

# STATE OF NEW YORK

3815--C

2025-2026 Regular Sessions

## IN SENATE

January 30, 2025

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

AN ACT to amend the general municipal law, in relation to special accidental death benefits paid to a deceased member's children

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

1 Section 1. The opening paragraphs of subdivisions a, b and c and  
2 subdivision f of section 208-f of the general municipal law, the opening  
3 paragraph of subdivision a as amended by chapter 720 of the laws of  
4 2023, the opening paragraph of subdivision b as amended by section 1 of  
5 part Y of chapter 55 of the laws of 2023, the opening paragraph of  
6 subdivision c as amended by chapter 151 of the laws of 2025 and subdivi-  
7 sion f as amended by chapter 782 of the laws of 2022, are amended and a  
8 new subdivision a-1 is added to read as follows:  
9 Notwithstanding any other provision of law, the special accidental  
10 death benefit provided by this section shall be paid to: (1) the [widow  
11 or widower] surviving spouse; or (2) the deceased member's children  
12 under the age of eighteen, or, if a student under the age of twenty-  
13 three, [if the widow or widower has died, or to] or as otherwise  
14 provided pursuant to subdivision a-1 of this section, if the member has  
15 no surviving spouse; or (3) the deceased member's parents if the member  
16 has no [widow, widower,] surviving spouse or children under the age of  
17 eighteen, or a student under the age of twenty-three, or as otherwise  
18 provided pursuant to subdivision a-1 of this section, of: (i) a deceased  
19 member of a pension or retirement system of a police department or paid

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

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1 fire department of a city, town or village; (ii) a deceased paid member  
2 of the police force of the police department of the New York city trans-  
3 it authority; (iii) a deceased paid member of the police force of the  
4 police department of the New York city housing authority; (iv) a  
5 deceased paid member of the uniformed correction force of the New York  
6 city department of correction; (v) a deceased paid uniformed member of a  
7 county sheriff's department (outside the city of New York); (vi) a  
8 deceased employee of the city of New York or the New York city health  
9 and hospitals corporation in a title whose duties are those of an emer-  
10 gency medical technician or advanced emergency medical technician (as  
11 those terms are defined in section three thousand one of the public  
12 health law), or in a title whose duties require the supervision of  
13 employees whose duties are those of an emergency medical technician or  
14 advanced emergency medical technician (as those terms are defined in  
15 section three thousand one of the public health law); (vii) a deceased  
16 paid bridge and tunnel member of the New York city employees' retirement  
17 system; (viii) a deceased paid member of the uniformed force of the New  
18 York city department of sanitation; or (ix) a deceased paid deputy sher-  
19 iff member of the New York city sheriff's department, providing the  
20 ~~[widow or widower]~~ surviving spouse is ineligible to receive benefits  
21 pursuant to section three hundred sixty-one-a of the retirement and  
22 social security law as amended by chapter seven hundred thirty-three of  
23 the laws of nineteen hundred ninety and the deceased member:

24 a-1. Notwithstanding any other provision of law, for the purposes of  
25 this section, where the deceased member is covered by the provisions of  
26 this section and was a member of a pension or retirement system covering  
27 members or employees within the city of New York, and where the special  
28 accidental death benefit is paid to the deceased member's children if  
29 the deceased member has no surviving spouse, such benefit shall be paid  
30 to the deceased member's children under the age of twenty-six; provided,  
31 however, such benefit shall continue to be paid to children after the  
32 age of twenty-six until such time that the youngest child reaches the  
33 age of twenty-six, where upon such time the benefit shall end for all  
34 the deceased member's children.

35 The special accidental death benefit shall be paid by the county,  
36 city, town or village which employed the deceased member at the time of  
37 death, and shall consist of a pension which is equal to the salary of  
38 the deceased member, reduced by the sum of each of the following bene-  
39 fits received by the ~~[widow or widower]~~ surviving spouse or the deceased  
40 member's children under the age of eighteen, ~~[if the widow or widower~~  
41 ~~has died]~~ or a student under the age of twenty-three, or as otherwise  
42 provided pursuant to subdivision a-1 of this section, if the member has  
43 no surviving spouse, or to the deceased member's parents if the member  
44 has no ~~[widow, widower,]~~ surviving spouse or children under the age of  
45 eighteen, or a student under the age of twenty-three, or as otherwise  
46 provided pursuant to subdivision a-1 of this section, on account of the  
47 death of the deceased member:

48 Commencing July first, two thousand twenty-five the special accidental  
49 death benefit paid to a ~~[widow or widower]~~ surviving spouse or the  
50 deceased member's children under the age of eighteen or, if a student,  
51 under the age of twenty-three, or as otherwise provided pursuant to  
52 subdivision a-1 of this section, if the member has no surviving spouse,  
53 ~~[if the widow or widower has died,]~~ or to the deceased member's parents  
54 if the member has no ~~[widow, widower,]~~ surviving spouse or children  
55 under the age of eighteen, or a student under the age of twenty-three,  
56 or as otherwise provided pursuant to subdivision a-1 of this section,

