif-
32 icant actions, as determined by the authority, to improve or maintain
33 the system;
- 34 (13) any special public services the authority provides during the
35 year; and
- 36 (14) information on water conservation measures customers can imple-
37 ment, such as, but not limited to, retrofitting plumbing fixtures,
38 altering irrigation timing, using irrigation sensors, leak detection,
39 proper use of water-consuming appliances, daily conscientious use of
40 water and estimated savings of water, energy, and money, from use of
41 these measures;
- 42 (v) execute all contracts in the name of the authority;
- 43 (vi) institute, at the direction of the board of directors, all civil
44 actions in the name of the authority;
- 45 (vii) provide for the enforcement of all of the rules and regulations
46 of the authority and cause all violations thereof to be prosecuted;
- 47 (viii) sign orders to pay claims when authorized by the board of
48 directors;
- 49 (ix) sign checks in the absence or inability of the treasurer or depu-
50 ty treasurer, if any, when authorized by the board of directors; and a
51 certified copy of a resolution of the board of directors to that effect
52 shall be notice to the depository of such authorization;
- 53 (x) appoint, subject to the approval of the board of directors, none-
54 lected officers, counsel, accountants, and other financial advisors,
55 engineers and other technical advisors;

1 (xi) employ, promote and discharge managers, supervisors and employ-
2 ees; and

3 (xii) take all other reasonable and necessary actions to carry out his
4 or her office as the chief executive of the authority. If the chair-
5 person has not been appointed as a member of the board of directors of
6 the authority pursuant to this section, such chairperson shall be deemed
7 an ex officio member of the board of directors. Such status shall not
8 carry with it the right to vote on matters coming before the board of
9 directors nor shall the presence of such chairperson be counted for the
10 purpose of determining a quorum.

11 (b) Vice chairperson. The vice chairperson shall perform all duties
12 delegated to him or her by the chairperson and, in the absence or during
13 the disability of the chairperson, the vice chairperson shall act as
14 chairperson.

15 (c) Deputy chairperson. The deputy chairperson shall perform all
16 duties delegated to him or her by the chairperson or the vice chair-
17 person.

18 (d) Secretary. (i) The secretary shall be the recording and corre-
19 sponding officer of the authority and the custodian of the records of
20 the authority.

21 (ii) The secretary shall prepare and send required notices of all
22 meetings when directed to do so by the chairperson or by the written
23 request of four members who have specified the issues to be discussed at
24 the meeting.

25 (iii) In the absence or disability of the secretary, the chairperson
26 may appoint a temporary secretary.

27 (e) Treasurer. (i) The treasurer shall have custody of all moneys
28 belonging to the authority and keep accounts of all receipts and expend-
29 itures in conformance with a uniform system of accounts formulated and
30 prescribed by the comptroller pursuant to section thirty-six of the
31 general municipal law.

32 (ii) The treasurer shall execute a bond, conditioned upon the faithful
33 performance of the duties of his or her office, the amount and suffi-
34 ciency of which shall be approved by the board of directors and the
35 premium therefor shall be paid by the authority.

36 (iii) The treasurer shall deposit, within ten days after receipt ther-
37 eof, in the name of the authority, in one or more banks, and/or trust
38 companies, designated by the board of directors, all moneys received by
39 him or her.

40 (iv) The treasurer may sign checks with the facsimile signature of the
41 treasurer, as reproduced by a machine or device commonly known as a
42 checksigner, when authorized by the board of directors.

43 (v) The treasurer shall pay out moneys from the authority treasury
44 only as authorized by the board of directors and by law. All such
45 payments, except as may be authorized by the board of directors for a
46 petty cash account, shall be by check.

47 (vi) The treasurer shall issue a report on the finances of the author-
48 ity at each regular meeting of the board of directors.

49 (vii) The treasurer shall file in the office of the authority, within
50 sixty days after the end of the fiscal year, a statement showing in
51 detail all revenues and expenditures during the previous fiscal year and
52 the outstanding indebtedness of the authority as of the end of the
53 fiscal year. The members shall, within ten days, cause to be published
54 once in a newspaper having general circulation within the district, a
55 notice that the annual financial statement has been filed and is avail-
56 able for inspection or a summary of such statement in a form approved by

1 the comptroller, with an endorsement thereon that details thereof are on
2 file in the office of the authority. The members shall cause to be
3 audited by a certified public accountant engaged for that purpose, such
4 report and supporting records.

5 8. The terms of the chairperson, vice chairperson and deputy chair-
6 person first appointed shall be staggered, the chairperson first
7 appointed shall serve for a period of four years, the vice chairperson
8 first appointed shall serve for a period of three years and the deputy
9 chairperson first appointed shall serve for a period of two years; ther-
10 eafter their successors shall serve for terms of four years. The remain-
11 ing officers shall each serve terms of one year. The board of directors
12 shall have the right, at any time, to extend any such term, for a period
13 of months, to provide that such term terminates contemporaneously with
14 the end of the fiscal year of the authority.

15 9. The officers of the authority shall receive such compensation for
16 their services as shall be fixed by the board of directors and shall be
17 reimbursed for all necessary and actual expenses incurred in connection
18 with their duties as such officers and in connection with the carrying
19 out of the purposes of this title.

20 10. The authority and its corporate existence shall continue until
21 terminated by law; provided, however, that no such law shall take effect
22 so long as the authority shall have bonds or other obligations outstand-
23 ing unless adequate provision has been made for the payment or satisfac-
24 tion thereof. Upon termination of the existence of the authority, all of
25 the rights and properties of the authority then remaining shall pass to
26 and vest in the municipalities within the district. Such property shall
27 be apportioned and distributed among the municipalities within the
28 district in direct proportion to their voting on the date of the termi-
29 nation of the authority.

30 11. In addition to any powers granted to it by law, the governing body
31 of each of the municipalities within the district, from time to time,
32 may appropriate sums of money to defray project costs or any other costs
33 and expenses of the authority. Subject to the rights of bondholders,
34 each governing body may determine if the moneys so appropriated shall be
35 subject to repayment by the authority to the municipalities, and in such
36 event, the manner and time or times for such repayment.

37 12. Neither the public service commission nor any other board or
38 commission of like character, shall have jurisdiction over the authority
39 in the management and control of its properties or operations or any
40 power over the regulation of rates fixed or charges collected by the
41 authority.

42 13. It is hereby determined and declared that the authority and the
43 carrying out of its powers, purposes and duties are in all respects for
44 the benefit of the people of the municipalities within the district and
45 state, for the improvement of their health, welfare and prosperity and
46 that the said purposes are public purposes and that the authority is and
47 will be performing an essential governmental function in the exercise of
48 the powers conferred upon it by this title.

49 § 1114-e. Powers of the authority. Except as otherwise limited by this
50 title, the authority shall have the power to:

- 51 1. sue and be sued;
- 52 2. have a seal and alter the same at pleasure;
- 53 3. borrow money and issue negotiable or non-negotiable notes, bonds,
54 or other obligations and to provide for the rights of the holders there-
55 of;

1 4. enter into contracts and execute all instruments necessary or
2 convenient or desirable for the purposes of the authority to carry out
3 any powers expressly given to it in this title;

4 5. acquire, by purchase, gift, grant, transfer, contract or lease or
5 by condemnation pursuant to the eminent domain procedure law, lease as
6 lessee, hold and use and to sell, lease as lessor, transfer or otherwise
7 dispose of, any real or personal property or any interest therein, with-
8 in or without the district, but within the territorial limits of the
9 town of Hempstead, as the authority may deem necessary, convenient or
10 desirable to carry out the purpose of this title; provided, however,
11 that the authority may not condemn real property of a municipality with-
12 out the consent of the governing body of such municipality;

13 6. purchase, in the name of the authority, any water supply system,
14 including plants, works, instrumentalities or parts thereof and appurte-
15 nances thereto, lands, easements, rights in land and water rights,
16 rights-of-way, contract rights, franchises, permits, approaches,
17 connections, dams, wells, pumps, reservoirs, water mains and pipe lines,
18 pumping stations, treatment facilities, meters, equipment and inventory,
19 or any other property incidental to and included in such system or part
20 thereof, and any improvements, extensions and betterments, situated
21 wholly within the district, provided, however, that the authority shall
22 have the power to purchase any source of supply, or water supply system
23 or any part thereof situated wholly or partly without the territorial
24 limits of the district, provided same shall be necessary in order to
25 supply water within the district and in connection with the purchase of
26 such properties the authority may assume any obligations of the owner of
27 such properties and, to the extent required by the terms of any inden-
28 tures or other instruments under which such obligations were issued, the
29 authority may assume and agree to perform covenants and observe the
30 restrictions contained in such instruments; and furthermore the owner of
31 any properties, which the authority is authorized to acquire, is hereby
32 authorized to sell or otherwise transfer the same to the authority,
33 whereupon the authority shall become charged with the performance of all
34 public duties with respect to such properties with which such owner was
35 charged and such owner shall become discharged from the performance
36 thereof, as a means of so acquiring for such purpose, the authority may
37 purchase all of the stock of any existing privately owned water corpo-
38 ration or company and in the case of a sale or other transfer of proper-
39 ties of a public utility corporation pursuant to this provision, upon
40 the purchase of the stock of such corporation or company it shall be
41 lawful to dissolve such corporation within a reasonable time;

42 7. construct, improve or rehabilitate water supply facilities required
43 for the maintenance, development or expansion of water supply sources;

44 8. operate and manage and to contract for the operation and management
45 of facilities of the authority;

46 9. enter into contracts, and carry out the terms thereof, for the
47 wholesale provision of water produced by supply facilities constructed
48 and operated by the authority, to municipalities and private water
49 companies and to carry out the terms thereof, for the transmission of
50 water from new or existing supply facilities;

51 10. apply to the appropriate agencies and officials of the federal,
52 state and local governments for such licenses, permits or approvals of
53 its plans or projects as it may deem necessary or advisable, and upon
54 such terms and conditions as it may deem appropriate, to accept, in its
55 discretion, such licenses, permits or approvals as may be tendered to it
56 by such agencies and officials;

1 11. take all necessary and reasonable actions within the district to
2 conserve, preserve and protect the water supply to the district, includ-
3 ing the making of plans and studies, the adoption of watershed rules and
4 regulations, the enforcing of compliance with all current and future
5 rules and regulations of the state sanitary code with regard to water
6 supply and usage, the requiring of cross-connection controls, the
7 providing of educational material and programs to the public, and the
8 cooperating with water suppliers outside the district to conserve,
9 preserve and protect the entire water reserve as it is affected within
10 and outside the authority's supply area;

11 12. retain or employ counsel, auditors, engineers and private consult-
12 ants on a contract basis or otherwise for rendering professional or
13 technical services and advice;

14 13. make plans and studies necessary, convenient or desirable for the
15 effectuation of the purposes and powers of the authority and to prepare
16 recommendations in regard thereto;

17 14. prepare a water supply emergency plan which shall include, but not
18 be limited to, the following:

19 (a) establishment of criteria and procedures to determine critical
20 water levels or safe yield of system;

21 (b) identification of existing and future sources of water under
22 normal conditions and emergency conditions;

23 (c) system capacity and ability to meet peak demand and fire flows
24 concurrently;

25 (d) storage capacities;

26 (e) current condition of present interconnections and identification
27 of additional interconnections to meet a water supply emergency;

28 (f) a specific action plan to be followed during a water supply emer-
29 gency including a phased implementation of the plan;

30 (g) general water conservation programs and water use reduction strat-
31 egies for water supply users;

32 (h) prioritization of water users;

33 (i) identification and availability of emergency equipment needed
34 during a water supply emergency; and

35 (j) a public notification program coordinated with the phased imple-
36 mentation schedule; such plan shall not be adopted until a public hear-
37 ing on such plan shall have been held, upon not less than fourteen days'
38 notice thereof to each customer, either by mail or by publication once
39 in a newspaper having general circulation within the district; every
40 five years, such plan shall be reviewed and revised if necessary after a
41 public hearing, with notice to each customer as aforesaid;

42 15. enter upon such lands, waters, or premises as in the judgment of
43 the authority shall be necessary for the purpose of making surveys,
44 soundings, borings and examinations to accomplish any purpose authorized
45 by this title, the authority being liable only for actual damage done;

46 16. apply for and to accept any gifts or grants or loans of funds or
47 property or financial or other aid in any form from the federal govern-
48 ment or any agency or instrumentality thereof, or from the state or any
49 agency or instrumentality thereof, or from any other source, for any or
50 all of the purposes specified in this title, and to comply, subject to
51 the provisions of this title, with the terms and conditions thereof;

52 17. obtain, store, treat, distribute, supply and sell water for domes-
53 tic, commercial and public purposes at retail to individual consumers
54 within the district;

55 18. purchase water from any municipal corporation, town water
56 district, person, association or corporation;

1 19. produce, develop, distribute and sell water or water services
2 within or without the territorial limits of the district; provided,
3 however, that water may be sold at retail to individual consumers only
4 within the district and further provided that in exercising the powers
5 granted by this title, the authority shall not sell water in any area
6 which is served by a water system owned or operated by a municipality or
7 special improvement district unless the governing body of such munici-
8 pality or district shall adopt a resolution requesting the authority to
9 sell water in such served areas;

10 20. make bylaws for the management and regulation of its affairs and
11 rules and regulations for the conservation, preservation and protection
12 of the authority's water supply and, subject to agreements with bond-
13 holders, rules for the sale of water and the collection of rents and
14 charges therefor. A copy of such rules, regulations and bylaws and any
15 rules and regulations adopted pursuant to subdivision eleven of this
16 section, and all amendments thereto, duly certified by the secretary of
17 the authority shall be filed in the office of the municipalities within
18 the district and thereafter published once in a newspaper having general
19 circulation within the district. Violations of such rules and regu-
20 lations shall be punishable by fine, not exceeding fifty dollars, or by
21 imprisonment for not longer than thirty days, or both;

22 21. fix rates and collect charges for the use of the facilities of, or
23 services rendered by, or any commodities furnished by the authority such
24 as to provide revenues sufficient at all times to pay, as the same shall
25 become due, the principal and interest on the bonds, or other obli-
26 gations of the authority together with the maintenance of proper
27 reserves therefor, in addition to paying as the same shall become due,
28 the expense of operating and maintaining the properties of the authority
29 together with proper maintenance reserves, capital reserves, repair
30 reserves, tax stabilization reserves and other contingency reserves, and
31 all other obligations and indebtedness of the authority; however, no
32 such rates or charges shall be changed until a public hearing on such
33 changes shall have been held upon not less than fourteen days' notice
34 thereof to each customer, either by mail or by publication once in a
35 newspaper having general circulation within the district;

36 22. enter into cooperative agreements with other authorities, munici-
37 palities, counties, cities, towns, villages, water districts, utility
38 companies, individuals, firms or corporations, within or without the
39 territorial limits of the district for the interconnection of facili-
40 ties, the exchange or interchange of services and commodities, the
41 conservation, preservation and protection of the authority's water
42 reserve as it is affected within and outside the authority's supply
43 area, and, within the territorial limits of the district, to enter into
44 a contract for the construction, operation and maintenance of a water
45 supply and distribution system by the authority for any municipality
46 having power to construct and develop a water supply and distribution
47 system, upon such terms and conditions as shall be determined to be
48 reasonable including, but not limited to the reimbursement of all costs
49 of such construction, or for any other lawful purposes necessary or
50 desirable to effect the purposes of this title;

51 23. provide for the discontinuance or disconnection of the supply of
52 water for nonpayment of fees, rates, rents or other charges therefor
53 imposed by the authority, provided such discontinuance or disconnection
54 of any supply of water shall not be carried out except in the manner and
55 upon the notice as is required of a waterworks corporation pursuant to

1 subdivisions three-a, three-b and three-c of section eighty-nine-b and
2 section one hundred sixteen of the public service law;

3 24. contract for, provide and maintain such insurance as it deems
4 necessary or reasonable to:

5 (a) secure and protect its real and personal property from fire, theft
6 or other calamity or loss;

7 (b) secure and protect it against liability imposed by law for damages
8 for injuries to persons or property;

9 (c) secure and protect it against any liability which may be imposed
10 pursuant to section eighteen of the public officers law; and

11 (d) secure and protect it against any other liability, casualty or
12 loss as it deems necessary or reasonable; and

13 25. do all things necessary, convenient or desirable to carry out its
14 purposes and for the exercise of the powers granted in this title.

15 § 1114-f. Transfer of officers and employees. Any public officer or
16 employee under civil service, selected by the authority may, with the
17 consent of the commission, board, department or municipality by which he
18 or she has been employed, be transferred to the authority and shall be
19 eligible for such transfer and appointment without examination to compa-
20 rable offices, positions and employment under the authority. The salary
21 or compensation of any such officer or employee shall after such trans-
22 fer be paid by the authority, but notwithstanding the provisions of this
23 title, any such officers or employees so transferred to the authority,
24 pursuant to the provisions of this section, who are members of or bene-
25 ficiaries under any existing pension or retirement system, shall contin-
26 ue to have all rights, privileges, obligations and status with respect
27 to such fund system or systems as are now prescribed by law, but during
28 the period of their employment by the authority, all contributions to
29 any pension or retirement fund or system to be paid by the employer on
30 account of such officers and employees, shall be paid by the authority;
31 and all such officers and employees who have been appointed to positions
32 under the rules and classifications of the civil service commission
33 shall have the same status with respect thereto after transfer to the
34 authority as they had under their original appointments. The appointment
35 and promotion of all employees of the authority shall be made in accord-
36 ance with the provisions of the civil service law and such rules as the
37 civil service commission may adopt and make applicable to the authority.

38 § 1114-g. Bonds of the authority. 1. The authority shall have the
39 power and is hereby authorized from time to time to issue bonds, in
40 conformity with applicable provisions of the uniform commercial code, in
41 such principal amounts as it may determine to be necessary to pay the
42 cost of any water project or projects or for any other corporate
43 purposes, including incidental expenses in connection therewith. The
44 authority shall have power from time to time to refund any bonds by the
45 issuance of new bonds whether the bonds to be refunded have or have not
46 matured, and may issue bonds partly to refund bonds then outstanding and
47 partly for any other corporate purpose. Bonds issued by the authority
48 may be general obligations secured by the faith and credit of the
49 authority or may be special obligations payable solely out of particular
50 revenues or other moneys of the authority as may be designated in the
51 proceedings of the authority under which the bonds shall be authorized
52 to be issued, subject to any agreements with the holders of outstanding
53 bonds pledging particular revenues or moneys.

54 2. The authority is authorized to obtain from any department or agency
55 of the United States of America or nongovernmental insurer any insurance
56 or guaranty, or any other credit enhancement arrangement with any bank

1 or other financial institution to the extent now or hereafter available,
2 as to, or for the payment or repayment of interest or principal, or
3 both, or any part thereof, on any bonds issued by the authority and to
4 enter into any agreement or contract with respect to any such insurance
5 or guaranty, except to the extent that the same would in any way impair
6 or interfere with the ability of the authority to perform and fulfill
7 the terms of any agreement made with the holders of the bonds of the
8 authority.

9 3. Bonds shall be authorized by resolution of the authority, and may
10 be in such denominations and bear such date or dates and mature at such
11 time or times as such resolution may provide except that bonds and any
12 renewal thereof shall mature within forty years of the date of their
13 original issuance and notes and any renewal thereof shall mature within
14 five years of the date of their original issuance. Such bonds shall be
15 subject to such terms of redemption, bear interest at such rate or
16 rates, which may vary from time to time, as may be necessary to effect
17 the sale thereof and shall be payable at such times, be in such form,
18 carry such registration privileges, be executed in such manner, be paya-
19 ble in such medium of payment at such place or places, and be subject to
20 such terms and conditions as such resolution may provide. Bonds may be
21 sold at public sale or at private sale for such price or prices as the
22 authority shall determine, provided that no issue of bonds may be sold
23 at private sale unless the terms of such sale shall have been approved
24 in writing by:

25 (a) the comptroller, where such sale is not to the comptroller; or
26 (b) the director of the division of the budget of the state, where
27 such sale is to the comptroller.

