S T A T E O F N E W Y O R K

1623

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Health

AN ACT to create a task force on retiree health insurance protection; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Legislative findings. The legislature finds that adequate and affordable health insurance coverage is a crucial issue for retired police officers and firefighters and their dependents. State government actions have been inconsistent, protecting health insurance coverage for some groups of retirees, while denying protection to others.

The legislature finds and declares that equity and fairness require development and application of cost-effective strategies for protecting adequate and affordable health insurance for retired public employees and their dependents as a means both of providing quality of life of such retirees and preserving the integrity of the agreements made between employers and employees prior to retirement.

S 2. Task force on retiree health insurance protection. 1. There is hereby created a twelve member task force on retiree health insurance protection. The members of the task force shall be:

(a) the chair of the senate committee on civil service and pensions, the chair of the assembly committee on governmental employees, and the president of the state civil service commission, or their designees, who shall serve as co-chairs;

(b) two members appointed by the governor, one of whom shall be appointed upon the recommendation of the New York state AFL-CIO;

(c) two members appointed by the temporary president of the senate, one of whom shall be appointed upon the recommendation of the New York state AFL-CIO;

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

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(d) two members appointed by the speaker of the assembly, one of whom shall be appointed upon the recommendation of the New York state AFL-CIO;

(e) the state comptroller, or his or her designee;

(f) one member appointed by the minority leader of the senate; and

(g) one member appointed by the minority leader of the assembly.

Of such appointed members one shall be the president of the Retired Police Association of the State of New York, one shall be the president of the New York Police and Fire Retiree Association, Inc., and one shall be a representative officer of the National NYCPD 1013 Organization, Inc. Any vacancies on the task force, whether the result of resignation, failure of an appointing authority to appoint, or any other cause, shall not impair the right of the remaining members to exercise all the powers of the task force, or otherwise affect the responsibility of such remaining members to fulfill the requirements of this act.

2. Task force members shall receive no compensation for their services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

3. The task force shall meet at least four times and shall conduct at least one public hearing.

4. The task force shall consult with, and seek advice and recommendations from, public officers, organizations, and entities affected, including but not limited to, the director of the budget, the superintendent of insurance, the director of the office for the aging, the director of the office of employee relations, the secretary of state and his or her designees with particular expertise in municipal government, organizations representing retirees including alliances of retiree organizations, organizations representing municipal officials, organizations representing local governments, organizations with expertise covering police and fire and police and fire retirees, and other organizations as the task force shall deem to be appropriate.

5. The co-chairs shall provide the task force with personnel and support services necessary to accomplish its duties.

S 3. Report of the task force. No later than June 1, 2010, the task force shall transmit to the governor, the temporary president of the senate, and the speaker of the assembly a report recommending cost-effective strategies for protecting adequate and affordable health insurance for retired public employees and their dependents.

S 4. Health insurance moratorium. 1. From on and after May 1, 2009 until June 30, 2010, a public employer shall be prohibited from diminishing the health insurance benefits provided to retirees and their dependents or the contributions such employer makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their dependents by such employer unless a corresponding diminution of benefits or contributions is effected from the present level as of May 1, 2009 during this period by such employer from the corresponding group of active employees for such retirees. For the purpose of this act, "public employer" shall mean the following: (i) the state; (ii) a county, city, town or village; (iii) any governmental entity operating a college or university; (iv) a public improvement or special district; (v) a public authority, commission or public benefit corporation; (vi) a school district, board of cooperative educational services, vocational education and extension board or a school district as enumerated in section 1 of chapter 566 of the laws of 1967, as amended; or (vii) any other public corporation, agency, instrumentality or unit of government which exercises governmental power under

the laws of this state. For the purpose of this act, "retirees and their dependents" shall mean retired members and dependents of (i) the New York State and Local Police and Fire Retirement System, the New York city police pension fund, the New York city fire department pension fund, and (ii) any other pension fund of a public employer providing benefits to retired police officer and firefighter members and dependents, provided that the application of this subdivision shall be limited to the individual police officers and firefighters and their dependents.

2. Nothing contained in this act shall supersede or diminish the terms of a collective bargaining agreement. Nothing contained in this act shall supersede or diminish the provisions of chapter 729 of the laws of 1994 and any amendment thereto.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after May 1, 2009; provided, however, that section two of this act shall expire and be deemed repealed on and after June 2, 2010.