1 shall be escalated by adding thereto an additional percentage of the  
2 salary of the deceased member (as increased pursuant to subdivision b of  
3 this section) in accordance with the following schedule:

4 f. The special accidental death benefit shall be paid to:

5 1. The member's ~~[widow or widower]~~ surviving spouse to continue during  
6 ~~[his or her]~~ the lifetime of such surviving spouse. If ~~[he or she]~~ the  
7 deceased member shall leave no ~~[widow or widower]~~ surviving spouse, or  
8 if ~~[his or her widow or widower]~~ such deceased member's surviving spouse  
9 shall die before all ~~[his or her]~~ of the deceased member's children  
10 shall have attained age eighteen or, if students, shall have attained  
11 the age of twenty-three, or as otherwise provided pursuant to subdivi-  
12 sion a-1 of this section, or sooner die, then to

13 2. ~~[His or her]~~ The child or children under age eighteen, or, if  
14 students, under age twenty-three, or as otherwise provided pursuant to  
15 subdivision a-1 of this section, of the deceased member, divided in such  
16 manner as the comptroller, in ~~[his]~~ their discretion, shall determine,  
17 or sooner die, then to

18 3. ~~[His or her]~~ The parents of such deceased member if the member has  
19 no ~~[widow, widower,]~~ surviving spouse or children under the age of eigh-  
20 teen, or a student under the age of twenty-three, or as otherwise  
21 provided pursuant to subdivision a-1 of this section, for their life-  
22 times. Such pension shall continue in the same amount as received by the  
23 member's ~~[widow or widower]~~ surviving spouse as a joint and survivor  
24 pension until every such ~~[child shall have attained age eighteen or~~  
25 ~~sooner]~~ parent shall die.

26 § 2. a. Notwithstanding any provision of law to the contrary, an  
27 individual who would have been eligible for benefits under section 208-f  
28 of the general municipal law, as amended by section one of this act, as  
29 a child of a deceased member who was under the age of 26 when the death  
30 of the member occurred, where such member died before the effective date  
31 of this act, and where such deceased member has children currently under  
32 the age of twenty-six, shall be eligible to receive such benefit if such  
33 individual files an application with the applicable pension fund within  
34 one year following the effective date of this act.

35 b. Any application received for such benefit which reduces the benefit  
36 of one or more beneficiaries shall not be accepted unless each such  
37 beneficiary has affirmatively consented to a reduction of benefits in  
38 the manner and form prescribed by the applicable pension fund. No such  
39 benefits shall be paid retroactively.

40 c. No individual shall be eligible under this section if: (a) all of  
41 the deceased member's children have reached the age of twenty-six at the  
42 time of application; or (b) the current beneficiary is the surviving  
43 spouse or the parent or parents of such deceased member who died before  
44 the effective date of this act.

45 § 3. Notwithstanding any provision of law to the contrary, no individ-  
46 ual receiving benefits pursuant to the provisions of section 208-f of  
47 the general municipal law prior to the effective date of this act whose  
48 benefits would be reduced pursuant to the provisions of this act shall  
49 be required to repay any such benefits already received. No reduction in  
50 benefits shall occur unless an individual receiving such benefit  
51 consents to a reduction in benefits.

52 § 4. This act shall take effect immediately.

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

SUMMARY: This proposed legislation, as it relates to the New York City  
Retirement Systems and Pension Funds (NYCRS) would extend the Special  
Accidental Death Benefits currently payable to children until age 18 or

age 23, to all children under age 26 at the time of the member's death until the youngest child reaches age 26.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS  
by Fiscal Year for the first 25 years (\$ in Thousands)

| Year | NYCERS | POLICE | FIRE  | TOTAL |
|------|--------|--------|-------|-------|
| 2027 | 17     | 5,704  | 2,509 | 8,230 |
| 2028 | 17     | 167    | 93    | 277   |
| 2029 | 17     | 170    | 94    | 281   |
| 2030 | 17     | 173    | 95    | 285   |
| 2031 | 18     | 177    | 97    | 292   |
| 2032 | 18     | 180    | 98    | 296   |
| 2033 | 18     | 183    | 99    | 300   |
| 2034 | 19     | 187    | 101   | 307   |
| 2035 | 19     | 190    | 102   | 311   |
| 2036 | 19     | 194    | 104   | 317   |
| 2037 | 20     | 197    | 105   | 322   |
| 2038 | 20     | 201    | 107   | 328   |
| 2039 | 21     | 155    | 109   | 285   |
| 2040 | 22     | 158    | 71    | 251   |
| 2041 | 22     | 161    | 73    | 256   |
| 2042 | 22     | 164    | 75    | 261   |
| 2043 | 22     | 167    | 77    | 266   |
| 2044 | 23     | 170    | 79    | 272   |
| 2045 | 23     | 173    | 81    | 277   |
| 2046 | 23     | 176    | 83    | 282   |
| 2047 | 24     | 180    | 85    | 289   |
| 2048 | 24     | 183    | 87    | 294   |
| 2049 | 24     | 185    | 89    | 298   |
| 2050 | 25     | 188    | 91    | 304   |
| 2051 | 25     | 191    | 93    | 309   |

Projected contributions include future new hires that may be impacted. For Fiscal Year 2052 and beyond, the expected increase in normal cost as a level percent of pay for impacted new entrants is approximately 0.0005% for NYCERS, 0.0016% for POLICE, and 0.0023% for FIRE. Costs for potential future accidental death reclassifications are not included above.