28 4. Any resolution or resolutions authorizing bonds or any issue of
29 bonds by the authority may contain provisions which may be part of the
30 contract with the holders of the bonds thereby authorized as to:

31 (a) pledging all or part of its revenues, together with any other
32 moneys, securities, contracts or property, to secure the payment of the
33 bonds, subject to such agreements with bondholders as may then exist;

34 (b) the rates, rentals, fees and other charges to be fixed and
35 collected and the amounts to be raised in each year thereby, and the use
36 and disposition of the earnings and other revenues;

37 (c) the setting aside of reserves and the creation of sinking funds
38 and the regulation and disposition thereof;

39 (d) limitations on the purpose to which the proceeds from the sale of
40 bonds may be applied;

41 (e) limitations on the right of the authority to restrict and regulate
42 the use of any project or part thereof in connection with which bonds
43 are issued;

44 (f) limitations on the issuance of additional bonds, the terms upon
45 which additional bonds may be issued and the refunding of outstanding or
46 other bonds;

47 (g) the procedure, if any, by which the terms of any contract with
48 bondholders may be amended or abrogated, including the proportion of
49 bondholders which shall consent thereto and the manner in which such
50 consent may be given;

51 (h) the creation of special funds into which any revenues or other
52 moneys may be deposited;

53 (i) the terms and provisions of any trust, deed or indenture securing
54 the bonds under which the bonds may be issued;

55 (j) vesting in a trustee or trustees such properties, rights, powers
56 and duties in trust as the authority may determine, which may include

1 any or all of the rights, powers and duties of the trustee appointed by
2 the bondholders pursuant to section eleven hundred fourteen-h of this
3 title and limiting or abrogating the rights of the bondholders to
4 appoint a trustee under such section or limiting the rights, duties and
5 powers of such trustee;

6 (k) defining the acts or omissions to act which may constitute a
7 default in the obligations and duties of the authority to the bondhold-
8 ers and providing for the rights and remedies of the bondholders in the
9 event of such default, including as a matter of right the appointment of
10 a receiver, provided, however, that such rights and remedies shall not
11 be inconsistent with the general laws of the state and other provisions
12 of this title;

13 (l) limitations on the power of the authority to sell or otherwise
14 dispose of any system or any part thereof or other property;

15 (m) limitations on the amount of revenues and other moneys to be
16 expended for operating, administrative or other expenses of the authori-
17 ty;

18 (n) the protection and enforcement of the rights and remedies of the
19 bondholders;

20 (o) the obligations of the authority in relation to the construction,
21 maintenance, operation, repairs and insurance of the properties, the
22 safeguarding and application of all moneys and as to the requirements
23 for the supervision and approval of consulting engineers in connection
24 with construction, reconstruction and operation;

25 (p) the payment of the proceeds of bonds, revenues and other moneys to
26 a trustee or other depository, and for the method of disbursement there-
27 of with such safeguards and restrictions as the authority may determine;
28 and

29 (q) any other matters of like or different character which in any way
30 affect the security or protection of the bonds or the rights and reme-
31 di-ies of bondholders.

32 5. In addition to the powers conferred upon the authority in this
33 section to secure its bonds, the authority shall have power in
34 connection with the issuance of bonds to enter into such agreements as
35 the authority may deem necessary, consistent or desirable concerning the
36 use or disposition of its revenues or other moneys or property, includ-
37 ing remarketing agreements or other similar agreements for the bonds,
38 the mortgaging of any property and the entrusting, pledging or creation
39 of any other security interest in any such revenues, moneys, or property
40 and the doing of any act, including refraining from doing any act, which
41 the authority would have the right to do in the absence of such agree-
42 ments. The authority shall have power to enter into amendments of any
43 such agreements within the powers granted to the authority by this title
44 and to perform such agreements. The provisions of any such agreements
45 may be made a part of the contract with the holders of bonds of the
46 authority.

47 6. Any provision of the uniform commercial code to the contrary
48 notwithstanding, any pledge of or other security interest in revenues,
49 moneys, accounts, contract rights, general intangibles or other personal
50 property made or created by the authority shall be valid, binding and
51 perfected from the time when such pledge is made or other security
52 interest attaches without any physical delivery of the collateral or
53 further act, and the lien of any such pledge or other security interest
54 shall be valid, binding and perfected against all parties having claims
55 of any kind in tort, contract or otherwise against the authority irre-
56 spective of whether or not such parties have notice thereof. No instru-

1 ment by which such a pledge or security interest is created nor any
2 financing statement need be recorded or filed.

3 7. Whether or not the bonds of the authority are of such form and
4 character as to be negotiable instruments under the terms of the uniform
5 commercial code, the bonds are hereby made negotiable instruments within
6 the meaning of and for all purposes of the uniform commercial code,
7 subject only to the provisions of the bonds for registration.

8 8. Neither the members of the board of directors nor the officers of
9 the authority nor any person executing bonds shall be liable personally
10 thereon or be subject to any personal liability or accountability solely
11 by reason of the issuance thereof.

12 9. The authority, subject to such agreements with bondholders as then
13 may exist, shall have power out of any moneys available therefor to
14 purchase bonds of the authority in lieu of redemption, at a price not
15 exceeding:

16 (a) if the bonds are then redeemable, the redemption price then appli-
17 cable, plus accrued interest to the next interest payment date; or

18 (b) if the bonds are not then redeemable, the redemption price then
19 applicable on the first date after such purchase upon which the bonds
20 become subject to redemption plus accrued interest to the next interest
21 payment date.

22 10. The authority shall have power and is hereby authorized to issue
23 negotiable bond anticipation notes in conformity with applicable
24 provisions of the uniform commercial code and may renew the same from
25 time to time but the maximum maturity of any such note, including
26 renewals thereof, shall not exceed five years from the date of issue of
27 such original note. Such notes shall be paid from any moneys of the
28 authority available therefor and not otherwise pledged or from the
29 proceeds of sale of the bonds of the authority in anticipation of which
30 they were issued. The notes shall be issued in the same manner as the
31 bonds and such notes and the resolution or resolutions authorizing the
32 same may contain any provisions, conditions or limitations which the
33 bonds or bond resolution of the authority may contain. Such notes may be
34 sold at public sale or, upon the approval of the comptroller of the
35 terms thereof, at private sale. Such notes shall be as fully negotiable
36 as the bonds of the authority.

37 § 1114-h. Remedies of bondholders. 1. In the event that the authority
38 shall default in the payment of principal of or interest on any issue of
39 the bonds after the same shall become due, whether at maturity or upon
40 call for redemption, and such default shall continue for a period of
41 thirty days, or in the event that the authority shall fail or refuse to
42 comply with the provisions of this title, or shall default in any agree-
43 ment made with the holders of any issue of the bonds, the holders of
44 twenty-five per centum in aggregate principal amount of the bonds of
45 such issue then outstanding, by instrument or instruments filed in the
46 office of the clerk of the applicable county and proved or acknowledged
47 in the same manner as a deed to be recorded, may appoint a trustee to
48 represent the holders of such bonds for the purposes herein provided.

49 2. Such trustee may, and upon written request of the holders of twen-
50 ty-five per centum in principal amount of such bonds outstanding shall,
51 in his or her own name:

52 (a) by action or proceeding in accordance with the civil practice law
53 and rules, enforce all rights of the bondholders and require the author-
54 ity to carry out any other agreements with the holders of such bonds and
55 to perform its duties under this title;

56 (b) bring an action or proceeding upon such bonds;

1 (c) by action or proceeding, require the authority to account as if it
2 were the trustee of an express trust for the holders of such bonds;

3 (d) by action or proceeding, enjoin any acts or things which may be
4 unlawful or in violation of the rights of the holders of such bonds; and

5 (e) declare all such bonds due and payable, and if all defaults shall
6 be made good, then with the consent of the holders of twenty-five per
7 centum of the principal amount of such bonds then outstanding, annul
8 such declaration and its consequences.

9 3. Such trustee shall in addition to the foregoing have and possess
10 all of the powers necessary or appropriate for the exercise of any func-
11 tions specifically set forth herein or incidental to the general repre-
12 sentation of bondholders in the enforcement and protection of their
13 rights.

14 4. The state supreme court, county of Nassau and the state shall have
15 jurisdiction of any action or proceeding by the trustee on behalf of
16 such bondholders.

17 5. Before declaring the principal of bonds due and payable, the trust-
18 tee shall first give thirty days' notice in writing to the authority.

19 § 1114-i. State and municipalities not liable on authority bonds.
20 Neither the state nor any municipality shall be liable on the bonds of
21 the authority and such bonds shall not be a debt of the state or of any
22 municipality.

23 § 1114-j. Moneys of the authority. All moneys of the authority from
24 whatever source derived shall be paid to the treasurer and shall be
25 deposited forthwith in one or more banks and/or trust companies in the
26 state designated by the authority. The moneys in such accounts shall be
27 paid out on checks of the treasurer upon requisition by the chairperson
28 of the authority or of such other officer or officers as the authority
29 may authorize to make such requisitions. All deposits of such moneys
30 shall be secured by obligations of or guaranteed by the United States of
31 America or of the state of a market value equal at all times to the
32 amount on deposit and all banks and trust companies are authorized to
33 give such security for such deposits. Any moneys of the authority not
34 required for immediate use or disbursement may, at the discretion of the
35 authority, be invested in those obligations specified pursuant to the
36 provisions of section ninety-eight-a of the state finance law. The
37 authority shall have power, notwithstanding the provisions of this
38 section, to contract with the holders of any bonds as to the custody,
39 collection, security, investment and payment of any moneys of the
40 authority or any moneys held in trust or otherwise for the payment of
41 bonds or in any way to secure bonds. Moneys held in trust or otherwise
42 for the payment of bonds or in any way to secure bonds and deposits of
43 such moneys may be secured in the same manner as moneys of the authority
44 and all banks and trust companies are authorized to give such security
45 for such deposits.

46 § 1114-k. Bonds; legal investments for fiduciaries. The bonds of the
47 authority are hereby made securities in which all public officials and
48 bodies of the state and all municipalities, all insurance companies and
49 associations and other persons carrying on an insurance business, all
50 banks, bankers, trust companies, savings banks and savings associations,
51 including savings and loan associations, investment companies and other
52 persons carrying on a banking business, and administrators, guardians,
53 executors, trustees and other fiduciaries and all other persons whatso-
54 ever, who are now or may hereafter be authorized to invest in bonds or
55 other obligations of the state, may properly and legally invest funds
56 including capital in their control or belonging to them. The bonds are

1 also hereby made securities which may be deposited with and may be
2 received by all public officers and bodies of the state and all municipi-
3 palities for any purposes for which the deposit of bonds or other obli-
4 gations of the state is now or hereafter may be authorized.

5 § 1114-l. Agreement with the state. The state does hereby pledge to
6 and agree with the holders of any bonds issued by the authority pursuant
7 to this title that the state will not alter or limit the rights hereby
8 vested in the authority to fulfill the terms of any agreement made with
9 or for the benefit of the holders of bonds or in any way impair the
10 rights and remedies of bondholders until the bonds together with the
11 interest thereon, with interest on any unpaid installments of interest,
12 and all costs and expenses in connection with any action or proceeding
13 by or on behalf of such holders, are fully met and discharged. The
14 authority is authorized to include this pledge and agreement of the
15 state in any agreement with bondholders.

16 § 1114-m. Exemption from taxes, assessments and certain fees; payments
17 in lieu of taxes. 1. It is hereby determined that the creation of the
18 authority and the carrying out of its corporate purposes is in all
19 respects for the benefit of the people of the state and is a public
20 purpose, and the authority shall be regarded as performing a govern-
21 mental function in the exercise of the powers conferred upon it by this
22 title and shall not be required to pay any taxes, special ad valorem
23 levies or special assessments upon any real property owned by it or any
24 filing, recording or transfer fees or taxes in relation to instruments
25 filed, recorded or transferred by it or on its behalf.

26 2. The authority may pay, or may enter into agreements with any muni-
27 cipality to pay, a sum or sums annually or otherwise or to provide other
28 considerations to such municipality with respect to real property owned
29 by the authority located within such municipality and constituting a
30 part of its water system.

31 3. Any bonds issued pursuant to this title together with the income
32 therefrom shall be exempt from taxation except for transfer and estate
33 taxes. The revenues, moneys and all other property and all activities of
34 the authority shall be exempt from all taxes and governmental fees or
35 charges, whether imposed by the state or any municipality, including
36 without limitation real estate taxes, income taxes, franchise taxes,
37 sales taxes or other excise taxes.

38 4. The state hereby covenants with the purchasers and with all subse-
39 quent holders and transferees of bonds issued by the authority pursuant
40 to this title, in consideration of the acceptance of and payment for the
41 bonds, that the bonds of the authority issued pursuant to this title and
42 the income therefrom shall be exempt from such taxation, as stated in
43 subdivision three of this section, and that all revenues, moneys, and
44 other property pledged to secure the payment of such bonds shall at all
45 times be free from such taxes as stated in such subdivision.

46 5. Notwithstanding the provisions of subdivisions one, two, three and
47 four of this section, nothing herein shall prevent the state from
48 assessing a tax or surcharge against the water customers based on their
49 water consumption, provided, however, that all such taxes and surcharges
50 and the authority's obligation to collect and pay such taxes and
51 surcharges shall be subordinate to the rights of holders of all of the
52 authority's bonds and notes and to the payment of principal, premiums if
53 any, and interest thereon.

54 § 1114-n. Actions against the authority. 1. Except in an action for
55 wrongful death, no action or proceeding shall be prosecuted or main-
56 tained against the authority for personal injury or damage to real or

1 personal property alleged to have been sustained by reason of the negli-
2 gence or wrongful act of the authority or any member, officer, agent or
3 employee thereof, unless:

4 (a) a notice of claim shall have been made and served upon the author-
5 ity within the time limit by and in compliance with section fifty-e of
6 the general municipal law;

7 (b) it shall appear by and as an allegation in the complaint or moving
8 papers that at least thirty days have elapsed since the service of such
9 notice and that adjustment or payment thereof has been neglected or
10 refused;

11 (c) the action or proceeding shall be commenced within one year and
12 ninety days after the happening of the event upon which the claim is
13 based; and

14 (d) An action against the authority for wrongful death shall be
15 commenced in accordance with the notice of claim and time limitation
16 provisions of title eleven of article nine of this chapter.

17 2. Wherever a notice of claim is served upon the authority, it shall
18 have the right to demand an examination of the claimant relative to the
19 occurrence and extent of the injuries or damages for which claim is
20 made, in accordance with the provisions of section fifty-h of the gener-
21 al municipal law.

22 3. The authority may require any person presenting for settlement an
23 account or claim for any cause whatsoever against the authority to be
24 sworn before a member, counsel, or an attorney, officer or employee
25 thereof designated for such purpose, concerning such account or claim
26 and when so sworn, to answer orally as to any facts relative to such
27 account or claim. The authority shall have power to settle or adjust all
28 claims in favor of or against the authority.

29 4. The rate of interest to be paid by the authority or water board
30 upon any judgment for which it is liable, other than a judgment against
31 the authority on its bonds, shall not exceed the rate of interest on
32 judgments and accrued claims against municipal corporations as provided
33 in the general municipal law from time to time. Interest on payments of
34 principal or interest on any bonds in default shall accrue at the rate
35 borne by such bonds from the date thereof until paid or otherwise satis-
36 fied.

37 § 1114-o. Conflicts of interest of members of the board of directors
38 and officers and employees of the authority. No member of the board of
39 directors or officer or employee of the authority shall have any inter-
40 est in any contract, or take any action or otherwise involve himself or
41 herself in any activity which, pursuant to article eighteen of the
42 general municipal law, would be deemed a conflict of interest for a
43 municipal officer or employee holding a position with a municipality
44 similar to the position held by the member, officer or employee with the
45 authority.

46 § 1114-p. Construction and purchase contracts. The authority shall let
47 contracts for construction or purchase of supplies, materials, or equip-
48 ment pursuant to section one hundred three of the general municipal law.
49 Nothing in this section shall be construed to limit the power of the
50 authority to do any construction directly by the officers, agents and
51 employees of the authority or to contract with a public utility, for a
52 term not to exceed five years, for the operation and maintenance of a
53 water supply system acquired from said public utility.

54 § 1114-q. Separability clause. If any section, clause or provision in
55 this title shall be held by a competent court to be unconstitutional or
56 ineffective in whole or in part, to the extent that it is not unconsti-

1 tutional or ineffective, it shall be valid and effective, and no other
2 section, clause or provision shall on account thereof be deemed invalid
3 or ineffective.
4 § 1114-r. Effect of inconsistent provisions. Insofar as the provisions
5 of this title are inconsistent with the provisions of any other law,
6 general, special or local, or of any charter or any local ordinance or
7 resolution of any municipality, the provisions of this title shall be
8 controlling, provided that nothing contained in this title shall be held
9 to supplement or otherwise expand the powers or duties of the authority
10 otherwise set forth in this title. Nothing contained in this title shall
11 be held to alter or abridge the powers and duties of the department of
12 environmental conservation or the department of health.
13 § 1114-s. Acquisition by eminent domain. Notwithstanding any provision
14 of the eminent domain procedure law to the contrary, in any proceeding
15 brought by the authority pursuant to said law, title shall vest in the
16 authority and compensation shall be paid only:
17 1. upon a decision by the supreme court that compensation for the
18 property so condemned shall be determined solely by the income capital-
19 ization method of valuation, based on the actual net income as allowed
20 by the public service commission; and
21 2. upon such court's determination of the amount of such compensation,
22 based upon the income capitalization method, entry of the final judg-
23 ment, the filing of the final decree, and the conclusion of any appeal
24 or expiration of the time to file an appeal related to the condemnation
25 proceeding. Should any court determine that a method of compensation
26 other than the income capitalization method be utilized, or if the
27 proposed award is more than the rate base of the assets taken in condem-
28 nation as utilized by the public service commission in setting rates and
29 as certified by the public service commission, the authority may with-
30 draw the condemnation proceeding without prejudice or costs to any
31 party.
32 § 2. This act shall take effect on the ninetieth day after it shall
33 have become a law.

STATE OF NEW YORK

3594

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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

AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny

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

1 Section 1. Notwithstanding any other law to the contrary, Shawn Cove-
2 ny, an employee of the New York State Department of Corrections and
3 Community Supervision and a member of the New York state and local
4 employees' retirement system, who was employed as a New York state park
5 aide for Letchworth State Park as a seasonal employee in the summer of
6 2008, who for reasons not ascribable to his own negligence, failed to
7 become a member of such retirement system during such employment by
8 Letchworth State Park in 2008, shall be deemed to have joined the New
9 York state and local employees' retirement system on the date May 31,
10 2008 if, within one year of the effective date of this act, he shall
11 file a written request with the state comptroller.

12 § 2. No contributions made to the New York state and local employees'
13 retirement system by Shawn Coveny shall be returned or refunded to him
14 pursuant to this act.

15 § 3. All past service costs of implementing the provisions of this act
16 shall be borne by the state of New York.

17 § 4. This act shall take effect immediately.

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

This bill will change the date of membership for Shawn Coveny, a current Tier 6 member in the New York State and Local Employees' Retirement System employed by the New York State Department of Corrections and Community Supervision, to May 31, 2008, his first date of employment with Letchworth State Park. There will be no refund of member contributions.

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

LBD04186-02-1

If this bill is enacted during the 2021 legislative session, there will be an increase of approximately \$5,900 in the annual contributions of the State of New York for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Shawn Coveny change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$5,280 which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 11, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-39, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

6461--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 17, 2021

Introduced by M. of A. ABBATE, GRIFFIN -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law and the general municipal law, in relation to disability retirement benefits for the presumption of Parkinson's Disease for paid firefighters

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 363-ff to read as follows:

3 § 363-ff. Firefighter certain impairments of health; presumption.
4 Notwithstanding any other provisions of this chapter to the contrary,
5 any condition of impairment of health caused by Parkinson's Disease,
6 resulting in total or partial disability or death to a paid firefighter,
7 who successfully passed a physical examination on entry into firefighter
8 service, which examination failed to reveal any evidence of such condi-
9 tion, shall be presumptive evidence that, unless the contrary be proven
10 by competent evidence, such disability or death (a) was caused by the
11 natural and proximate result of an accident, not caused by such fire-
12 fighter's own willful negligence, and (b) was sustained in the perform-
13 ance and discharge of duty.

14 § 2. The general municipal law is amended by adding a new section
15 207-kkk to read as follows:

16 § 207-kkk. Disabilities of firefighters in certain cities caused by
17 Parkinson's Disease. Notwithstanding any other provisions of this chap-
18 ter to the contrary, any condition of impairment of health caused by
19 Parkinson's Disease resulting in total or partial disability or death to
20 a paid member of a fire department in a city with a population of one
21 million or more, or any retired member of such department who has been
22 retired for two or less years, who successfully passed a physical exam-

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

LBD06247-04-1

1 ination on entry into the service of such department, which examination
 2 failed to reveal any evidence of such condition, shall be presumptive
 3 evidence that it was incurred in the performance and discharge of duty
 4 unless the contrary be proved by competent evidence.

