

1666

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GRISANTI, MAZIARZ -- 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
certain disabilities of environmental police officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 363-a of the retirement and social security law, as
2 amended by chapter 967 of the laws of 1974, subdivision 3 as amended by
3 chapter 357 of the laws of 2002 and subdivision 4 as amended by chapter
4 768 of the laws of 1975, is amended to read as follows:
5 S 363-a. [Firemen and policemen] FIREFIGHTERS AND POLICE OFFICERS;
6 certain disabilities. 1. Notwithstanding any provision of this chapter
7 or of any general, special, or local law to the contrary, any condition
8 of impairment of health caused by diseases of the heart, resulting in
9 disability or death to a [fireman] FIREFIGHTER shall be presumptive
10 evidence that it was incurred in the performance and discharge of duty
11 and the natural and proximate result of an accident, unless the contrary
12 be proved by competent evidence.
13 2. Notwithstanding any provision of this chapter or of any general,
14 special, or local law to the contrary, any condition of impairment of
15 health caused by diseases of the heart, resulting in disability or death
16 to a [policeman] POLICE OFFICER, presently employed, and who shall have
17 sustained such disability while so employed, shall be presumptive
18 evidence that [is] IT was incurred in the performance and discharge of
19 duty, unless the contrary be proved by competent evidence.
20 3. As used in this section, the [term "fireman" and "policeman" means]
21 TERMS "FIREFIGHTER" AND "POLICE OFFICER" MEAN any member who is perform-
22 ing police or fire service, as the phrase police or fire service is
23 defined in paragraphs a, b, c, d, F (AS ADDED BY CHAPTER SIX HUNDRED

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

LBD04681-02-3

SEVENTY-FOUR OF THE LAWS OF NINETEEN EIGHTY-SIX), F (AS ADDED BY CHAPTER SIX HUNDRED SEVENTY-SEVEN OF THE LAWS OF NINETEEN EIGHTY-SIX), g, and h of subdivision eleven of section three hundred two of this article, and who, prior to entry into service as a [fireman or policeman] FIREFIGHTER OR POLICE OFFICER, successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.

4. The provisions of this section shall remain in full force and effect to and including August thirty-first, nineteen hundred seventy-six.

S 2. The amendments made to section 363-a of the retirement and social security law by section one of this act shall not affect, impair, or invalidate any temporary right, privilege, or benefit conferred pursuant to the provisions of a general, special or local law (other than pursuant to articles 14 and 15 of the retirement and social security law) for any member of a public retirement system or pension plan funded by the state or one of its political subdivisions, nor shall any amendments thereto affect the application of such provisions as extended by the provisions of section 480 of the retirement and social security law.

S 3. This act shall take effect immediately.

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

This bill would amend the Retirement and Social Security Law in relation to heart disease related disabilities. It would add a "heart bill" provision for police officers of the Division of Law Enforcement in the Department of Environmental Conservation who are members of the New York State and Local Police and Fire Retirement System.

If this bill is enacted, it could lead to more disabilities being classified as "performance of duty". We anticipate that few performance duty disability retirements will be granted, and thus, the resulting costs will be negligible.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualifications Standards to render the actuarial opinion contained herein.

This estimate, dated November 28, 2012, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-9, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.