The initial increase in employer contributions will be allocated to New York City.

PRESENT VALUE OF BENEFITS: The Present Value of Benefits is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases. Future new hires are not included in this present value.

INITIAL INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES  
as of June 30, 2025 (\$ in Thousands)

| Present Value (PV)                | NYCERS | POLICE | FIRE  |
|-----------------------------------|--------|--------|-------|
| (1) PV of Employer Contributions: | 157    | 6,613  | 3,060 |
| (2) PV of Employee Contributions: | 0      | 0      | 0     |
| Total PV of Benefits              |        |        |       |

|            |     |       |       |
|------------|-----|-------|-------|
| (1) + (2): | 157 | 6,613 | 3,060 |
|------------|-----|-------|-------|

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL for active members were amortized over the expected remaining working lifetime of those impacted using level dollar payments. UAL attributable to inactive members was recognized in the first year.

#### AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

|                              | NYCERS | POLICE  | FIRE    |
|------------------------------|--------|---------|---------|
| Increase (Decrease) in UAL:  | (6) K  | 5,382 K | 2,500 K |
| Number of Payments:          | 12     | 12      | 13      |
| Amortization Payment:        | (1) K  | 49 K    | 39 K    |
| Additional One-time Payment: | 0 K    | 5,539 K | 2,416 K |

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2025. The census data for the impacted population is summarized below.

|                                  | NYCERS  | POLICE  | FIRE    |
|----------------------------------|---------|---------|---------|
| Active Members                   |         |         |         |
| - Number Count:                  | 17,985  | 33,950  | 11,178  |
| - Average Age:                   | 42.1    | 37.1    | 40.3    |
| - Average Service:               | 11.5    | 10.6    | 13.1    |
| - Average Salary:                | 110,900 | 134,100 | 141,300 |
| Receiving Members                |         |         |         |
| - Number Count:                  | 0       | 20      | 8       |
| - Average Age of Youngest Child: | N/A     | 20.3    | 21.6    |

IMPACT ON SURVIVOR BENEFITS: The accidental death benefits payable to surviving beneficiaries of NYCERS, POLICE, and FIRE members who were employed in certain uniformed positions are made up of accidental death benefits and, if eligible, Special Accidental Death Benefits (SADB) under General Municipal Law section 208-f, totaling approximately 100% of salary and is assumed to increase by 3% each year.

Currently, SADB is payable to surviving spouses for their lifetime, then to children until age 18, or age 23 if a student, and then to surviving parents for their lifetime. If there are no beneficiaries in a class, benefits are paid to each successive class. In the event there is more than one eligible beneficiary in a class (e.g., multiple children), benefits are divided among members of that class.

Under the proposed legislation, for member deaths on or after the effective date, SADB would be payable to surviving spouses for their lifetime, then to all children who were under age 26 at the time of death until the youngest child attains age 26, and then to surviving parents for their lifetime.

For member deaths prior to the effective date, SADB benefits would be extended to all surviving children who were under age 26 at the time of death until the youngest child reaches age 26, provided that at least one eligible child is under age 26 upon application, and provided that no spouse or parent is currently in receipt of the SADB benefit. To the extent that benefits would be reduced for other beneficiaries, consent

from affected beneficiaries would be required before such benefits would be paid.

**ASSUMPTIONS AND METHODS:** The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

- \* Upon accidental death, 50% of active members are assumed to be survived by a spouse and children, 25% are assumed to be survived by parents and children with no spouse, and the remaining 25% are assumed to have no children.

- \* For purposes of estimating the demographics of surviving children, members are assumed to have their first child at age 25, second child at age 30, and third child at age 35.

- \* For purposes of estimating the demographics of surviving parents, parents are assumed to be 30 years older than the member at time of death.

- \* 50% of deceased members with child beneficiaries currently in-receipt are assumed to have parents who are still alive.

- \* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

**RISK AND UNCERTAINTY:** The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits). This Fiscal Note does not reflect any chapter laws that may have been enacted during the current legislative session.

**STATEMENT OF ACTUARIAL OPINION:** Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS, but do not believe it impairs our objectivity, and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our 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 2026-79 dated May 7, 2026 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2026 Legislative Session.