5 § 3. The board of trustees of the New York city fire department
 6 pension fund shall take appropriate administrative action to implement
 7 the intent of section two of this act.

8 § 4. This act shall take effect immediately.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to provide firefighters with a presumption that any disability or death resulting from impairments of health related to Parkinson's Disease are the result of an accident sustained in the performance of duty, unless the contrary can be proven by competent evidence.

Insofar as it will affect the New York State and Local Police and Fire Retirement System (PFRS), if this bill is enacted it would lead to more disabilities and deaths being classified as "accidental". The cost of the revised benefit will depend upon the applicant's age, service, salary, plan and benefit type otherwise payable.

Benefit without enactment:	None	Ordinary Disability	POD Disability	Service	Death
Cost for revised benefit:	9 times salary	5 times salary	2.5 times salary	2 times salary	11 times salary

However, we anticipate that few additional accidental disability retirements and death benefits will be granted, and thus, the resulting costs are expected to be negligible. All costs will be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 14, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-22, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY OF BILL: This proposed legislation as it relates to the New York City Fire Pension Fund (FIRE) would amend the General Municipal Law (GML) to add a new Section 207-kkk to provide a statutory presumption to

certain FIRE members and retirees who become physically incapacitated for performance of duty, or die, while so employed, or within 2 years of their respective date of retirement, due to Parkinson's Disease.

A qualifying FIRE member or retiree who dies or suffers from a disability due to Parkinson's Disease, absent evidence of such condition upon physical examination at hire, would be provided with a rebuttable presumption that such disability was incurred in the performance and discharge of duty. The presumption of causation could be rebutted by competent evidence to the contrary.

Effective Date: Upon enactment.

FINANCIAL IMPACT - OVERVIEW: There is no data available to estimate the number of members or eligible retirees who might develop and become disabled or die due to Parkinson's Disease, and potentially benefit from this proposed legislation. Therefore, the estimated financial impact has been calculated on a per event basis equal to the increase in the Present Value of Future Benefits (PVFB) for an average affected member who is diagnosed with Parkinson's Disease as the result of the enactment of the proposed legislation and who would benefit from the proposed legislation.

In determining the increase in the PVFB, it has been assumed that 100% of the members who would retire with Parkinson's Disease would retire under ordinary disability if the proposed legislation were not passed. Due to the progressive nature of Parkinson's Disease, the increase in PVFB does not include any cost for additional death benefits.

With respect to an individual member or eligible retiree, the additional cost of this proposed legislation varies greatly.

FINANCIAL IMPACT - PRESENT VALUES: Based on the census data and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the PVFB by an amount ranging from \$189,600 to \$1,391,200 if an eligible firefighter who could benefit from the proposed legislation develops Parkinson's Disease. The average increase in PVFB for a single eligible member who could benefit from the proposed legislation is approximately \$613,900.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: Enactment of this proposed legislation would increase employer contributions, where such amount would depend on the number of members affected as well as other characteristics including the age, years of service, and salary of each member.

As there is no data currently available to estimate the number of members who might be diagnosed with Parkinson's Disease, the financial impact would be recognized at the time of event. Consequently, changes in employer contributions have been estimated assuming that the increase in the PVFB will be financed over a time period used for actuarial losses in accordance with Section 13-638.2(k-2) of the ACCNY. Using this approach, the additional PVFB would be amortized over a closed 15-year period (14 payments under the One-Year Lag Methodology) using level dollar payments.

Based on the Actuary's actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contribution of FIRE, the enactment of this proposed legislation is estimated to increase annual employer contributions by an amount ranging from \$22,400 to \$164,600 if a qualifying member develops Parkinson's Disease. The average increase in annual employer contributions for a single member who could benefit from the proposed legislation is approximately \$72,600. With respect to the timing, increases in employer contributions would depend upon when

members begin to receive an accidental benefit due to Parkinson's Disease but, generally, increased employer contributions will first occur the second fiscal year following approval of the accident disability retirement.

CENSUS DATA: For purposes of this Fiscal Note, it was assumed that the census data had the same age, gender, and service characteristics as the census data used in the Preliminary June 30, 2019 (Lag) actuarial valuation of FIRE to determine the Preliminary Fiscal Year 2021 employer contribution. Active members' salaries and balances have been adjusted to reflect estimated salary increases from June 30, 2019 to June 30, 2020.

There are 11,244 active FIRE members as of June 30, 2019 who could potentially benefit from the proposed legislation. These active members had an average age of approximately 40.5 years, average service of approximately 13.8 years, and an average salary of approximately \$118,900.

There are 245 retired FIRE members who retired between July 1, 2017 and June 30, 2019 who were receiving a pension benefit, other than Accidental Disability or Accidental Death, as of June 30, 2019 and could potentially benefit from the proposed legislation. These retired members had an average age of approximately 56.5 years and an average pension benefit of approximately \$108,400.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contribution of FIRE.

The Actuary is proposing a set of changes for use in the June 30, 2019 (Lag) actuarial valuations of NYCERS to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted it is estimated that it would produce increases in the Present Value of Employer Contributions and annual employer contributions that are approximately 2% larger than the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of FIRE and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs to implement the proposed legislation.

- * The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have

been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-12 dated March 25, 2021 was prepared by the Chief Actuary for the New York City Fire Pension Fund. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

5544

2021-2022 Regular Sessions

IN SENATE

March 10, 2021

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

AN ACT to authorize Jaime Laczko to elect to participate in the optional twenty-five year retirement plan for forest rangers in the service of the department of environmental conservation

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

1 Section 1. Notwithstanding any other provision of law, Jaime Laczko, a
2 member of the New York state and local police and fire retirement
3 system, who is employed by the department of environmental conservation
4 as a full-time forest ranger I, who upon commencing such employment
5 became a member of such retirement system subject to the provisions of
6 section 375-h of the retirement and social security law, who was eligi-
7 ble, at such time, to elect to join the New York state and local police
8 and fire retirement system subject to the optional twenty-five year
9 retirement plan for forest rangers in the service of the department of
10 environmental conservation pursuant to section 383-c of the retirement
11 and social security law, and who, for reasons not ascribable to his own
12 negligence, failed to elect to participate in such twenty-five year
13 retirement plan, shall be deemed to have elected to participate in the
14 retirement plan, established by section 383-c of the retirement and
15 social security law, upon commencement of his employment as a forest
16 ranger I, if, within 1 year of the effective date of this act, he shall
17 file an application therefor with the state comptroller.

18 § 2. All past costs associated with implementing the provisions of
19 this act shall be borne by the state of New York. Jaime Laczko shall
20 bear no costs associated with the implementation of the provisions of
21 this act.

22 § 3. This act shall take effect immediately.

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

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

LBD09229-02-1

This bill will deem Jaime Laczko, a forest ranger currently covered under an age 55 retirement plan, to have elected to participate in the 25 year retirement plan established by Section 383-c of the Retirement and Social Security Law.

If this bill is enacted during the 2021 legislative session and Jaime Laczko becomes covered under the provisions of Section 383-c, we anticipate that there will be an increase of approximately \$6,700 in the annual contributions of the State of New York for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Jaime Laczko change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$41,100 which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 3, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-89, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

7167

2021-2022 Regular Sessions

IN SENATE

June 4, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the retirement and social security law, in relation to providing a heart disease presumption for certain fire marshals in Nassau county

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 63-g to read as follows:

3 § 63-g. Disability benefits; certain disabilities. Notwithstanding any
4 provision of this chapter or of any general, special or local law to the
5 contrary, any member who is a fire marshal, supervising fire marshal,
6 division supervising fire marshal, assistant chief fire marshal, chief
7 fire marshal or fire marshal trainee employed by Nassau county who
8 contracts any condition of impairment of health caused by diseases of
9 the heart, resulting in disability or death to such fire marshal, super-
10 vising fire marshal, division supervising fire marshal, assistant chief
11 fire marshal, chief fire marshal or fire marshal trainee, presently
12 employed, and who shall have sustained such disability while so
13 employed, shall be presumptive evidence that such disability was
14 incurred in the performance and discharge of duty and the natural and
15 proximate result of an accident, unless the contrary be proved by compe-
16 tent evidence; provided, however, that prior to entry into service, such
17 fire marshal, supervising fire marshal, division supervising fire
18 marshal, assistant chief fire marshal, chief fire marshal or fire
19 marshal trainee successfully passed a physical examination which failed
20 to disclose evidence of any disease or other impairment of the heart.

21 § 2. The retirement and social security law is amended by adding a new
22 section 605-f to read as follows:

23 § 605-f. Disability benefits; certain disabilities. Notwithstanding
24 any provision of this chapter or of any general, special or local law to

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

LBD11784-01-1

1 the contrary, any member who is a fire marshal, supervising fire
 2 marshal, division supervising fire marshal, assistant chief fire
 3 marshal, chief fire marshal or fire marshal trainee employed by Nassau
 4 county who contracts any condition of impairment of health caused by
 5 diseases of the heart, resulting in disability or death to such fire
 6 marshal, supervising fire marshal, division supervising fire marshal,
 7 assistant chief fire marshal, chief fire marshal or fire marshal train-
 8 ee, presently employed, and who shall have sustained such disability
 9 while so employed, shall be presumptive evidence that such disability
 10 was incurred in the performance and discharge of duty and the natural
 11 and proximate result of an accident, unless the contrary be proved by
 12 competent evidence; provided, however, that prior to entry into service,
 13 such fire marshal, supervising fire marshal, division supervising fire
 14 marshal, assistant chief fire marshal, chief fire marshal or fire
 15 marshal trainee successfully passed a physical examination which failed
 16 to disclose evidence of any disease or other impairment of the heart.

17 § 3. All past service costs associated with implementing the
 18 provisions of this act shall be borne by the county of Nassau and may be
 19 amortized over a period of ten years.

20 § 4. This act shall take effect immediately.

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

This bill would allow certain members of the New York State and Local Employees' Retirement System (ERS) employed by Nassau County as chief fire marshal, assistant chief fire marshal, division supervising fire marshal, supervising fire marshal, fire marshal and fire marshal trainee to receive an accidental disability benefit if the member is impaired due to a condition of the heart as a result of an accident, in the performance of his or her duties, unless the contrary be proven by competent evidence. The annual benefit would be 3/4 of final average salary less worker's compensation.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$5,200 in the annual contributions of Nassau County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$21,400 which will be borne by Nassau County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Nassau County elects to amortize this cost over a 10 year period, the cost for the first year including interest would be \$2,830.

These estimated costs are based on 50 affected members employed by Nassau County, with annual salary of approximately \$5.2 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 3, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-153, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

1780--C
Cal. No. 458

2021-2022 Regular Sessions

IN SENATE

January 15, 2021

Introduced by Sens. SKOUFIS, GOUNARDES, MAY, REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- reported favorably from said committee to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law, in relation to providing for electronic notarization

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

- 1 Section 1. The executive law is amended by adding a new section 137-a
2 to read as follows:
3 § 137-a. Electronic notarization. 1. Definitions. (a) "Communication
4 technology" means an electronic device or process that: (i) allows a
5 notary public and a remotely located individual to communicate with each
6 other simultaneously by sight and sound; and (ii) when necessary and
7 consistent with other applicable law, facilitates communication with a
8 remotely located individual who has a vision, hearing, or speech impair-
9 ment.
10 (b) "Electronic" shall have the same meaning as set forth in subdivi-
11 sion one of section three hundred two of the state technology law.
12 (c) "Electronic document" means information that is created, gener-
13 ated, sent, communicated, received or stored by electronic means.
14 (d) "Electronic notarial act" means an official act by a notary
15 public, physically present in the state of New York, on or involving an

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

LBD03271-11-1

1 electronic document and using means authorized by the secretary of
2 state.

3 (e) "Electronic notary public" or "electronic notary" means a notary
4 public who has registered with the secretary of state the capability of
5 performing electronic notarial acts.

6 (f) "Electronic signature" shall have the same meaning as set forth in
7 subdivision three of section three hundred two of the state technology
8 law.

9 2. Identifying document signers. (a) The methods for identifying
10 document signers for an electronic notarization shall be the same as the
11 methods required for a paper-based notarization; provided, however, an
12 electronic notarization conducted utilizing communication technology
13 shall meet the standards which have been approved through regulation by
14 the secretary of state as acceptable. Such regulations shall include,
15 but not be limited to:

16 (i) that the signal transmission shall be secure from interception
17 through lawful means by anyone other than the persons communicating;

18 (ii) that the signal transmission shall be live, in real time; and

19 (iii) that the technology shall permit the notary to communicate with
20 and identify the remotely located individual at the time of the notarial
21 act.

22 (b) If video and audio conference technology has been used to ascer-
23 tain a document signer's identity, the electronic notary shall keep a
24 copy of the recording of the video and audio conference and a notation
25 of the type of any other identification used. The recording shall be
26 maintained for a period of at least ten years from the date of trans-
27 action.

28 3. Registration requirements. (a) Before performing any electronic
29 notarial act or acts, a notary public shall register the capability to
30 notarize electronically with the secretary of state in a form prescribed
31 by the secretary of state.

32 (b) In registering the capability to perform electronic notarial acts,
33 the notary public shall provide the following information to the secre-
34 tary of state, notary processing unit:

35 (i) the applicant's name as currently commissioned and complete mail-
36 ing address;

37 (ii) the expiration date of the notary public's commission and signa-
38 ture of the commissioned notary public;

39 (iii) the applicant's e-mail address;

40 (iv) the description of the electronic technology or technologies to
41 be used in attaching the notary public's electronic signature to the
42 electronic document; and

43 (v) an exemplar of the notary public's electronic signature, which
44 shall contain the notary public's name and any necessary instructions or
45 techniques that allow the notary public's electronic signature to be
46 read.

47 4. Types of electronic notarial acts. (a) Any notarial act authorized
48 by section one hundred thirty-five of this article may be performed
49 electronically as prescribed by this section if: (i) under applicable
50 law that document may be signed with an electronic signature; and (ii)
51 the electronic notary public is located within the state of New York at
52 the time of the performance of an electronic notarial act using communi-
53 cation technology, regardless of the location of the document signer.

54 (b) An electronic notarial act performed using communication technolo-
55 gy pursuant to this section satisfies any requirement of law of this
56 state that a document signer personally appear before, be in the pres-

1 ence of, or be in a single time and place with a notary public at the
2 time of the performance of the notarial act.

3 5. Form and manner of performing the electronic notarial act. (a) When
4 performing an electronic notarial act, a notary public shall apply an
5 electronic signature, which shall be attached to the electronic document
6 such that removal or alteration of such electronic signature is detect-
7 able and will render evidence of alteration of the document containing
8 the notary signature which may invalidate the electronic notarial act.

9 (b) The notary public's electronic signature is deemed to be reliable
10 if the standards which have been approved through regulation by the
11 secretary of state have been met. Such regulations shall include, but
12 not be limited to, the requirements that such electronic signature be:

13 (i) unique to the notary public;
14 (ii) capable of independent verification;
15 (iii) retained under the notary public's sole control;
16 (iv) attached to the electronic document; and
17 (v) linked to the date in such a manner that any subsequent alter-
18 ations to the underlying document are detectable and may invalidate the
19 electronic notarial act.

20 (c) The notary public's electronic signature shall be used only for
21 the purpose of performing electronic notarial acts.

22 (d) The remote online notarial certificate for an electronic notarial
23 act shall state that the person making the acknowledgement or making the
24 oath appeared remotely online.

25 (e) The secretary shall adopt rules necessary to establish standards,
26 procedures, practices, forms, and records relating to a notary public's
27 electronic signature. The notary public's electronic signature shall
28 conform to any standards adopted by the secretary.

29 6. Recording of an electronic record. (a) If otherwise required by
30 law as a condition for recording that a document be an original docu-
31 ment, printed on paper or another tangible medium, or be in writing, the
32 requirement is satisfied by paper copy of an electronic record that
33 complies with the requirements of this section.

34 (b) If otherwise required by law as a condition for recording, that a
35 document be signed, the requirement may be satisfied by an electronic
36 signature.

37 (c) A requirement that a document or a signature associated with a
38 document be notarized, acknowledged, verified, witnessed, or made under
39 oath is satisfied if the electronic signature of the person authorized
40 to perform that act, and all other information required to be included,
41 is attached to or logically associated with the document or signature. A
42 physical or electronic image of a stamp, impression, or seal need not
43 accompany an electronic signature if the notary has attached an elec-
44 tronic notarial certificate that meets the requirements of this section.

45 7. Change of e-mail address. Within five days after the change of an
46 electronic notary public's e-mail address, the notary public shall elec-
47 tronically transmit to the secretary of state a notice of the change,
48 signed with the notary public's official electronic signature.

49 8. No notary public or business employing the services of a notary
50 public operating in the state of New York shall exclusively require
51 notarial transactions to utilize electronic notarization.

52 § 2. Section 136 of the executive law is amended by adding a new
53 subdivision 3 to read as follows:

54 3. For electronic notarial services, established in section one
55 hundred thirty-seven-a of this chapter, a fee set through regulation by
56 the secretary of state.

1 § 3. This act shall take effect on the one hundred eightieth day after
2 it shall have become a law. Effective immediately, the addition, amend-
3 ment and/or repeal of any rule or regulation necessary for the implemen-
4 tation of this act on its effective date are authorized to be made on or
5 before such effective date.

STATE OF NEW YORK

7209

2021-2022 Regular Sessions

IN SENATE

June 7, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT granting a retroactive retirement date of August 5, 2010 from the New York state and local police and fire retirement system for Cariol Horne

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 Cariol Horne, who is a member of the New York state and local police and
3 fire retirement system, and was employed by the city of Buffalo police
4 department as a police officer, shall be deemed eligible for a service
5 retirement benefit effective August 5, 2010. Due to no fault of her own,
6 Ms. Horne was ineligible to file for her service retirement benefit with
7 the New York state and local police and fire retirement system on August
8 5, 2010, based on her wrongful termination from the city of Buffalo
9 police department. At the time of her termination she was ineligible to
10 qualify for a service retirement benefit because she did not have twenty
11 qualifying years of service credit necessary to retire under her special
12 retirement plan established pursuant to section 384-d of the retirement
13 and social security law. On April 13, 2021, a grave injustice was
14 corrected when Cariol Horne's termination was vacated and she was subse-
15 quently reinstated to the Buffalo police department for the period of
16 July 26, 2008 through August 4, 2010, which provided her with the neces-
17 sary twenty years of qualifying service credit required under her
18 special plan. Within one year from the effective date of this act,
19 Cariol Horne may file with the New York state and local police retire-
20 ment system an application for service retirement benefits with an
21 effective date of retirement of August 5, 2010. Once such application is
22 received, any rights or benefits payable to Ms. Horne shall be retroac-
23 tive to the effective date of her retirement. Upon receipt of such
24 request, the New York state and local police and fire retirement system,

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

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1 shall pay Cariol Horne the retirement benefits she otherwise would have
2 received if she had retired on August 5, 2010, without interest.

3 § 2. All past service costs associated with implementing this act
4 shall be borne by the city of Buffalo.

5 § 3. This act shall take effect immediately.

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

This bill would provide police officer Cariol Horne a service retirement benefit commencing August 5, 2010. Currently, Officer Horne is entitled to a service retirement benefit commencing April 9, 2019.

If this bill is enacted during the 2021 legislative session, there will be an immediate past service cost of approximately \$300,000 which will be borne by the City of Buffalo as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 7, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-150, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

4404

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

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

AN ACT to authorize the county of Columbia to offer an optional twenty year retirement plan to Theodore Blank, a deputy sheriff employed by such county

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 Theodore Blank, a member of the optional twenty-five year retirement
3 plan for certain sheriffs, undersheriffs, deputy sheriffs and correction
4 officers pursuant to section 89-p of the retirement and social security
5 law, who was employed as Columbia county sheriff in 2014, and who
6 through no fault of his own, failed to file a timely application to
7 participate in the special twenty year retirement plan contained in
8 section 553 of the retirement and social security law resulting in the
9 crediting of his service with the county of Columbia in the retirement
10 plan contained in section 89-p of such law, shall be given full credit
11 in the section 553 twenty year retirement plan for such service upon the
12 election of the county of Columbia to assume the additional cost of such
13 service and his election to participate in such plan. The county of
14 Columbia may so elect within one year of the effective date of this act,
15 by filing with the state comptroller a resolution of its local legisla-
16 tive body together with certification that such member did not bar
17 himself from participation in such retirement plan as a result of his
18 own negligence.

19 § 2. Such deputy sheriff may elect to be covered by the provisions of
20 section 553 of the retirement and social security law and shall be enti-
21 tled to the full rights and benefits associated with coverage under such
22 section by filing a request to that effect with the state comptroller
23 within eighteen months of the effective date of this act.

24 § 3. All employer past service costs associated with the implementa-
25 tion of this act shall be borne by Columbia county, and may be amortized
26 over a period of five years.

27 § 4. This act shall take effect immediately.

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

LBD03543-02-1

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

This bill would allow Theodore Blank, a current member of the New York State and Local Employees' Retirement System employed as a deputy sheriff by Columbia County and covered under the 25 year retirement plan of section 89-p of the Retirement and Social Security Law (RSSL), to elect to be covered under the 20 year plan of section 553 of the RSSL. Upon such election, all of his service currently creditable under 89-p will become creditable under 553. This includes service that he earned in a title other than deputy sheriff, which is not currently allowed under the provisions of Article 14-B.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$9,300 in the annual contributions of Columbia County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Theodore Blank change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$98,800 which will be borne by Columbia County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If Columbia County elects to amortize this cost over a 5-year period, the cost for the first year including interest would be \$22,400.

Internal Revenue Service (IRS) plan qualification issues: granting service credit towards retirement in the 20 year plan of section 553 of the RSSL for employment that was not rendered as a deputy sheriff could jeopardize the Retirement System's governmental plan status and its exemption from ERISA. This could result in the loss of qualified status, which would mean the loss of tax benefits and would substantially impair the System's value to our more than one million participants.

Prior to the enactment of this legislation, we recommend that a favorable ruling be obtained from the IRS stating that these provisions would not harm the qualification status of the System. It is estimated that the costs to obtain such a ruling would be \$28,000 for the services of the IRS, and \$800 per hour for legal consultants.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 December 21, 2020, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-4, prepared by the Actuary for the New York State and Local Retirement System.

STATE OF NEW YORK

7920

2021-2022 Regular Sessions

IN ASSEMBLY

May 28, 2021

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

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Zielinski

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

1 Section 1. Notwithstanding any other provision of the law to the
2 contrary, Brian Zielinski, an employee of the New York state department
3 of environmental conservation and a member of the New York state and
4 local employees' retirement system, who was employed as a temporary food
5 service worker with the New York state department of environmental
6 conservation from June 11, 2005 until August 20, 2005, who for reasons
7 not ascribable to his own negligence, failed to become a member of such
8 retirement system during such employment with the department of environ-
9 mental conservation in 2005, shall be deemed to have joined the New York
10 state and local employees' retirement system on the date June 11, 2005
11 and shall be granted Tier IV status in such retirement system, if, with-
12 in one year of the effective date of this act, he shall file a written
13 request with the state comptroller.

14 § 2. No contributions made to the New York state and local employees'
15 retirement system by Brian Zielinski shall be returned or refunded to
16 him pursuant to this act.

17 § 3. All past service costs of implementing the provision of this act
18 shall be borne by the state of New York.

19 § 4. This act shall take effect immediately.

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

This bill would allow Tier 4 status in the New York State and Local Employees' Retirement System to be granted to Brian Zielinski, a current Tier 5 member employed by the New York State Department of Environmental Conservation, by changing his date of membership to June 11, 2005. There will be no refund of member contributions.

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

LBD10563-02-1

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$2,400 in the annual contributions of the State of New York for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Brian Zielinski change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$40,200 which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 April 2, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-115, prepared by the Actuary for the New York State and Local Retirement System.

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SECTION II

Vetoed Legislation Affecting the
New York State and Local Retirement System

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STATE OF NEW YORK

4392

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

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

AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for deputy sheriffs

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

1 Section 1. Paragraph 3 of subdivision e of section 556 of the retire-
2 ment and social security law, as added by chapter 165 of the laws of
3 1995, is amended to read as follows:

4 3. A pension of two-thirds of his or her final average salary;
5 provided, however, a deputy sheriff shall receive a pension of three-
6 quarters of his or her final average salary if such deputy sheriff is
7 employed by an employer that has elected to provide such benefit to
8 deputy sheriffs. The payment of such pension shall be subject to the
9 provisions of section [~~three hundred~~] sixty-four of this chapter.

10 § 2. This act shall take effect immediately.

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

This bill would allow employers to elect to provide improved accidental disability pensions to deputy sheriffs who are covered by the provisions of Article 14-B of the Retirement and Social Security Law. The benefit for an accidental disability would be three-quarters of final average salary minus worker's compensation. The current benefit is two-thirds of final average salary minus worker's compensation.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase in the annual contributions of electing counties of 0.3% of the compensation of their deputy sheriffs for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately 0.9% of the compensation

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

LBD08520-02-1

of such deputy sheriffs which will be borne by the electing county as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 February 3, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-71, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 70

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 4392, entitled:

"AN ACT to amend the retirement and social security law, in relation to accidental disability retirement for deputy sheriffs"

NOT APPROVED

This bill would amend the Retirement and Social Security law to allow local public employers to elect to change the accidental disability pensions for deputy sheriffs to 75% of final average salary minus workers' compensation. Currently, the accidental disability pension for deputy sheriffs is 2/3 of final average salary minus workers' compensation.

I am proud of the significant benefits New York State law provides to local government employees. These benefits ensure that our hardworking employees, including deputy sheriffs, have financial protections if they become disabled. Some local governments negotiate additional benefits through the collective bargaining process. This bill circumvents the collective bargaining process and pressures local governments to take on unfunded costs. Collective bargaining is the best way for public employ-

ees to negotiate increased benefits, and the local collective bargaining process ensures that a local government only takes on the costs of providing benefits to employees that it can afford.

For these reasons, I am constrained to veto this bill.

This bill is disapproved.

(signed) KATHY HOCHUL

STATE OF NEW YORK

4523

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sens. GOUNARDES, BROOKS -- 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, in relation to establishing a twenty year retirement plan for members or officers of law enforcement

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 383-e to read as follows:
3 § 383-e. Retirement of officers of state law enforcement; twenty year
4 retirement plan. a. Membership. Every non-seasonally appointed sworn
5 member or officer of the division of law enforcement in the department
6 of environmental conservation, a forest ranger in the service of the
7 department of environmental conservation, which shall mean a person who
8 serves on a full-time basis in the title of forest ranger I, forest
9 ranger II, forest ranger III, assistant superintendent of forest fire
10 control, superintendent of forest fire control or any successor titles
11 or new titles in the forest ranger title series in the department of
12 environmental conservation, a police officer in the department of envi-
13 ronmental conservation, the regional state park police, and university
14 police officers who enter or re-enter service in any such title shall be
15 covered by the provisions of this section, and every member described in
16 this subdivision in such service on or before one year prior to the
17 effective date of this section may elect to be covered by the provisions
18 of this section by filing an election therefor with the comptroller. To
19 be effective, such election must be duly executed and acknowledged on a
20 form prepared by the comptroller for that purpose.
21 b. Retirement allowance. A member, covered by the provisions of this
22 section at the time of retirement, shall be entitled to retire upon
23 completion of twenty years of total creditable service in such titles,

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

LBD04278-03-1

1 and shall retire upon the attainment of the mandatory retirement age
2 prescribed by this section, by filing an application therefor in a
3 manner similar to that provided in section three hundred seventy of this
4 article.

5 1. Upon completion of twenty years of such service and upon retire-
6 ment, each such member shall receive a pension which, together with an
7 annuity for such years of service as provided in paragraph four of this
8 subdivision, shall be sufficient to provide him with a retirement allow-
9 ance of one-half of his final average salary.

10 2. Upon completion of more than twenty years of such service and upon
11 retirement, each such member shall receive, for each year of service in
12 excess of twenty, an additional pension which, together with an annuity
13 for each such year as provided in paragraph four of this subdivision,
14 shall be equal to one-sixtieth of his final average salary, provided,
15 however, that the pension payable pursuant to this section shall not
16 exceed three-quarters of final average salary.

17 3. Upon attainment of the mandatory retirement age without completion
18 of twenty years of such service, each such member shall receive a
19 pension which, together with an annuity for such years of service as
20 provided in paragraph four of this subdivision, shall be equal to one-
21 fortieth of his final average salary for each year of creditable service
22 in such titles. Every such member shall also be entitled to an addi-
23 tional pension equal to the pension for any creditable service rendered
24 while not an employee in such titles as provided under paragraphs three
25 and four of subdivision a of section three hundred seventy-five of this
26 article. This latter pension shall not increase the total allowance to
27 more than one-half of his final average salary.

28 4. The annuity provided under paragraphs one, two and three of this
29 subdivision shall be the actuarial equivalent, at the time of retire-
30 ment, of the member's accumulated contributions based upon the rate of
31 contribution fixed under section three hundred eighty-three of this
32 title and upon the salaries earned while in such service. Such annuity
33 shall be computed as it would be if it were not reduced by the actuarial
34 equivalent of any outstanding loan nor by reason of the member's
35 election to decrease his contributions toward retirement in order to
36 apply the resulting amount toward payment of contributions for old age
37 and survivor's insurance. Any accumulated contributions in excess of the
38 amount required to provide the annuity computed pursuant to this para-
39 graph shall be used to increase the member's retirement allowance.

40 c. Credit for previous service. In computing the years of total cred-
41 itable service for each member described herein, full credit shall be
42 given and full allowance shall be made for service rendered as a police
43 officer or state university peace officer or member of a police force or
44 department of a state park authority or commission or an organized
45 police force or department of a county, city, town, village, police
46 district, authority or other participating employer or member of the
47 capital police force in the office of general services while a member of
48 the New York state and local police and fire retirement system, of the
49 New York state and local employees' retirement system or of the New York
50 city police pension fund and for all service for which full credit has
51 been given and full allowance made pursuant to the provisions of section
52 three hundred seventy-five-h of this article provided, however, that
53 full credit pursuant to the provisions of such section shall mean only
54 such service as would be creditable service pursuant to the provisions
55 of section three hundred eighty-three, three hundred eighty-three-a,
56 three hundred eighty-three-b, as added by chapter six hundred seventy-

1 four of the laws of nineteen hundred eighty-six, three hundred eighty-
 2 three-b, as added by chapter six hundred seventy-seven of the laws of
 3 nineteen hundred eighty-six, three hundred eighty-three-c or three
 4 hundred eighty-three-d of this title or pursuant to the provisions of
 5 title thirteen of the administrative code of the city of New York for
 6 any member contributing pursuant to this section who transferred to the
 7 jurisdiction of the department of environmental conservation including
 8 but not limited to environmental conservation officers and forest
 9 rangers, regional state park police or state university of New York
 10 peace officers.

11 d. Retirement for cause. Upon receipt of a certificate from the head
 12 of the entity where such member is employed or his or her designee, a
 13 member as described in subdivision a of this section, who has accrued
 14 twenty-five or more years of service credit under this section shall be
 15 retired on the first day of the second month next succeeding the date
 16 such certificate was filed with the comptroller.

17 e. Credit for military service. In computing the years of total cred-
 18 itable service full credit shall be given and full allowance shall be
 19 made for service of such member in war after world war I as defined in
 20 section three hundred two of this article, provided such member at the
 21 time of his or her entrance into the armed forces was in police service
 22 as defined in subdivision eleven of section three hundred two of this
 23 article.

24 f. Transfer of membership to employees' retirement system. Any member
 25 currently enrolled pursuant to this section and who previously trans-
 26 ferred service credit from the New York state and local employees'
 27 retirement system to the New York state and local police and fire
 28 retirement system, may elect to transfer such previously transferred
 29 service credit back to the New York state and local employees' retire-
 30 ment system, and such member shall have the option to retroactively
 31 transfer his or her membership into such employees' retirement system.

32 g. The provisions of this section shall be controlling, notwithstand-
 33 ing any provision of this article to the contrary.

34 § 2. All past service costs associated with implementing the
 35 provisions of this act shall be borne by the state of New York and may
 36 be amortized over a period of ten years.

37 § 3. This act shall take effect on the sixtieth day after it shall
 38 have become a law.

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

This bill would allow any non-seasonally appointed sworn member or officer of the division of law enforcement, a police officer, or forest ranger in the department of environmental conservation; a regional state park police officer; or a university police officer to become covered by the provisions of a special 20-year retirement plan, which will provide a benefit of one-half of final average salary upon retirement, and an additional benefit of one-sixtieth of final average salary for each year of creditable service in excess of 20 years, not to exceed 12 such years.

If this bill is enacted during the 2021 legislative session, we anticipate that there will be an increase of approximately \$4.7 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2022.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$48.2 million which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2022.

If the State of New York elects to amortize this cost over a 10 year period, the cost for the first year including interest would be \$6.36 million.

These estimated costs are based on 1,217 affected officers, with annual salary of approximately \$101 million as of March 31, 2020.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 27, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-53, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 77

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 4523, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 4859, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs"

Senate Bill Number 6976, entitled:

"AN ACT to amend the retirement and social security law, in relation to modifying the retirement program for Triborough bridge and tunnel members"

NOT APPROVED

These bills change the retirement plans of a set of State employees at Department of Environmental Conservation (DEC), State University of New York (SUNY), New York State Parks, Recreation and Historic Preservation (Parks), and Division of Military and Naval Affairs (DMNA), and a set of Metropolitan Transportation Authority (MTA) employees working for the Triborough Bridge and Tunnel Authority (TBTA). These pension enhancement bills would impose substantial costs to the State and the MTA without any offsetting savings.

All of the workers covered under these bills provide significant service to New Yorkers, and I am proud that the retirement benefits provided to them under State law are significant and generous. However, any change in the retirement benefits like the ones in these bills should first be negotiated through the collective bargaining process before legislation is introduced. I believe the collective bargaining process is the best way for employers and employees to reach agreements on work and pension benefits.

I am also aware that for certain groups of State employees covered by these bills, there is a growing concern about the current level of retirement benefits and its impact on the agencies' ability to recruit and retain the best officers. For that reason, I want to bring all impacted parties together next year to discuss how to best improve recruitment and retention. New York State must have the best and the brightest, and I want to explore all options to meet our high standards for our workforce going forward.

Furthermore, I also understand that the MTA and its impacted unions are engaged in productive talks regarding restructuring the retirement plans in the bill referenced here, along with additional related collective bargaining issues. Therefore, I am encouraging the MTA and its unions to continue to work towards an agreement on retirement benefits that can then be introduced in legislation.

Because of the unfunded costs to the State and MTA for issues that are best suited to the collective bargaining process, I am constrained to veto these bills.

These bills are disapproved.

(signed) KATHY HOCHUL

STATE OF NEW YORK

4859

2021-2022 Regular Sessions

IN SENATE

February 16, 2021

Introduced by Sen. SKOUFIS -- 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, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 89-x to read as follows:

3 § 89-x. Twenty-five year retirement plan for firefighters employed by
4 the division of military and naval affairs firefighters. a. A member who
5 serves as an airport firefighter apprentice, airport firefighter I,
6 airport firefighter II, airport firefighter III, or training and safety
7 officer and is employed by the division of military and naval affairs
8 shall be eligible to retire pursuant to the provisions of this section.
9 Such eligibility shall be an alternative to the eligibility provisions
10 available under any other plan of this article to which such member is
11 subject.

12 b. Such member shall be entitled to retire upon the completion of
13 twenty-five years of total creditable service by filing an application
14 therefor in the manner provided for in section seventy of this article.

15 c. Upon completion of twenty-five years of such service and upon
16 retirement, each such member shall receive a pension which, together
17 with an annuity which shall be the actuarial equivalent of his or her
18 accumulated contributions at the time of his or her retirement and an
19 additional pension which is the actuarial equivalent of the reserved-
20 for-increased-take-home-pay to which he or she may then be entitled
21 shall be sufficient to provide him or her with a retirement allowance
22 equal to one-half of his or her final average salary.

23 d. As used in this section, "creditable service" shall include any and
24 all services performed as a firefighter apprentice, airport firefighter

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

LBD05861-02-1

1 I, airport firefighter II, airport firefighter III, or training and
2 safety officer employed by the division of military and naval affairs.

3 e. Credit for service as a paid firefighter or officer of any organ-
4 ized fire department shall also be deemed to be creditable service and
5 shall be included in computing years of total service for retirement
6 pursuant to this section.

7 f. A member contributing on the basis of this section at the time of
8 retirement, may retire after the completion of twenty-five years of
9 total creditable service. Application therefor may be filed in a manner
10 similar to that provided in section seventy of this article. Upon
11 completion of twenty-five years of such service and upon retirement,
12 each such member shall receive a pension which, together with an annuity
13 which shall be the actuarial equivalent of his or her accumulated
14 contributions at the time of his or her retirement and an additional
15 pension which is the actuarial equivalent of the reserved-for-in-
16 creased-take-home-pay to which he or she may then be entitled shall be
17 sufficient to provide him or her with a retirement allowance equal to
18 one-half of his or her final average salary; for service beyond twenty-
19 five years and for non-firefighter service the benefit is increased by
20 one-sixtieth of final average salary for each year of additional service
21 credit.

22 g. In computing the twenty-five years of total service of a member
23 pursuant to this section full credit shall be given and full allowance
24 shall be made for service of such member in time of war after World War
25 I as defined in section two of this chapter, provided such member at the
26 time of his or her entrance into the armed forces was in the service of
27 the state.

28 h. Nothing in this section shall be construed to prevent a member, who
29 does not retire pursuant to the provisions of this section, from utiliz-
30 ing service which is creditable service pursuant to the provisions of
31 this section for service credit pursuant to the provisions of any other
32 plan of this article to which such member is subject.

33 i. The provisions of this section shall be controlling notwithstanding
34 any other provision in this article to the contrary.

35 j. Any member who, on or before the effective date of this section, is
36 a firefighter apprentice, airport firefighter I, airport firefighter II,
37 airport firefighter III, or training and safety officer employed by the
38 division of military and naval affairs may, by filing an election within
39 one year after the effective date of this section, elect to be subject
40 to the provisions of this section. Such election shall be in writing,
41 shall be duly executed and filed with the comptroller and shall be irre-
42 vocable.

43 § 2. Subdivision a of section 445 of the retirement and social securi-
44 ty law, as amended by chapter 476 of the laws of 2018, is amended to
45 read as follows:

46 a. No member of a retirement system who is subject to the provisions
47 of this article shall retire without regard to age, exclusive of retire-
48 ment for disability, unless he or she is a police officer, an investi-
49 gator member of the New York city employees' retirement system, fire-
50 fighter, correction officer, a qualifying member as defined in section
51 eighty-nine-t, as added by chapter six hundred fifty-seven of the laws
52 of nineteen hundred ninety-eight, of this chapter, sanitation worker, a
53 special officer (including persons employed by the city of New York in
54 the title urban park ranger or associate urban park ranger), school
55 safety agent, campus peace officer or a taxi and limousine commission
56 inspector member of the New York city employees' retirement system or

1 the New York city board of education retirement system, a dispatcher
2 member of the New York city employees' retirement system, a police
3 communications member of the New York city employees' retirement system,
4 an EMT member of the New York city employees' retirement system, a depu-
5 ty sheriff member of the New York city employees' retirement system, a
6 correction officer of the Westchester county correction department as
7 defined in section eighty-nine-e of this chapter or employed in Suffolk
8 county as a peace officer, as defined in section eighty-nine-s, as added
9 by chapter five hundred eighty-eight of the laws of nineteen hundred
10 ninety-seven, of this chapter, employed in Suffolk county as a
11 correction officer, as defined in section eighty-nine-f of this chapter,
12 or employed in Nassau county as a correction officer, uniformed
13 correction division personnel, sheriff, undersheriff or deputy sheriff,
14 as defined in section eighty-nine-g of this chapter, or employed in
15 Nassau county as an ambulance medical technician, an ambulance medical
16 technician/supervisor or a member who performs ambulance medical techni-
17 cian related services, as defined in section eighty-nine-s, as amended
18 by chapter five hundred seventy-eight of the laws of nineteen hundred
19 ninety-eight, of this chapter, or employed in Nassau county as a peace
20 officer, as defined in section eighty-nine-s, as added by chapter five
21 hundred ninety-five of the laws of nineteen hundred ninety-seven, of
22 this chapter, or employed in Albany county as a sheriff, undersheriff,
23 deputy sheriff, correction officer or identification officer, as defined
24 in section eighty-nine-h of this chapter or is employed in St. Lawrence
25 county as a sheriff, undersheriff, deputy sheriff or correction officer,
26 as defined in section eighty-nine-i of this chapter or is employed in
27 Orleans county as a sheriff, undersheriff, deputy sheriff or correction
28 officer, as defined in section eighty-nine-l of this chapter or is
29 employed in Jefferson county as a sheriff, undersheriff, deputy sheriff
30 or correction officer, as defined in section eighty-nine-j of this chap-
31 ter or is employed in Onondaga county as a deputy sheriff-jail division
32 competitively appointed or as a correction officer, as defined in
33 section eighty-nine-k of this chapter or is employed in a county which
34 makes an election under subdivision j of section eighty-nine-p of this
35 chapter as a sheriff, undersheriff, deputy sheriff or correction officer
36 as defined in such section eighty-nine-p or is employed in Broome County
37 as a sheriff, undersheriff, deputy sheriff or correction officer, as
38 defined in section eighty-nine-m of this chapter or is a Monroe county
39 deputy sheriff-court security, or deputy sheriff-jailor as defined in
40 section eighty-nine-n, as added by chapter five hundred ninety-seven of
41 the laws of nineteen hundred ninety-one, of this chapter or is employed
42 in Greene county as a sheriff, undersheriff, deputy sheriff or
43 correction officer, as defined in section eighty-nine-o of this chapter
44 or is a traffic officer with the town of Elmira as defined in section
45 eighty-nine-q of this chapter or is employed by Suffolk county as a park
46 police officer, as defined in section eighty-nine-r of this chapter or
47 is a peace officer employed by a county probation department as defined
48 in section eighty-nine-t, as added by chapter six hundred three of the
49 laws of nineteen hundred ninety-eight, of this chapter or is employed in
50 Rockland county as a deputy sheriff-civil as defined in section eighty-
51 nine-v of this chapter as added by chapter four hundred forty-one of the
52 laws of two thousand one, or is employed in Rockland county as a superi-
53 or correction officer as defined in section eighty-nine-v of this chap-
54 ter as added by chapter five hundred fifty-six of the laws of two thou-
55 sand one or is a paramedic employed by the police department in the town
56 of Tonawanda and retires under the provisions of section eighty-nine-v

1 of this chapter, as added by chapter four hundred seventy-two of the
2 laws of two thousand one, or is a county fire marshal, supervising fire
3 marshal, fire marshal, assistant fire marshal, assistant chief fire
4 marshal or chief fire marshal employed by the county of Nassau as
5 defined in section eighty-nine-w of this chapter, or is a firefighter
6 apprentice, airport firefighter I, airport firefighter II, airport fire-
7 fighter III, or training and safety officer employed by the division of
8 military and naval affairs as defined in section eighty-nine-x of this
9 chapter and is in a plan which permits immediate retirement upon
10 completion of a specified period of service without regard to age.
11 Except as provided in subdivision c of section four hundred forty-five-a
12 of this article, subdivision c of section four hundred forty-five-b of
13 this article, subdivision c of section four hundred forty-five-c of this
14 article, subdivision c of section four hundred forty-five-d of this
15 article, subdivision c of section four hundred forty-five-e of this
16 article, subdivision c of section four hundred forty-five-f of this
17 article and subdivision c of section four hundred forty-five-h of this
18 article, a member in such a plan and such an occupation, other than a
19 police officer or investigator member of the New York city employees'
20 retirement system or a firefighter, shall not be permitted to retire
21 prior to the completion of twenty-five years of credited service;
22 provided, however, if such a member in such an occupation is in a plan
23 which permits retirement upon completion of twenty years of service
24 regardless of age, he or she may retire upon completion of twenty years
25 of credited service and prior to the completion of twenty-five years of
26 service, but in such event the benefit provided from funds other than
27 those based on such a member's own contributions shall not exceed two
28 per centum of final average salary per each year of credited service.

29 § 3. Section 603 of the retirement and social security law is amended
30 by adding a new subdivision u to read as follows:

31 u. The service retirement benefit specified in section six hundred
32 four of this article shall be payable to members with twenty-five years
33 of creditable service, without regard to age, who are employed by the
34 division of military and naval affairs as a firefighter apprentice,
35 airport firefighter I, airport firefighter II, airport firefighter III,
36 or training and safety officer as defined in section eighty-nine-x of
37 this chapter if: (i) such members have met the minimum service require-
38 ments upon retirement; and (ii) in the case of a member subject to the
39 provisions of article fourteen of this chapter, such member files an
40 election therefor which provides that he or she will be subject to the
41 provisions of this article and to none of the provisions of such article
42 fourteen. Such election, which shall be irrevocable, shall be in writ-
43 ing, duly executed and shall be filed with the comptroller within one
44 year of the effective date of this subdivision or within one year after
45 entering the employment with the division of military and naval affairs
46 upon which eligibility is based, whichever comes later. For the purposes
47 of this subdivision, the term "creditable service" shall have the mean-
48 ing as so defined in both sections eighty-nine-x and six hundred one of
49 this chapter.

50 § 4. Section 604 of the retirement and social security law is amended
51 by adding a new subdivision u to read as follows:

52 u. The early service retirement benefit for a member who is employed
53 in the division of military and naval affairs as a firefighter appren-
54 tice, airport firefighter I, airport firefighter II, airport firefighter
55 III, or training and safety officer employed as defined in section
56 eighty-nine-x of this chapter shall be a pension equal to one-fiftieth

1 of final average salary times years of credited service at the
2 completion of twenty-five years of service as such division of military
3 and naval affairs firefighter apprentice, airport firefighter I, airport
4 firefighter II, airport firefighter III, or training and safety officer,
5 but not exceeding one-half of his or her final average salary.
6

§ 5. This act shall take effect January 1, 2022.

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

This bill will allow airport firefighters employed by the division of military and naval affairs to retire to become covered by the provisions of a special 25 year retirement plan, which will provide a benefit of one-half of final average salary upon retirement for all tiers and an additional benefit of one-sixtieth of final average salary for each year of service, including non-firefighter service in excess of 25 years for tiers 1 and 2 only.

If this bill is enacted during the 2020 legislative session there will be an increase of approximately \$240,000 in the annual contributions of the State of New York for the fiscal year ending March 31, 2021. In future years, this cost will vary as the billing rates and salaries of the affected firefighters change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$2.13 million which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2021.

This estimate is based on 65 airport firefighters employed by the division of military and naval affairs with an annual salary of approximately \$4.9 million for the fiscal year ending March 31, 2020.

Summary of relevant resources:

The identities of the members who are affected by this legislation are not obtainable from our database. Job title code data provided by the Civil Service Employees Association was relied upon to identify affected members.

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 February 9, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-46, prepared by the Actuary for the New York State and Local Retirement System.

VETO MESSAGE - No. 78

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 4523, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 4859, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs"

Senate Bill Number 6976, entitled:

"AN ACT to amend the retirement and social security law, in relation to modifying the retirement program for Triborough bridge and tunnel members"

NOT APPROVED

These bills change the retirement plans of a set of State employees at Department of Environmental Conservation (DEC), State University of New York (SUNY), New York State Parks, Recreation and Historic Preservation (Parks), and Division of Military and Naval Affairs (DMNA), and a set of Metropolitan Transportation Authority (MTA) employees working for the Triborough Bridge and Tunnel Authority (TBTA). These pension enhancement bills would impose substantial costs to the State and the MTA without any offsetting savings.

All of the workers covered under these bills provide significant service to New Yorkers, and I am proud that the retirement benefits provided to them under State law are significant and generous. However, any change in the retirement benefits like the ones in these bills should first be negotiated through the collective bargaining process before legislation is introduced. I believe the collective bargaining process is the best way for employers and employees to reach agreements on work and pension benefits.

I am also aware that for certain groups of State employees covered by these bills, there is a growing concern about the current level of retirement benefits and its impact on the agencies' ability to recruit and retain the best officers. For that reason, I want to bring all impacted parties together next year to discuss how to best improve recruitment and retention. New York State must have the best and the brightest, and I want to explore all options to meet our high standards for our workforce going forward.

Furthermore, I also understand that the MTA and its impacted unions are engaged in productive talks regarding restructuring the

retirement plans in the bill referenced here, along with additional related collective bargaining issues. Therefore, I am encouraging the MTA and its unions to continue to work towards an agreement on retirement benefits that can then be introduced in legislation.

Because of the unfunded costs to the State and MTA for issues that are best suited to the collective bargaining process, I am constrained to veto these bills.

These bills are disapproved.

(signed) KATHY HOCHUL

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SECTION III

Legislation Affecting Other
New York Public Retirement Systems

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STATE OF NEW YORK

7181

2021-2022 Regular Sessions

IN ASSEMBLY

April 27, 2021

Introduced by M. of A. CONRAD -- (at request of the New York State Teachers' Retirement System) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the education law, in relation to authorizing the New York state teachers' retirement system to accept alternate methods of postal mail for submittal of forms and applications

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

1 Section 1. Subdivision 19 of section 508 of the education law, as
2 amended by chapter 248 of the laws of 2003, is amended to read as
3 follows:

4 19. Whenever a statute requires that a document must be filed or
5 moneys deposited with the system within a prescribed period of time or
6 by a specified date in order for a member to be eligible for service
7 credit or a benefit from the system the document shall be deemed filed
8 or the moneys deposited with the system on the [~~day they are~~] **date**
9 mailed **if mailed to the system either** through **(1)** the United States
10 postal service [~~provided the mailing is~~] by registered or certified mail
11 or **(2)** such other equivalent **postal mail** service [~~provided by the United~~
12 ~~States postal service~~] as the retirement board may specifically permit
13 by rule or regulation **with a tracking service confirming a date of mail-**
14 **ing.** Notwithstanding the provisions hereof, no such document shall be
15 deemed filed or moneys deposited with the system on the [~~day of~~] mailing
16 **date** unless actually received by the retirement system as [~~a~~] **the** result
17 of such mailing.

18 § 2. This act shall take effect on the ninetieth day after it shall
19 have become a law; provided, however, that effective immediately, the
20 New York state teachers' retirement system is hereby authorized to
21 promulgate any rule or regulation necessary for the implementation of
22 this act on its effective date.

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

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

LBD11038-01-1

This bill would amend Section 508 of the Education Law to authorize the New York State Teachers' Retirement System to accept methods of postal mail other than those provided by the United States Postal Service for submittal of forms and applications provided such method has a tracking service confirming the date of such mailing.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-3 dated October 15, 2020 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

STATE OF NEW YORK

5728--A

2021-2022 Regular Sessions

IN SENATE

March 17, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to the tax-deferred annuity program of the New York city teachers' retirement system

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

1 Section 1. Paragraph 2 of subdivision g of section 13-582 of the
2 administrative code of the city of New York, as added by chapter 677 of
3 the laws of 2003, is amended to read as follows:

4 2. Notwithstanding any other provision of this chapter, any rules or
5 regulations adopted by the retirement board, or any other provisions of
6 law to the contrary, the beneficiary of a deceased participant in the
7 tax-deferred annuity program who had not, prior to his or her death,
8 selected an option governing the manner in which his or her tax-deferred
9 account would be payable to his or her beneficiary, may, subject to
10 paragraphs three, four, and five of this subdivision, elect, at such
11 time and in such manner as determined by the retirement board, to defer
12 the distribution to him or her from the participant's tax-deferred
13 account to the extent permitted by, and in a manner consistent with, the
14 provisions of section 403(b) of the Internal Revenue Code and the regu-
15 lations promulgated pursuant to such section. Provided, however, the
16 beneficiary of a deceased participant who dies on or after July first,
17 two thousand twenty-one shall not be allowed to establish a tax-deferred
18 account as provided in this subdivision.

19 § 2. This act shall take effect immediately.
FISCAL NOTE.--Pursuant to Legislative Law, Section 50:
SUMMARY OF BILL: This proposed legislation (see Appendix), would amend

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

LBD10516-02-1

Section 13-582 of the Administrative Code of the City of New York (ACCNYS), to end allowing for beneficiaries of deceased participants in the Tax-Deferred Annuity (TDA) Program of the New York City Teachers' Retirement System (TRS), who die on or after July 1, 2021, to create their own TDA account. Authorization for TDA beneficiaries to create accounts was originally enacted pursuant to Chapter 677 of the Laws of 2003.

Effective Date: Upon enactment.

IMPACT ON BENEFITS: Currently, upon the death of a TRS member who participated in the TRS TDA Program and had a TDA account balance, a beneficiary is permitted, under certain circumstances, to defer the distribution of such TDA account balances.

The proposed legislation would require beneficiaries to either roll over or take a full distribution of the TDA account balance, unless payment by way of an annuitization of the balance is permitted and elected.

FINANCIAL IMPACT- SUMMARY: The enactment of this proposed legislation is expected to have minimal to no impact on employer contributions. TDA beneficiaries are only entitled to invest in the variable funds and administrative costs are paid for by participants. Therefore, the enactment of this proposed legislation would not be expected to have any material impact on the assets or liabilities of TRS.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of TRS, and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The potential increase in annuitization of TDA account balances.
- * The initial, additional administrative costs to implement the proposed legislation.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-17 dated April 2, 2021 was prepared by the Chief Actuary for the New York City Teachers' Retirement System. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

6512

2021-2022 Regular Sessions

IN SENATE

May 4, 2021

Introduced by Sen. GOUNARDES -- (at request of the New York State Teachers' Retirement System) -- 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, in relation to the maximum amount certain members of the New York state teachers' retirement system may borrow against retirement contributions and to making technical corrections thereto

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

1 Section 1. Subdivision a of section 517-b of the retirement and social
2 security law, as added by chapter 919 of the laws of 1990, is amended to
3 read as follows:

4 a. 1. A member of a teachers' retirement system in active service who
5 has credit for at least one year of member service may borrow, no more
6 than once during each twelve-month period, an amount not exceeding
7 seventy-five percent of the total contributions made pursuant to section
8 five hundred seventeen of this article (including interest credited at
9 the rate set forth in subdivision c of section five hundred seventeen
10 compounded annually) and not less than one thousand dollars.

11 2. A member of the New York state teachers' retirement system who
12 first joins such system on or after July first, two thousand twenty-two
13 in active service and who has credit for at least one year of member
14 service may borrow, no more than once during each twelve-month period,
15 an amount, not less than one thousand dollars and which would not cause
16 the balance owed pursuant to this section, including any amounts
17 borrowed then outstanding to exceed (i) fifty percent of the member's
18 total contributions made pursuant to section five hundred seventeen of
19 this article (including interest credited at the rate set forth in
20 subdivision c of this section compounded annually); or (ii) fifty thou-
21 sand dollars, whichever is less.

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

LBD10603-01-1

1 § 2. Subdivision a of section 613-a of the retirement and social secu-
 2 rity law, as added by chapter 919 of the laws of 1990, is amended to
 3 read as follows:

4 a. 1. A member of a teachers' retirement system in active service who
 5 has credit for at least one year of member service may borrow, no more
 6 than once during each twelve-month period, an amount not exceeding
 7 seventy-five percent of the total contributions made pursuant to section
 8 six hundred thirteen of this article (including interest credited at the
 9 rate set forth in subdivision c of section six hundred thirteen
 10 compounded annually) and not less than one thousand dollars.

11 2. A member of the New York state teachers' retirement system who
 12 first joins such system on or after July first, two thousand twenty-two
 13 in active service and who has credit for at least one year of member
 14 service may borrow, no more than once during each twelve-month period,
 15 an amount, not less than one thousand dollars and which would not cause
 16 the balance owed pursuant to this section, including any amounts
 17 borrowed then outstanding, to exceed (i) fifty percent of the member's
 18 total contributions made pursuant to section six hundred thirteen of
 19 this article (including interest credited at the rate set forth in
 20 subdivision c of this section compounded annually); or (ii) fifty thou-
 21 sand dollars, whichever is less.

22 § 3. Paragraph 2 of subdivision b of section 613-b of the retirement
 23 and social security law, as added by chapter 303 of the laws of 2017, is
 24 amended to read as follows:

25 2. A member of the New York state and local employees' retirement
 26 system who first joins such system on or after January first, two thou-
 27 sand eighteen in active service who has credit for at least one year of
 28 member service may borrow, no more than once during each twelve month
 29 period, an amount, not less than one thousand dollars and which would
 30 not cause the balance owed pursuant to this section, including any
 31 amounts borrowed then outstanding, to exceed (i) fifty percent of the
 32 member's total contributions made pursuant to section [~~five~~] six hundred
 33 [~~seventeen~~] thirteen of this [~~chapter~~] article (including interest cred-
 34 ited at the rate set forth in subdivision c of such section [~~five~~] six
 35 hundred [~~seventeen~~] thirteen compounded annually); or (ii) fifty thou-
 36 sand dollars, whichever is less.

37 § 4. Paragraph 2 of subdivision a of section 1207 of the retirement
 38 and social security law, as added by chapter 303 of the laws of 2017, is
 39 amended to read as follows:

40 2. A member who first joins such system on or after January first, two
 41 thousand eighteen in active service who has credit for at least one year
 42 of member service may borrow, no more than once during each twelve month
 43 period, an amount, not less than one thousand dollars and which would
 44 not cause the balance owed pursuant to this section, including any
 45 amounts borrowed then outstanding, to exceed (i) fifty percent of the
 46 member's total contributions made pursuant to section [~~five~~] twelve
 47 hundred [~~seventeen~~] four of this [~~chapter~~] article (including interest
 48 credited at the rate set forth in subdivision c of [~~such~~] this section
 49 [~~five hundred seventeen~~] compounded annually); or (ii) fifty thousand
 50 dollars, whichever is less.

51 § 5. This act shall take effect immediately; provided, however, that
 52 sections three and four of this act shall be deemed to have been in full
 53 force and effect on and after September 12, 2017.

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

This bill would amend Section 517-b and Section 613-a of the Retirement and Social Security Law to limit the amount of a loan that can be

taken by members of the New York State Teachers' Retirement System who first join such system on or after July 1, 2022. The loan amount, including the balances of any outstanding loans, may not exceed fifty percent of the members' total contributions made including interest or fifty thousand dollars, whichever is less. Members who joined prior to July 1, 2022 will continue to have the current limit of seventy-five percent of their total member contributions plus interest. Additionally, a member must have one year of service to be eligible to take a loan, the loan amount may not be less than one thousand dollars and such member may borrow no more than once in a twelve-month period.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted, and in fact this bill would reduce the likelihood of members hired on or after July 1, 2022 from defaulting on large loan balances at retirement, thereby helping to protect the main purpose of the retirement fund - to provide monthly pensions.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-2 dated October 14, 2020 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

STATE OF NEW YORK

6618

2021-2022 Regular Sessions

IN SENATE

May 10, 2021

Introduced by Sen. GOUNARDES -- (at request of the New York State Teachers' Retirement System) -- 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, in relation to the death benefit provided in the third year following retirement for certain members of the New York state teachers' retirement system

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

1 Section 1. The closing paragraph of paragraph 2 of subdivision a of
2 section 448 of the retirement and social security law, as amended by
3 chapter 513 of the laws of 2010, is amended to read as follows:
4 In the case of a member of the New York state teachers' retirement
5 system, commencing upon attainment of age sixty-one, the benefit other-
6 wise provided pursuant to this paragraph shall be reduced while the
7 member is in service to ninety-six per centum of the benefit otherwise
8 payable and each year thereafter the benefit payable shall be reduced by
9 an amount equal to four per centum per year of the original benefit
10 otherwise payable, but not below sixty per centum of the original bene-
11 fit otherwise payable. In the case of a member of the New York city
12 employees' retirement system, the New York city board of education
13 retirement system or the New York city teachers' retirement system,
14 commencing upon attainment of age sixty-one, the benefit otherwise
15 provided pursuant to this paragraph shall be reduced while the member is
16 in service to ninety-five per centum of the benefit otherwise payable
17 and each year thereafter the benefit payable shall be reduced by an
18 amount equal to five per centum per year of the original benefit other-
19 wise payable, but not below fifty per centum of the original benefit
20 otherwise payable. In the case of any member of the New York state and
21 local employees' retirement system who is permitted to retire without
22 regard to age or a member of the New York state and local police and
23 fire retirement system, commencing upon attainment of age sixty-one, the

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

LBD11039-01-1

1 benefit otherwise provided pursuant to this paragraph shall be reduced
2 while the member is in service to ninety-seven per centum of the benefit
3 otherwise payable, and each year thereafter the benefit payable shall be
4 reduced by an amount equal to three per centum per year of the original
5 benefit otherwise payable, but not below seventy per centum of the
6 original benefit otherwise payable. In the case of any other member of
7 the New York state and local employees' retirement system, commencing
8 upon attainment of age sixty-one, the benefit otherwise provided pursu-
9 ant to this paragraph shall be reduced while the member is in service to
10 ninety-six per centum of the benefit otherwise payable, and each year
11 thereafter the benefit payable shall be reduced by an amount equal to
12 four per centum per year of the original benefit otherwise payable, but
13 not below sixty per centum of the original benefit otherwise payable.
14 Upon retirement from any retirement system, the benefit in force shall
15 be reduced by fifty per centum; upon completion of the first year of
16 retirement, the benefit in force at the time of retirement shall be
17 reduced by an additional twenty-five per centum, and upon commencement
18 of the third year of retirement, the benefit shall be ten per centum of
19 the benefit in force at age sixty, if any, or at the time of retirement
20 if retirement preceded such age; provided, however, the benefit in
21 retirement shall not be reduced below ten per centum of the benefit in
22 force at age sixty, if any, or at the time of retirement if retirement
23 preceded such age. Notwithstanding any other provision of this paragraph
24 to the contrary, the benefit for a retiree from the New York state and
25 local employees' retirement system **and the New York state teachers'**
26 **retirement system** shall not be reduced below ten per centum of the bene-
27 fit in force at the time of retirement.

28 § 2. The closing paragraph of paragraph 2 of subdivision a of section
29 508 of the retirement and social security law, as amended by chapter 513
30 of the laws of 2010, is amended to read as follows:

31 Notwithstanding any other provision of this paragraph, in the case of
32 a member of the New York state teachers' retirement system, commencing
33 upon attainment of age sixty-one, the benefit otherwise provided pursu-
34 ant to this paragraph shall be reduced while the member is in service to
35 ninety-six per centum of the benefit otherwise payable, and each year
36 thereafter the benefit payable shall be reduced by an amount equal to
37 four per centum per year of the original benefit otherwise payable, but
38 not below sixty per centum of the original benefit otherwise payable. In
39 the case of a member of the New York city employees' retirement system,
40 the New York city board of education retirement system or the New York
41 city teachers' retirement system, commencing upon attainment of age
42 sixty-one, the benefit otherwise provided pursuant to this paragraph
43 shall be reduced while the member is in service to ninety-five per
44 centum of the benefit otherwise payable and each year thereafter the
45 benefit payable shall be reduced by an amount equal to five per centum
46 per year of the original benefit otherwise payable, but not below fifty
47 per centum of the original benefit otherwise payable. In the case of any
48 member of the New York state and local employees' retirement system who
49 is permitted to retire without regard to age, commencing upon attainment
50 of age sixty-one, the benefit otherwise provided pursuant to this para-
51 graph shall be reduced while the member is in service to ninety-seven
52 per centum of the benefit otherwise payable, and each year thereafter
53 the benefit payable shall be reduced by an amount equal to three per
54 centum per year of the original benefit otherwise payable, but not below
55 seventy per centum of the original benefit otherwise payable. In the
56 case of any other member of the New York state and local employees'

1 retirement system, commencing upon attainment of age sixty-one, the
2 benefit otherwise provided pursuant to this paragraph shall be reduced
3 while the member is in service to ninety-six per centum of the benefit
4 otherwise payable, and each year thereafter the benefit payable shall be
5 reduced by an amount equal to four per centum per year of the original
6 benefit otherwise payable, but not below sixty per centum of the
7 original benefit otherwise payable. Upon retirement from any retirement
8 system, the benefit in force shall be reduced by fifty per centum; upon
9 completion of the first year of retirement, the benefit in force at the
10 time of retirement shall be reduced by an additional twenty-five per
11 centum, and upon commencement of the third year of retirement, the bene-
12 fit shall be ten per centum of the benefit in force at age sixty, if
13 any, or at the time of retirement if retirement preceded such age;
14 provided, however, the benefit in retirement shall not be reduced below
15 ten per centum of the benefit in force at age sixty, if any, or at the
16 time of retirement if retirement preceded such age. Notwithstanding any
17 other provision of this paragraph to the contrary, the benefit for a
18 retiree from the New York state and local employees' retirement system
19 and the New York state teachers' retirement system shall not be reduced
20 below ten per centum of the benefit in force at the time of retirement.

21 § 3. The closing paragraph of paragraph 2 of subdivision a of section
22 606 of the retirement and social security law, as amended by chapter 513
23 of the laws of 2010, is amended to read as follows:

24 In the case of a member of the New York state teachers' retirement
25 system, commencing upon attainment of age sixty-one, the benefit other-
26 wise provided pursuant to this paragraph shall be reduced while the
27 member is in service to ninety-six per centum of the benefit otherwise
28 payable, and each year thereafter the benefit payable shall be reduced
29 by an amount equal to four per centum per year of the original benefit
30 otherwise payable, but not below sixty per centum of the original bene-
31 fit otherwise payable. In the case of a member of the New York city
32 employees' retirement system, the New York city board of education
33 retirement system or the New York city teachers' retirement system,
34 commencing upon attainment of age sixty-one, the benefit otherwise
35 provided pursuant to this paragraph shall be reduced while the member is
36 in service to ninety-five per centum of the benefit otherwise payable
37 and each year thereafter the benefit payable shall be reduced by an
38 amount equal to five per centum per year of the original benefit other-
39 wise payable, but not below fifty per centum of the original benefit
40 otherwise payable. In the case of any member of the New York state and
41 local employees' retirement system who is permitted to retire without
42 regard to age, commencing upon attainment of age sixty-one, the benefit
43 otherwise provided pursuant to this paragraph shall be reduced while the
44 member is in service to ninety-seven per centum of the benefit otherwise
45 payable, and each year thereafter the benefit payable shall be reduced
46 by an amount equal to three per centum per year of the original benefit
47 otherwise payable, but not below seventy per centum of the original
48 benefit otherwise payable. In the case of any other member of the New
49 York state and local employees' retirement system, commencing upon
50 attainment of age sixty-one, the benefit otherwise provided pursuant to
51 this paragraph shall be reduced while the member is in service to nine-
52 ty-six per centum of the benefit otherwise payable, and each year there-
53 after the benefit payable shall be reduced by an amount equal to four
54 per centum per year of the original benefit otherwise payable, but not
55 below sixty per centum of the original benefit otherwise payable. Upon
56 retirement, from any retirement system, the benefit in force shall be

1 reduced by fifty per centum; upon completion of the first year of
 2 retirement, the benefit in force at the time of retirement shall be
 3 reduced by an additional twenty-five per centum, and upon commencement
 4 of the third year of retirement, the benefit shall be ten per centum of
 5 the benefit in force at age sixty, if any, or at the time of retirement
 6 if retirement preceded such age; provided, however, the benefit in
 7 retirement shall not be reduced below ten per centum of the benefit in
 8 force at age sixty, if any, or at the time of retirement if retirement
 9 preceded such age. Notwithstanding any other provision of this paragraph
 10 to the contrary, the benefit for a retiree from the New York state and
 11 local employees' retirement system **and the New York state teachers'**
 12 **retirement system** shall not be reduced below ten per centum of the bene-
 13 fit in force at the time of retirement.

14 § 4. This act shall take effect immediately.

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

This bill would amend Sections 448, 508, and 606 of the Retirement and Social Security Law to extend the paragraph 2 post-retired death benefit coverage to the third and ensuing years of retirement for eligible members of the New York State Teachers' Retirement System whose death benefit would otherwise be zero by virtue of being hired at an age greater than 59. Currently, only eligible members who were hired on or before age 59 are entitled to this death benefit coverage in the third and ensuing years of retirement. This bill would take effect immediately and be applicable to deaths on or after the effective date of the act.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-5 dated October 19, 2020 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

STATE OF NEW YORK

7958

2021-2022 Regular Sessions

IN ASSEMBLY

June 3, 2021

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

AN ACT to amend the administrative code of the city of New York, in relation to the rate of interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, subchapter two, the fire department pension fund, subchapter two and the board of education retirement system of such city by public employers and other obligors required to make employer contributions to such retirement systems, the crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems

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

1 Section 1. Paragraph 2 of subdivision b of section 13-638.2 of the
2 administrative code of the city of New York, as amended by chapter 76 of
3 the laws of 2019, is amended to read as follows:

4 (2) With respect to each retirement system, such rate of interest
5 shall be as hereinafter set forth in this paragraph:

6			First day and
7			last day of
8	Rate of interest		fiscal year or
9	per centum per		series of fiscal
10	Retirement	annum, compounded	years for which
11	System	annually	rate is effective
12			
13	NYCERS	7%	July 1, 2011 to
14			June 30, [2021] <u>2023</u>
15	NYCTRS	7%	July 1, 2011 to

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

LBD11756-01-1

1			June 30, [2021]	<u>2023</u>
2	PPF	7%	July 1, 2011 to	
3			June 30, [2021]	<u>2023</u>
4	FPF	7%	July 1, 2011 to	
5			June 30, [2021]	<u>2023</u>
6	BERS	7%	July 1, 2011 to	
7			June 30, [2021]	<u>2023</u>

8 § 2. Paragraph 2 of subdivision f of section 13-638.2 of the adminis-
 9 trative code of the city of New York, as amended by chapter 76 of the
 10 laws of 2019, is amended to read as follows:

11 (2) Such special interest shall be allowed at the rates and for the
 12 periods set forth below in this paragraph:

13			First day and	
14			last day of	
15		Rate of interest	fiscal year or	
16		per centum per	series of fiscal	
17	Retirement	annum, compounded	years for which	
18	System	annually	rate is effective	
19				
20	NYCERS	1 1/4%	July 1, 2011 to	
21			June 30, [2021]	<u>2023</u>
22	NYCTRS	1 1/4%	July 1, 2011 to	
23			June 30, [2021]	<u>2023</u>
24	PPF	1 1/4%	July 1, 2011 to	
25			June 30, [2021]	<u>2023</u>
26	FPF	1 1/4%	July 1, 2011 to	
27			June 30, [2021]	<u>2023</u>
28	BERS	1 1/4%	July 1, 2011 to	
29			June 30, [2021]	<u>2023</u>

30 § 3. Paragraph 2 of subdivision g of section 13-638.2 of the adminis-
 31 trative code of the city of New York, as amended by chapter 76 of the
 32 laws of 2019, is amended to read as follows:

33 (2) Such additional interest shall be included at the rates and for
 34 the periods set forth below in this paragraph:

35			First day and	
36			last day of	
37		Rate of interest	fiscal year or	
38		per centum per	series of fiscal	
39	Retirement	annum, compounded	years for which	
40	System	annually	rate is effective	
41				
42	NYCERS	1 1/4%	July 1, 2011 to	
43			June 30, [2021]	<u>2023</u>
44	NYCTRS	1 1/4%	July 1, 2011 to	
45			June 30, [2021]	<u>2023</u>
46	PPF	1 1/4%	July 1, 2011 to	
47			June 30, [2021]	<u>2023</u>
48	FPF	1 1/4%	July 1, 2011 to	
49			June 30, [2021]	<u>2023</u>
50	BERS	1 1/4%	July 1, 2011 to	
51			June 30, [2021]	<u>2023</u>

1 § 4. Paragraph 2 of subdivision i of section 13-638.2 of the adminis-
 2 trative code of the city of New York, as amended by chapter 76 of the
 3 laws of 2019, is amended to read as follows:

4 (2) Such supplementary interest shall be allowed at the rates and for
 5 the periods set forth below in this paragraph:

6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
		Rate of interest per centum per annum, compounded annually					First day and last day of fiscal year or series of fiscal years for which rate is effective									
		0%					July 1, 2011 to June 30, [2021 <u>2023</u>]									
NYCERS		0%					July 1, 2011 to June 30, [2021 <u>2023</u>]									
NYCTRS		0%					July 1, 2011 to June 30, [2021 <u>2023</u>]									
PPF		0%					July 1, 2011 to June 30, [2021 <u>2023</u>]									
FPF		0%					July 1, 2011 to June 30, [2021 <u>2023</u>]									
BERS		0%					July 1, 2011 to June 30, [2021 <u>2023</u>]									

23 § 5. This act shall take effect July 1, 2021, except that if it shall
 24 have become a law subsequent to such date, this act shall take effect
 25 immediately and be deemed to have been in full force and effect on and
 26 after July 1, 2021.

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

SUMMARY OF BILL: The enactment of this proposed legislation (see Appendix) would amend Administrative Code of the City of New York (ACCNY) Section 13-638.2 to continue for Fiscal Years 2022 and 2023 the following rates of interest that expire on July 1, 2021 for the five actuarially-funded New York City Retirement Systems and Pension Funds (NYCRS):

- * The 8.25% per annum rate used to credit interest on Tier 1 and Tier 2 member account balances (the sum of the 7.00% regular interest rate and the 1.25% special interest rate) and Increased-Take-Home-Pay (ITHP) Reserves (the sum of the 7.00% regular interest rate and the 1.25% additional interest rate), and

- * The 7.00% per annum Actuarial Interest Rate (AIR) assumption used to compute employer contributions.

Effective Date: July 1, 2021.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: The Actuary has proposed a set of changes, including changes to the AIR, for use in the June 30, 2019 (Lag) actuarial valuations of the NYCRS to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M) and future employer contribution estimates. This proposed Interest Rate Extender Legislation does not conform to the Actuary's recommendations regarding actuarial updates and therefore the costs presented in this Fiscal Note represent the difference between the Actuary's determination of the Fiscal Year 2021 employer contributions which use the 2021 A&M including the updated AIR rates, and Fiscal Year 2021 employer contributions with a continuation of the current AIR in the proposed Interest Rate Extender Legislation without other 2021 A&M changes.

The 2021 A&M changes are part of a comprehensive package of updated actuarial assumptions and methods, which were presented to each of the Boards of Trustees of the NYCERS in January of 2021 and represent the Actuary's current recommendation. The package was based on the Actuary's periodic review of actuarial experience of the NYCERS, historical data related to economic trends and forecasts of the NYCERS' investment advisers, and includes updates in expected future mortality improvements and other changes to appropriately fund the NYCERS from an actuarial standpoint.

The New York City Office of Management and Budget (OMB) has implemented the 2021 A&M and altered the contributions to the NYCERS, and therefore the continuation of the AIR assumption of 7.00% per annum, without the other 2021 A&M changes, would result in an increase in the current schedule of employer contributions as shown in the table below, both in total for the NYCERS and for New York City only:

Fiscal Year	NYCERS	New York City
2021	\$503.1 million	\$430.0 million
2022	\$383.4 million	\$303.5 million
2023	\$111.1 million	\$ 65.1 million

The continuation for Fiscal Years 2022 and 2023 of the same 8.25% per annum rate that was used for Fiscal Year 2021 to credit interest on Tier 1 and Tier 2 member contributions and ITHP Reserves would not change the amount or timing of expected employer contributions.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions and methods used and are subject to change based on the realization of potential investment, demographic, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-36 dated May 27, 2021 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

7464

2021-2022 Regular Sessions

IN ASSEMBLY

May 10, 2021

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

AN ACT to amend the administrative code of the city of New York, in relation to membership in the New York city teachers' retirement system

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

1 Section 1. Paragraph (a) of subdivision 7 of section 13-501 of the
2 administrative code of the city of New York, as amended by chapter 650
3 of the laws of 1990, is amended to read as follows:

4 (a) "Teacher" shall mean the superintendent of schools, the associate
5 superintendents, the assistant superintendents, the director and the
6 assistant director of the divisions of reference and research, the
7 director and the assistant directors of the bureau of compulsory educa-
8 tion, school census and child welfare, attendance teachers and specially
9 certificated attendance officers who are first employed by the New York
10 city board of education on or after September first, nineteen hundred
11 sixty-eight, attendance teachers and specially certificated attendance
12 officers who were members of the New York city board of education
13 retirement system and who, on or before December thirty-first, nineteen
14 hundred sixty-nine, gave notice to said board of education retirement
15 system of their intention to transfer to the New York city teachers'
16 retirement system, the director of attendance, assistant director of
17 attendance, chief attendance officer, division supervising attendance
18 officers and district supervising attendance officers of the bureau of
19 compulsory education, school census and child welfare, supervisors of
20 school social workers who are first employed by the New York city board
21 of education on or after September first, nineteen hundred sixty-nine or
22 who were members of the New York city board of education retirement
23 system and who on or before December thirty-first, nineteen hundred
24 seventy, gave notice to the said board of education retirement system of

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

LBD08582-02-1

1 their intention to transfer to the New York city teachers' retirement
 2 system, the members of the board of examiners, the directors and the
 3 assistant directors of special branches, the supervisor and assistant
 4 supervisors of lectures, all principals, vice-principals, assistants-to-
 5 principals, heads of departments, and all regular and special teachers
 6 of the public day schools of the city, and all employees of the board of
 7 education appointed to regular positions in the service of the public
 8 schools at annual salaries and whose appointments were made or shall be
 9 made from eligible lists prepared as the result of examinations held by
 10 the board of examiners or from hiring lists established by the chancel-
 11 lor of the board of education, as the case may be, and all employees
 12 employed by the board of education in the titles of teacher aide, educa-
 13 tional assistant, educational associate, auxiliary trainer[7] or bilin-
 14 gual professional assistant[, ~~family worker, family assistant, family~~
 15 ~~associate, parent program assistant, who file an application for member-~~
 16 ~~ship in the retirement association on a form supplied by the retirement~~
 17 ~~board].~~

18 § 2. This act shall take effect immediately.

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

SUMMARY OF BILL: This proposed legislation would amend paragraph (a) of subdivision 7 of Section 13-501 of the Administrative Code of the City of New York to eliminate the requirement that certain titles file an application to become members of the New York City Teachers' Retirement System (TRS).

Under current law, individuals in the title of teacher aide, educational assistant, educational associate, auxiliary trainer, bilingual professional assistant, family worker, family assistant, family associate, and parent program assistant (collectively, paraprofessionals) have the option of joining TRS by filing an application for membership.

The proposed legislation would make TRS membership for certain paraprofessionals (teacher aide, educational assistant, educational associate, auxiliary trainer, and bilingual professional assistant) mandatory, and would render the titles of family worker, family assistant, family associate, and parent program assistant ineligible to join TRS. For purposes of this Fiscal Note, it is assumed that the titles rendered ineligible for TRS membership would remain eligible for elective participation with the New York City Board of Education Retirement System, and therefore would not generate additional costs for the retirement systems.

Effective Date: Upon enactment.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: If enacted into law, the ultimate employer cost for this proposed legislation would be based on the number, ages, years of service, and salary of those paraprofessionals that would otherwise not have elected to become members of TRS.

Based on these assumptions and other actuarial assumptions, data, and methods described herein, the enactment of this proposed legislation would increase annual employer contributions as follows:

Paraprofessional Count	Estimated First Year Annual Employer Contribution (\$ Millions)
Estimate of Paraprofessionals who would be mandated into	

TRS and otherwise would not have joined	1,500	\$ 4.6
Estimate of Paraprofessionals whose membership is being accelerated into TRS	<u>1,800</u>	<u>4.9</u>
Total	3,300	\$9.5

These employer contribution amounts are representative of the annual employer contribution amounts for each future year if paraprofessional member participation numbers and demographic characteristics do not significantly change.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the annual employer contributions would be reflected for the first time in the June 30, 2021 actuarial valuation of TRS. In accordance with the One-Year Lag Methodology (OYLM) used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2023.

CENSUS DATA: The estimates presented herein are based on payroll data provided by the Office of Payroll Administration (OPA) and Financial Information Services Agency (FISA) as of June 30, 2020. The census data used in the Preliminary June 30, 2020 (Lag) actuarial valuations of the New York City Retirement Systems and Pension Funds was used to identify the paraprofessionals contained in the file provided by OPA and FISA who are not currently members and would be mandated into TRS by the proposed legislation.

The approximate 3,300 identified paraprofessionals as of June 30, 2020 had an average age of approximately 35.1 years, and an average salary of approximately \$34,500.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of TRS.

Based on the census data above, as well as historical records, additional assumptions were developed for purposes of this Fiscal Note to estimate future participation rates for paraprofessionals who are not currently members. Of the approximate 3,300 paraprofessionals identified, it was estimated that approximately 1,500 paraprofessionals who would not have otherwise joined TRS, would be mandated into TRS membership if this proposed legislation is enacted. The remaining 1,800 paraprofessionals were assumed to have become members of TRS at some point in their careers even absent the proposed legislation.

The Actuary is proposing a set of changes for use in the June 30, 2019 (Lag) actuarial valuations of TRS to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted, it is estimated that it would produce increases in the annual employer contributions that are approximately 2% larger than the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of TRS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial meth-

ods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs of TRS and other New York City agencies to implement the proposed legislation.

- * The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

- * The cost of potential Tax-Deferred Annuity (TDA) plan participation and benefits.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-25 dated May 5, 2021 was prepared by the Chief Actuary for the New York City Teachers' Retirement System. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

6405

2021-2022 Regular Sessions

IN SENATE

April 27, 2021

Introduced by Sen. GOUNARDES -- 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, in relation to determination of salary base for members of the city of New York fire department pension fund

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

1 Section 1. Section 443 of the retirement and social security law is
2 amended by adding a new subdivision h to read as follows:

3 h. Notwithstanding any general, special or local law, charter, admin-
4 istrative code, agreement, resolution or rule or regulation to the
5 contrary, the salary base for members of the city of New York fire
6 department pension fund whose employment with the fire department of the
7 city of New York commenced on or after the first of July, two thousand
8 to whom this article otherwise applies shall be determined in the same
9 manner as the salary base for members of the city of New York fire
10 department pension fund whose employment with the fire department of the
11 city of New York commenced before the first of July, two thousand.

12 § 2. This act shall take effect immediately and shall apply to members
13 of the city of New York fire department pension fund who retire on and
14 after such effective date.

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

SUMMARY OF BILL: This proposed legislation would amend Section 443 of the Retirement and Social Security Law (RSSL) to change the salary base for Tier 2 members of the New York City Fire Pension Fund (FIRE) who are hired on or after July 1, 2000 to a salary base used for such members who joined prior to July 1, 2000.

Effective Date: Upon enactment.

IMPACT ON BENEFITS: Currently, Tier 2 FIRE plan benefits are primarily derived from a salary base. For Tier 2 FIRE members hired prior to July

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

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1, 2000 (original Tier 2 members), the salary base is equal to the greater of

- (1) the pensionable earnings in the final 12 months of service, or
- (2) the average pensionable earnings earned in any consecutive three years of service.

Pensionable earnings in the final 12 months of service may not exceed 120% of the previous 12 months' pensionable earnings. If the salary base is based on the highest three consecutive years, no single year's pensionable earnings may exceed 120% of the average of the two previous years' pensionable earnings.

For Tier 2 Fire members hired on or after July 1, 2000 (new Tier 2 members), the salary base is equal to the pensionable earnings earned in the final 12 months of service only.

Under the proposed legislation, if enacted, the salary base shall be determined the same for Tier 2 Fire members hired on or after July 1, 2000 as it is for Tier 2 members hired prior to July 1, 2000.

FINANCIAL IMPACT-PRESENT VALUES: Based on the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) and the Present Value of future employer contributions by approximately \$5.0 million.

Under the Entry Age Normal cost method used to determine the employer contributions to FIRE, there would be an increase in the Unfunded Accrued Liability (UAL) of approximately \$1.5 million and an increase in the Present Value of future employer Normal Cost of \$3.5 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Section 13-638.2(k-2) of the Administrative Code of the City of New York (ACCNY), new UAL attributable to benefit changes are to be amortized as determined by the Actuary, but are generally amortized over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2020, the remaining working lifetime of the Tier 2 members hired on or after July 1, 2000 is approximately 12 years.

For the purposes of this Fiscal Note, the increase in UAL was amortized over a 12-year period (11 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This payment plus the increase in the Normal Cost results in an increase in annual employer contributions of approximately \$650,000 each year.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the Present Value of future employer contributions and annual employer contributions would be reflected for the first time in the June 30, 2020 actuarial valuation of FIRE. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2022.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2020 (Lag) actuarial valuation of FIRE to determine the Preliminary Fiscal Year 2022 employer contributions.

There are 5,148 active Tier 2 Fire members hired on or after July 1, 2000 as of June 30, 2020 and they have an average age of approximately 42.2 years, average service of approximately 16.4 years, and an average salary of approximately \$135,000.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations

used to determine the Preliminary Fiscal Year 2021 employer contributions of FIRE.

The Actuary is proposing a set of changes for use beginning with the June 30, 2019 (Lag) actuarial valuations of FIRE to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted it is estimated that it would produce increases in the PVFB and annual employer contributions that are approximately 3% larger than the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of FIRE and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs of FIRE and other New York City agencies to implement the proposed legislation.

- * Pension costs for Tier 2 members of New York City Police Pension Fund hired on or after July 1, 2000 who currently have the same benefit formula as the FIRE Tier 2 members hired on or after July 1, 2000 and who may obtain the same benefit improvement through parity via collective bargaining or similar legislation.

- * The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-24 dated April 23, 2021 was prepared by the Chief Actuary for the New York City Fire Pension Fund. This estimate is intended for use only during the 2021 Legislative Session.

STATE OF NEW YORK

6662

2021-2022 Regular Sessions

IN ASSEMBLY

March 23, 2021

Introduced by M. of A. ABBATE -- (at request of the New York State Teachers' Retirement System) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the education law, in relation to the minimum retirement allowance for members of the New York state teachers' retirement system who retired prior to July 1, 1980

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

1 Section 1. Paragraph 1 of subdivision e of section 532 of the educa-
2 tion law, as amended by chapter 580 of the laws of 2001, is amended to
3 read as follows:

4 1. Each pensioner of the retirement system who retired before July
5 first, nineteen hundred [~~seventy~~ **eighty**] shall be paid, commencing with
6 a payment for the month of July two thousand [~~one~~ **twenty-one**] a basic
7 supplemental pension, the total of which when added to his or her yearly
8 retirement allowance computed without optional modification, but exclud-
9 ing any annuity derived from contributions made by members pursuant to
10 paragraphs a and b of subdivision three of section five hundred sixteen,
11 section five hundred twenty-eight, section five hundred twenty-nine,
12 section five hundred thirty, section five hundred thirty-three and
13 section five hundred thirty-five of this article, shall equal the lesser
14 of [~~seventeen thousand five hundred~~ **nineteen thousand two hundred fifty**]
15 dollars or the sum of five hundred **fifty** dollars multiplied by the
16 number of years of full-time New York state service not to exceed thir-
17 ty-five years with which he or she was credited at the time of his or
18 her retirement.

19 § 2. This act shall take effect June 30, 2021, except that if this act
20 shall have become a law on or after June 30, 2021, this act shall take
21 effect immediately and shall be deemed to have been in full force and
22 effect on and after June 30, 2021.

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

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

LBD10601-01-1

This bill would extend the minimum retirement benefit provision for retirees of the New York State Teachers' Retirement System contained in Section 532(e) of the Education Law to members who retired before July 1, 1980. Currently only members who retired before July 1, 1970 are eligible. Additionally, the minimum annual benefit would be increased to \$550 for each year of credited full-time New York State service, up to 35 years, for a maximum benefit of \$19,250. The benefit is currently \$500 for each year up to 35, for a maximum benefit of \$17,500. The increased benefit would commence with a payment for the month of July 2021.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be \$192,000 or .001% of payroll if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-1 dated October 14, 2020 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

STATE OF NEW YORK

4308

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

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

AN ACT to amend the education law, in relation to deductions of benefits of certain retired members

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

1 Section 1. The education law is amended by adding a new section 396-a
2 to read as follows:

3 § 396-a. Deductions from benefits of certain retired members. 1.
4 Notwithstanding any other provision of law, an electing employee who is
5 retired from the optional retirement system shall have the right, at any
6 time after such electing employee's retirement, to execute and file a
7 deduction authorization card with the designated insurer or insurers
8 upon audit and warrant of the comptroller for employees of the state
9 university and by the appropriate fiscal officer for employees of an
10 electing employer authorizing the deduction from such electing employ-
11 ee's retirement allowance of membership dues and such electing employ-
12 ee's share of the cost for employee organization-sponsored benefit plans
13 and the payment thereof to a retiree organization of which the electing
14 employee is then a member and which is then affiliated with either an
15 employee organization certified or recognized as the collective bargain-
16 ing representative of all employees in the negotiating unit of which the
17 electing employee was a part prior to his or her retirement or with an
18 employee organization with which such employee organization is then
19 affiliated. The designated insurer or insurers upon audit and warrant of
20 the comptroller for employees of the state university and by the appro-
21 priate fiscal officer for employees of an electing employer shall there-
22 after deduct from the retirement allowance of such electing employee the
23 amount of membership dues and such amounts required to be paid by such
24 electing employee for such authorized employee organization-sponsored

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

LBD08534-01-1

1 benefit plans, and shall transmit the sum so deducted to said retiree
2 organization. Such authorization shall continue in effect until revoked
3 in writing by such electing employee. For purposes of this section, the
4 term "employee organization-sponsored benefit plans" shall include any
5 and all insurance plans and/or other benefit plans sponsored by such
6 retiree organization whether provided by (a) a not-for-profit corpo-
7 ration licensed under article forty-three of the insurance law; (b) any
8 insurance company authorized to do business in this state; (c) a health
9 maintenance organization issued a certificate of authority pursuant to
10 article forty-four of the public health law; or (d) a self-insurance
11 arrangement, welfare fund or benefit fund.

12 2. Notwithstanding any other provision of law, a retired elected
13 employee shall have the right, at any time after his or her retirement,
14 to execute and file a deduction authorization card with the designated
15 insurer or insurers upon audit and warrant of the comptroller for
16 employees of the state university and by the appropriate fiscal officer
17 for employees of an electing employer authorizing the payment of volun-
18 tary contributions to the political committee, as defined in subdivision
19 one of section 14-100 of the election law, of such electing employee's
20 employee organization, provided such organization is certified or recog-
21 nized pursuant to article fourteen of the civil service law as the
22 representative of all employees in the negotiating unit in which such
23 retired electing employee was then employed. Such authorization shall
24 continue in effect until revoked in writing by such electing employee.
25 The designated insurer or insurers upon audit and warrant of the comp-
26 troller for employees of the state university and by the appropriate
27 fiscal officer for employees of an electing employer shall determine the
28 cost of administering deductions for voluntary contributions to the
29 political committee and the cost incurred for administering such
30 contributions shall be paid from the funds of the political committee.

31 § 2. The education law is amended by adding a new section 6257 to read
32 as follows:

33 § 6257. Deductions from benefits of certain retired members. 1.
34 Notwithstanding any other provision of law, a member who is retired from
35 the board of higher education optional retirement program shall have the
36 right, at any time after such member's retirement, to execute and file a
37 deduction authorization card with the designated insurer or insurers
38 upon audit and warrant of the comptroller authorizing the deduction from
39 such member's retirement allowance of membership dues and such member's
40 share of the cost for employee organization-sponsored benefit plans and
41 the payment thereof to a retiree organization of which the member is
42 then a member and which is then affiliated with either an employee
43 organization certified or recognized as the collective bargaining repre-
44 sentative of all employees in the negotiating unit of which the member
45 was a part prior to his or her retirement or with an employee organiza-
46 tion with which such employee organization is then affiliated. The
47 designated insurer or insurers upon audit and warrant of the comptroller
48 shall thereafter deduct from the retirement allowance of such member the
49 amount of membership dues and such amounts required to be paid by such
50 member for such authorized employee organization-sponsored benefit
51 plans, and shall transmit the sum so deducted to said retiree organiza-
52 tion. Such authorization shall continue in effect until revoked in writ-
53 ing by such member. For purposes of this section, the term "employee
54 organization-sponsored benefit plans" shall include any and all insur-
55 ance plans and/or other benefit plans sponsored by such retiree organ-
56 ization whether provided by (a) a not-for-profit corporation licensed

1 under article forty-three of the insurance law; (b) any insurance compa-
2 ny authorized to do business in this state; (c) a health maintenance
3 organization issued a certificate of authority pursuant to article
4 forty-four of the public health law; or (d) a self-insurance arrange-
5 ment, welfare fund or benefit fund.

6 2. Notwithstanding any other provision of law, a retired member shall
7 have the right, at any time after his or her retirement, to execute and
8 file a deduction authorization card with the designated insurer or
9 insurers upon audit and warrant of the comptroller authorizing the
10 payment of voluntary contributions to the political committee, as
11 defined in subdivision one of section 14-100 of the election law, of
12 such member's employee organization, provided such organization is
13 certified or recognized pursuant to article fourteen of the civil
14 service law as the representative of all employees in the negotiating
15 unit in which such retired member was then employed. Such authorization
16 shall continue in effect until revoked in writing by such member. The
17 designated insurer or insurers upon audit and warrant of the comptroller
18 shall determine the cost of administering deductions for voluntary
19 contributions to the political committee and the cost incurred for
20 administering such contributions shall be paid from the funds of the
21 political committee.

22 § 3. This act shall take effect one year after it shall have become a
23 law.

STATE OF NEW YORK

7793

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

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

AN ACT in relation to granting Kevin Moriarty Tier IV status in the New York state teachers' retirement system

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

1 Section 1. Notwithstanding any other provision of law, Kevin Moriarty,
2 who is a member of the New York state teachers' retirement system with
3 Tier VI status, and who, from 1998 through 2013 was employed as a part-
4 time lecturer by the College of Engineering and Applied Sciences of the
5 University of Stony Brook, and who, since 2013 has been employed as a
6 ten-month lecturer by such college, and who, for reasons not ascribable
7 to his own negligence, failed to become a member of the New York state
8 teachers' retirement system in 1998, shall be deemed to have joined such
9 retirement system in 1998, having Tier IV status with every right, bene-
10 fit and privilege which would have been available to him in 1998 if on
11 or before December 31, 2021, he shall file an application therefor with
12 the head of the New York state teachers' retirement system.

13 § 2. All past service costs associated with implementing the
14 provisions of this act shall be borne by the employers of members of the
15 New York state teachers' retirement system, and there shall be no refund
16 of the members contributions to Kevin Moriarty.

17 § 3. This act shall take effect immediately.

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

This bill (legislative bill draft 10558-01-1) would allow Kevin Moriarty, a Tier 6 member of the New York State Teachers' Retirement System, to be reclassified as a Tier 4 member with all the rights, benefits, and privileges which would be available to him as a Tier 4 member. His date of membership would be changed based upon his employment with the University at Stony Brook from July 1, 1998 through June 30, 2013. No refund of member contributions shall be made. Mr. Moriarty must file

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

LBD10558-02-1

a written request with the head of the New York State Teachers' Retirement System on or before December 31, 2021.

The cost of this benefit is equal to the increase in the present value of benefits, which is estimated to be \$25,000. This cost is to be borne by the employers of member of the New York State Teachers' Retirement System.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Annual Report. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2021-45 dated May 17, 2021 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2021 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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SECTION IV

Vetoed Legislation Affecting Other
New York Public Retirement Systems

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STATE OF NEW YORK

6972

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the administrative code of the city of New York, in relation to certain lung disabilities incurred by members of the New York city transit authority in certain cases

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 13-168.1 to read as follows:

3 § 13-168.1 Transit authority members; presumption in certain diseases.
4 Notwithstanding any provision of this chapter or of any general, special
5 or local law to the contrary, and for the purposes of this chapter, any
6 condition of impairment of health caused by diseases of the lung,
7 resulting in total or partial disability or death to a member of the New
8 York city transit authority, or a member of its subsidiary corporation,
9 as defined in section twelve hundred three-a of the public authorities
10 law, where such member successfully passed a physical examination on
11 entry into such service or subsequent thereto, which examination failed
12 to reveal any evidence of such condition, shall be presumptive evidence
13 that it was incurred in the performance and discharge of duty.

14 § 2. This act shall take effect immediately.

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

SUMMARY OF BILL: This proposed legislation would amend the Administrative Code of the City of New York (ACCNYS) to add a new Section 13-168.1 to provide a statutory presumption to Tier 1 and Tier 2 members of the New York City Employees' Retirement System (NYCERS) who are Transit Authority employees, and who become physically incapacitated for performance of duty, or die, due to lung disease.

In determining whether qualifying lung disease was caused by employment for the Transit Authority, the diagnosis of lung disease, absent evidence of such condition upon examination at hire, would be presump-

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

LBD08575-02-1

tive evidence that such disability or death was incurred in the performance and discharge of duty entitling such member, or his or her beneficiary, respectively, to an accident disability retirement or accidental death benefit. The proposed legislation does not appear to provide a mechanism for rebutting such presumption with competent evidence to the contrary.

Effective Date: Upon enactment.

FINANCIAL IMPACT - OVERVIEW: There is no data available to estimate the number of members who might develop and become disabled by or die from lung disease, and potentially benefit from this proposed legislation. Therefore, the estimated financial impact has been calculated on a per event basis equal to the increase in the Present Value of Future Benefits (PVFB) for an average affected member who is diagnosed with lung disease as the result of the enactment of the proposed legislation and who would benefit from the proposed legislation.

In determining the increase in the PVFB, it has been assumed that 100% of the members who would retire with lung disease would have continued working and eventually retired for service if the proposed legislation were not passed. The increase in PVFB does not include any cost for additional death benefits since the ordinary death benefit for these members is more valuable than the accidental death benefit in most cases.

With respect to an individual member, the additional cost of this proposed legislation varies greatly.

FINANCIAL IMPACT - PRESENT VALUES: Based on the census data and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the PVFB and decrease the Present Value of member contributions, for a net result of an increase in the Present Value of future employer contributions ranging from \$32,500 to \$504,600 if one of the eight members who could benefit from the proposed legislation develops a qualifying lung disease. The average increase in the Present Value of future employer contributions for the eight members who could benefit from the proposed legislation is approximately \$207,000.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: Enactment of this proposed legislation would increase employer contributions, where such amount would depend on the number of members affected as well as other characteristics including the age, years of service, and salary history of each member.

As there is no data currently available to estimate the number of members who might be diagnosed with disabling lung disease, the financial impact would be recognized at the time of event. Consequently, changes in employer contributions have been estimated assuming that the increase in the Present Value of future employer contributions will be financed over the same time period used for actuarial losses in accordance with Section 13-638.2(k-2) of the ACCNY. Using this approach, the additional Present Value of future employer contributions would be amortized over a closed 15-year period (14 payments under the One-Year Lag Methodology) using level dollar payments.

Based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2019, the enactment of this proposed legislation is estimated to increase annual employer contributions by an amount ranging from \$3,800 to \$59,700 if one of the eight members who could benefit from the proposed legislation develops a qualifying lung disease. The average increase in annual employer contributions for the eight members who could benefit from the proposed legislation is approximately

\$24,500. With respect to the timing, increases in employer contributions would depend upon when members would retire due to lung disease but, generally, increased employer contributions will first occur the second fiscal year following approval of the accident disability or accidental death benefit.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2020 (Lag) actuarial valuation of NYCERS to determine the Preliminary Fiscal Year 2022 employer contributions.

There are eight active Tier 1 and Tier 2 Transit Authority employees who participate in NYCERS as of June 30, 2020 who could potentially benefit from the proposed legislation. These eight active Tier 1 and Tier 2 Transit Authority members had an average age of approximately 72.3 years, average service of approximately 29.8 years, and an average salary of approximately \$99,200. This group consisted of three Tier 1 members, and five Tier 2 members.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of NYCERS.

The Actuary is proposing a set of changes for use beginning with the June 30, 2019 (Lag) actuarial valuations of NYCERS to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted, it is estimated that the Present Value of Employer Contributions and annual employer contributions will be approximately 2% smaller than the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs of NYCERS and other New York City agencies to implement the proposed legislation.

- * The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-26 dated May 19, 2021 was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2021 Legislative Session.

VETO MESSAGE - No. 87

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 6972, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to certain lung disabilities incurred by members of the New York city transit authority in certain cases"

NOT APPROVED

This bill would provide a statutory presumption to members of the New York City Employees Retirement System (NYCERS) who are Transit Authority Employees and who become physically incapacitated for performance of duty, or die, due to lung disease. I support our transit workers and our current compensation system, which requires that all workers who suffer a work-related injury or illness are duly compensated. However, lung disease may stem from a number of factors, and absent clear evidence, a presumption of this nature is not warranted. Even without this presumption, I am confident that transit workers who suffer lung disease due to their work will be compensated under our current compensation system. This bill also would create an unfunded liability to the MTA, which would shift costs to New York State taxpayers.

Although I cannot support this bill, I look forward to working with all affected transit workers to make sure they are fully compensated for any work related illness and to identify any weaknesses with the current compensation system. At this time, however, I am constrained to veto this bill.

This bill is disapproved.

(signed) KATHY HOCHUL

STATE OF NEW YORK

6976

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. GOUNARDES -- 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, in relation to modifying the retirement program for Triborough bridge and tunnel members

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

1 Section 1. Section 604-c of the retirement and social security law, as
2 added by chapter 472 of the laws of 1995, paragraph 2 of subdivision c
3 and paragraph 7-a of subdivision e as amended by chapter 693 of the laws
4 of 2003, paragraph 1 and subparagraph (ii) of paragraph 2 of subdivision
5 d as amended by chapter 18 of the laws of 2012, paragraph 1 of subdivi-
6 sion e as amended by chapter 661 of the laws of 2002, subparagraph (iv)
7 of paragraph 3 of subdivision e as added by chapter 365 of the laws of
8 1999, subparagraph (i) of paragraph 8 of subdivision e as amended by
9 chapter 448 of the laws of 2018 and paragraph 9 of subdivision e as
10 amended by chapter 664 of the laws of 1996, is amended to read as
11 follows:

12 § 604-c. [~~Twenty-year/age fifty~~] Twenty-year retirement program for
13 Triborough bridge and tunnel members. a. Definitions. The following
14 words and phrases as used in this section shall have the following mean-
15 ings unless a different meaning is plainly required by the context.

16 1. "Triborough bridge and tunnel member" shall mean a member (as
17 defined in subdivision e of section six hundred one of this article) who
18 is employed by the Triborough bridge and tunnel authority as a bridge
19 and tunnel officer, sergeant, or lieutenant in a non-managerial posi-
20 tion.

21 2. [~~"Twenty-year/age fifty~~] "Twenty-year retirement program" shall
22 mean all the terms and conditions of this section.

23 3. "Starting date of the [~~twenty-year/age fifty~~] twenty-year retire-
24 ment program" shall mean the date of enactment of the act which added

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

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1 this section, as such date is certified pursuant to section forty-one of
2 the legislative law.

3 4. "Participant in the [~~twenty-year/age fifty~~] twenty-year retirement
4 program" shall mean any Triborough bridge and tunnel member who, under
5 the applicable provisions of subdivision b of this section, is entitled
6 to the rights, benefits and privileges and is subject to the obligations
7 of the [~~twenty-year/age fifty~~] twenty-year retirement program, as appli-
8 cable to him or her.

9 5. "Discontinued member" shall mean a participant in the [~~twenty-
10 year/age fifty~~] twenty-year retirement program who, while he or she was
11 a Triborough bridge and tunnel member, discontinued service as such a
12 member and has a right to a deferred vested benefit under subdivision d
13 of this section.

14 6. "Administrative code" shall mean the administrative code of the
15 city of New York.

16 b. Participation in [~~twenty-year/age fifty~~] twenty-year retirement
17 program. 1. Subject to the provisions of paragraph six of this subdivi-
18 sion, any person who is a Triborough bridge and tunnel member on the
19 starting date of the [~~twenty-year/age fifty~~] twenty-year retirement
20 program and who, as such a bridge and tunnel member or otherwise, last
21 became subject to the provisions of this article prior to such starting
22 date, may elect to become a participant in the [~~twenty-year/age fifty~~]
23 twenty-year retirement program by filing, within one hundred eighty days
24 after the starting date of the [~~twenty-year/age fifty~~] twenty-year
25 retirement program, a duly executed application for such participation
26 with the retirement system of which such person is a member, provided he
27 or she is such a bridge and tunnel member on the date such application
28 is filed.

29 2. Subject to the provisions of paragraph six of this subdivision, any
30 person who becomes a Triborough bridge and tunnel member after the
31 starting date of the [~~twenty-year/age fifty~~] twenty-year retirement
32 program and who, as such a bridge and tunnel member or otherwise, last
33 became subject to the provisions of this article prior to such starting
34 date, may elect to become a participant in the [~~twenty-year/age fifty~~]
35 twenty-year retirement program by filing, within one hundred eighty days
36 after becoming such a bridge and tunnel member, a duly executed applica-
37 tion for such participation with the retirement system of which such
38 person is a member, provided he or she is such a bridge and tunnel
39 member on the date such application is filed.

40 3. Any election to be a participant in the [~~twenty-year/age fifty~~]
41 twenty-year retirement program shall be irrevocable.

42 4. Each Triborough bridge and tunnel member who becomes subject to the
43 provisions of this article on or after the starting date of the [~~twenty-
44 year/age fifty~~] twenty-year retirement program shall become a partici-
45 pant in the [~~twenty-year/age fifty~~] twenty-year retirement program on
46 the date he or she becomes such a bridge and tunnel member.

47 5. Where any participant in the [~~twenty-year/age fifty~~] twenty-year
48 retirement program shall cease to be employed by the Triborough bridge
49 and tunnel authority as a bridge and tunnel member, he or she shall
50 cease to be such a participant and, during any period in which such
51 person is not so employed, he or she shall not be a participant in the
52 [~~twenty-year/age fifty~~] twenty-year retirement program and shall not be
53 eligible for the benefits of subdivision c of this section.

54 6. Where any participant in the [~~twenty-year/age fifty~~] twenty-year
55 retirement program terminates service as a Triborough bridge and tunnel
56 member and returns to such service as a Triborough bridge and tunnel

1 member at a later date, he or she shall again become such a participant
2 on that date.

3 c. Service retirement benefits. 1. A participant in the [~~twenty-~~
4 ~~year/age fifty~~] twenty-year retirement program:

5 (i) who has completed twenty or more years of credited service; and

6 (ii) [~~who has attained age fifty; and~~

7 ~~(iii)]~~ who has paid, before the effective date of retirement, all
8 additional member contributions and interest (if any) required by subdivi-
9 sion e of this section; and

10 [~~(iv)]~~ (iii) who files with the retirement system of which he or she
11 is a member an application for service retirement setting forth at what
12 time he or she desires to be retired; and

13 [~~(v)]~~ (iv) who shall be a participant in the [~~twenty-year/age fifty~~]
14 twenty-year retirement program at the time so specified for his or her
15 retirement; shall be retired pursuant to the provisions of this section
16 affording early service retirement.

17 2. (i) Notwithstanding any other provision of law to the contrary, the
18 early service retirement benefit for participants in the [~~twenty-~~
19 ~~year/age fifty~~] twenty-year retirement program who retire pursuant to
20 paragraph one of this subdivision shall be a pension consisting of:

21 (A) an amount, on account of the required minimum period of service,
22 equal to one-half of his or her final average salary; plus

23 (B) an amount of credited service, or fraction thereof, beyond such
24 required minimum period of service equal to one and one-half percent of
25 his or her final average salary.

26 (ii) The maximum pension computed without optional modification paya-
27 ble pursuant to subparagraph (i) of this paragraph shall equal that
28 payable upon completion of thirty years of service.

29 d. Vesting. 1. A participant in the [~~twenty-year/age fifty~~] twenty-
30 year retirement program [~~who~~] shall be entitled to receive a deferred
31 vested benefit as provided in this subdivision if such participant:

32 (i) discontinues service as a Triborough bridge and tunnel member,
33 other than by death or retirement; and

34 (ii) in the case of a participant who is not a New York city revised
35 plan member, prior to such discontinuance, completed five but less than
36 twenty years of credited service or, in the case of a participant who is
37 a New York city revised plan member, has completed ten but less than
38 twenty years of credited service; and

39 (iii) has paid, prior to such discontinuance, all additional member
40 contributions and interest (if any) required by subdivision e of this
41 section; and

42 (iv) does not withdraw in whole or in part his or her accumulated
43 member contributions pursuant to section six hundred thirteen of this
44 article unless such participant thereafter returns to public service and
45 repays the amounts so withdrawn, together with interest, pursuant to
46 such section six hundred thirteen[~~; shall be entitled to receive a~~
47 ~~deferred vested benefit as provided in this subdivision]~~.

48 2. (i) Upon such discontinuance under the conditions and in compliance
49 with the provisions of paragraph one of this subdivision, such deferred
50 vested benefit shall vest automatically.

51 (ii) In the case of a participant who is not a New York city revised
52 plan member, such vested benefit shall become payable on the earliest
53 date on which such discontinued member could have retired for service if
54 such discontinuance had not occurred or, in the case of a participant
55 who is a New York city revised plan member, such vested benefit shall
56 become payable at age sixty-three.

1 3. Such deferred vested benefit shall be a pension consisting of an
2 amount equal to two and one-half percent of such discontinued member's
3 final average salary, multiplied by the number of years of credited
4 service.

5 e. Additional member contributions. 1. In addition to the member
6 contributions required by section six hundred thirteen of this article,
7 each participant in the [~~twenty-year/age fifty~~] twenty-year retirement
8 program in the rank of bridge and tunnel officer shall contribute to the
9 retirement system of which he or she is a member (subject to the appli-
10 cable provisions of subdivision d of section six hundred thirteen of
11 this article) an additional five and fifty one-hundredths percent of his
12 or her compensation and each participant in the [~~twenty-year/age fifty~~]
13 twenty-year retirement program in the rank of sergeant or lieutenant
14 shall contribute to the retirement system an additional six percent of
15 his or her compensation earned from all allowable service as a Tribor-
16 ough bridge and tunnel member rendered on and after the date which is
17 one hundred eighty days prior to the starting date of the [~~twenty-~~
18 ~~year/age fifty~~] twenty-year retirement program. A participant in the
19 [~~twenty-year/age fifty~~] twenty-year retirement program shall contribute
20 additional member contributions until the later of (i) the date as of
21 which he or she has twenty years of credited service as a bridge and
22 tunnel officer, or (ii) the third anniversary of the date that he or she
23 last became a participant in the [~~twenty-year/age fifty~~] twenty-year
24 retirement program.

25 2. Commencing with the first full payroll period after each person
26 becomes a participant in the [~~twenty-year/age fifty~~] twenty-year retire-
27 ment program, additional member contributions at the rate specified in
28 paragraph one of this subdivision shall be deducted (subject to the
29 applicable provisions of subdivision d of section six hundred thirteen
30 of this article) from the compensation of such participant on each and
31 every payroll of such participant for each and every payroll period.

32 3. (i) Subject to the provisions of subparagraph (ii) of this para-
33 graph, where any additional member contributions required by paragraph
34 one of this subdivision are not paid by deductions from a participant's
35 compensation pursuant to paragraph two of this subdivision:

36 (A) that participant shall be charged with a contribution deficiency
37 consisting of such unpaid amounts, together with interest thereon at the
38 rate of five percent per annum, compounded annually; and

39 (B) such interest on each amount of undeducted contributions shall
40 accrue from the end of the payroll period for which such amount would
41 have been deducted from compensation if he or she had been a participant
42 at the beginning of that payroll period, until such amount is paid to
43 the retirement system.

44 (ii) Except as provided in subparagraph (iii) of this paragraph, no
45 interest shall be due on any such unpaid additional contributions which
46 are not attributable to the period prior to the first full payroll peri-
47 od referred to in paragraph two of this subdivision.

48 (iii) Should any person who, pursuant to paragraph eight of this
49 subdivision, has withdrawn any additional member contributions (and any
50 interest paid thereon) again become a participant in the [~~twenty-~~
51 ~~year/age fifty~~] twenty-year retirement program pursuant to paragraph six
52 of subdivision b of this section, an appropriate amount shall be
53 included in such participant's contribution deficiency (including inter-
54 est thereon as calculated pursuant to subparagraph (i) of this para-
55 graph) as if such additional contributions had never been made.

1 (iv) Notwithstanding any other provisions of this paragraph, no
2 participant shall be charged interest for any period prior to March
3 twenty-fifth, nineteen hundred ninety-eight with respect to any contrib-
4 utions owed with respect to any payroll period beginning prior to such
5 date.

6 4. The head of a retirement system which includes participants in the
7 [~~twenty-year/age fifty~~] twenty-year retirement program in its membership
8 may, consistent with the provisions of this subdivision, promulgate
9 regulations for the payment of such additional member contributions, and
10 any interest thereon, by such participants (including the deduction of
11 such contributions, and any interest thereon, from the participant's
12 compensation).

13 5. Where a contribution deficiency chargeable to a participant pursu-
14 ant to paragraph three of this subdivision has not been paid in full
15 before the effective date of retirement, that participant shall not be
16 eligible to retire pursuant to subdivision c of this section.

17 6. Where a contribution deficiency chargeable to a participant pursu-
18 ant to paragraph three of this subdivision has not been paid in full
19 before the date of discontinuance of service, that participant shall not
20 be entitled to a deferred vested benefit pursuant to subdivision d of
21 this section.

22 7. Where a participant has not paid in full any contribution deficien-
23 cy chargeable to him or her pursuant to paragraph three of this subdivi-
24 sion, and a benefit, other than a refund of member contributions pursu-
25 ant to section six hundred thirteen of this article or a refund of
26 additional member contributions pursuant to paragraph eight of this
27 subdivision, becomes payable under this article to the participant or to
28 his or her designated beneficiary or estate, the actuarial equivalent of
29 any such unpaid amount shall be deducted from the benefit otherwise
30 payable.

31 7-a. Notwithstanding paragraph six or seven of this subdivision, where
32 a deficiency chargeable to a participant pursuant to paragraph three of
33 this subdivision has not been paid in full while the participant is a
34 Triborough bridge and tunnel member and such participant retires prior
35 to July first, two thousand eleven, such participant may elect to be
36 covered by this paragraph. Such participant shall be entitled to the
37 benefits provided in subdivision c of this section provided that partic-
38 ipant authorizes the retirement system to deduct from such benefits an
39 amount which will result in the deficiency, plus associated interest to
40 date of final payment, being paid in full no later than July first, two
41 thousand eleven or such earlier date as agreed to by the participant.
42 Such amount will be deducted in equal installments on a monthly basis.
43 Nothing in this paragraph shall prevent the participant from making a
44 partial payment of the amount of the deficiency at the time of retire-
45 ment so as to reduce the monthly payment nor to make a lump sum payment
46 equal to the amount of the total unpaid balance at any time during the
47 period of repayment.

48 8. (i) Such additional member contributions (and any interest thereon)
49 shall be paid into the contingent reserve fund of the retirement system
50 of which the participant is a member and shall not for any purpose be
51 deemed to be member contributions or accumulated contributions of a
52 member under section six hundred thirteen of this article or otherwise
53 while he or she is a participant in the [~~twenty-year/age fifty~~] twenty-
54 year retirement program or otherwise, except that, a surplus of such
55 additional member contributions that are paid into the retirement

1 system's contingent reserve fund may be used for the sole purpose of
2 offsetting a deficit of basic member contributions.

3 (ii) Should a participant in the [~~twenty year/age fifty~~] twenty-year
4 retirement program who has rendered less than fifteen years of allowable
5 service as a Triborough bridge and tunnel member cease to hold a posi-
6 tion as a Triborough bridge and tunnel member for any reason whatsoever,
7 his or her accumulated additional member contributions made pursuant to
8 this subdivision (together with any interest thereon paid to the retire-
9 ment system) may be withdrawn by him or her pursuant to procedures
10 promulgated in regulations of the board of trustees of the retirement
11 system, together with interest thereon at the rate of five percent per
12 annum, compounded annually.

13 (iii) Except as provided in subparagraph (ii) of this paragraph, no
14 member, while he or she is a participant or otherwise, shall have a
15 right to withdraw such additional member contributions or any interest
16 thereon from the retirement system.

17 9. A member who has made the additional contributions specified by
18 this subdivision may borrow a portion of such contributions, pursuant to
19 the provisions of section six hundred thirteen-b of this article.

20 § 2. This act shall take effect immediately.

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

SUMMARY OF BILL: This proposed legislation would amend Section 604-c
of the Retirement and Social Security Law (RSSL) to remove age 50 as an
eligibility requirement for retirement for Tier 4 and Tier 6 members of
the New York City Employees' Retirement System (NYCERS) who are members
of the respective TBTA 20/50 Plans.

Effective Date: Upon enactment.

IMPACT ON BENEFITS: Currently, members of the Tier 4 and 6 TBTA 20/50
Plans are eligible to receive a service retirement benefit upon attain-
ing 20 or more years of credited service and age 50. Tier 4 members who
leave employment with at least five, but less than 20 years of service,
are eligible to receive a vested retirement benefit payable on the date
they would have attained 20 or more years of credited service and age
50. Tier 6 members who leave employment with at least 10, but less than
20 years of credited service are eligible to receive a vested retirement
benefit payable at age 63.

Under the proposed legislation, if enacted, affected members of the
TBTA 20/50 Plans would be eligible to receive a service retirement bene-
fit upon attaining 20 years of credited service, without regard to age.
Tier 4 members who leave employment with at least five, but less than 20
years of credited service, would be eligible to receive a vested retire-
ment benefit payable on the date the member would have completed 20
years of credited service, without regard to age. Tier 6 members who
leave employment with at least 10, but less than 20 years of credited
service would continue to be eligible to receive a vested retirement
benefit payable at age 63.

FINANCIAL IMPACT - PRESENT VALUES: Based on the anticipated group of
members benefiting from the change in the eligibility requirement and
the actuarial assumptions and methods described herein, the enactment of
this proposed legislation would increase the Present Value of Future
Benefits (PVFB) by approximately \$6.1 million.

Under the Entry Age Normal cost method used to determine the employer
contributions to NYCERS, there would be an increase in the Unfunded
Accrued Liability (UAL) of approximately \$7.0 million offset by a
decrease in the Present Value of future employer Normal Cost of \$0.9
million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Section 13-638.2(k-2) of the Administrative Code of the City of New York (ACCNY), new UAL attributable to benefit changes are to be amortized as determined by the Actuary but are generally amortized over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2020, the remaining working lifetime of the members who could potentially benefit from the change in the eligibility requirement for retirement is approximately eight years.

For the purposes of this Fiscal Note, the increase in UAL was amortized over an eight-year period (seven payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This payment plus the increase in the Normal Cost results in an increase in annual employer contributions of approximately \$1.6 million each year.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the PVFB and annual employer contributions would be reflected for the first time in the June 30, 2020 actuarial valuation of NYCERS. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2022.

CENSUS DATA: The estimates presented herein are based on the census data used in the June 30, 2020 (Lag) actuarial valuation of NYCERS to determine the Preliminary Fiscal Year 2022 employer contributions.

The 116 NYCERS Tier 4 TBTA 20/50 Plan members as of June 30, 2020 who could potentially benefit from the change in the eligibility requirement for retirement had an average age of approximately 41.8 years, average service of approximately 15.7 years, and an average salary of approximately \$112,300. As of June 30, 2020, there are no members in the Tier 6 TBTA 20/50 Plan.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of NYCERS.

The Actuary is proposing a set of changes for use beginning with the June 30, 2019 (Lag) actuarial valuations of NYCERS to determine the Final Fiscal Year 2021 Employer Contributions (2021 A&M). If the 2021 A&M is enacted, it is estimated that it would produce increases in the PVFB and annual employer contributions that are approximately 1% larger than the results shown above.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs of NYCERS and other New York City agencies to implement the proposed legislation.
- * The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled

Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2021-29 dated May 19, 2021 was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2021 Legislative Session.

VETO MESSAGE - No. 88

TO THE SENATE:

I am returning herewith, without my approval, the following bills:

Senate Bill Number 4523, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty year retirement plan for members or officers of law enforcement"

Senate Bill Number 4859, entitled:

"AN ACT to amend the retirement and social security law, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs"

Senate Bill Number 6976, entitled:

"AN ACT to amend the retirement and social security law, in relation to modifying the retirement program for Triborough bridge and tunnel members"

NOT APPROVED

These bills change the retirement plans of a set of State employees at Department of Environmental Conservation (DEC), State University of New York (SUNY), New York State Parks, Recreation and Historic Preservation (Parks), and Division of Military and Naval Affairs (DMNA), and a set of Metropolitan Transportation Authority (MTA) employees working for the Triborough Bridge and Tunnel Authority (TBTA). These pension enhancement bills would impose substantial costs to the State and the MTA without any offsetting savings.

All of the workers covered under these bills provide significant service to New Yorkers, and I am proud that the retirement benefits provided to them under State law are significant and gener-

ous. However, any change in the retirement benefits like the ones in these bills should first be negotiated through the collective bargaining process before legislation is introduced. I believe the collective bargaining process is the best way for employers and employees to reach agreements on work and pension benefits.

I am also aware that for certain groups of State employees covered by these bills, there is a growing concern about the current level of retirement benefits and its impact on the agencies' ability to recruit and retain the best officers. For that reason, I want to bring all impacted parties together next year to discuss how to best improve recruitment and retention. New York State must have the best and the brightest, and I want to explore all options to meet our high standards for our workforce going forward.

Furthermore, I also understand that the MTA and its impacted unions are engaged in productive talks regarding restructuring the retirement plans in the bill referenced here, along with additional related collective bargaining issues. Therefore, I am encouraging the MTA and its unions to continue to work towards an agreement on retirement benefits that can then be introduced in legislation.

Because of the unfunded costs to the State and MTA for issues that are best suited to the collective bargaining process, I am constrained to veto these bills.

These bills are disapproved.

(signed) KATHY HOCHUL

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