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

5739

2011-2012 Regular Sessions

I N A S S E M B L Y

February 28, 2011

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 three-quarters of pension for police officers and firefighters who contract methicillin resistant staphylococcus aureus

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

Section 1. The retirement and social security law is amended by adding a new section 363-ddd to read as follows:

S 363-DDD. IMPAIRMENTS OF HEALTH; PRESUMPTION; STAPH/MRSA. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, ANY POLICE OFFICER OR FIREFIGHTER WHO IS COVERED BY THE PROVISIONS OF SECTION THREE HUNDRED SIXTY-THREE OF THIS TITLE AND WHO CONTRACTS METHICILLIN RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) OR STAPH/MRSA WILL BE PRESUMED TO HAVE CONTRACTED SUCH DISEASE IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT AND TO BE DISABLED FROM THE PERFORMANCE OF HIS OR HER DUTIES UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE.

S 2. This act shall take effect immediately.

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

This bill will affect certain members of the New York State and Local Police and Fire Retirement System by presuming that contracting MRSA or Staph/MRSA will qualify them for an accidental disability retirement, unless the contrary be proven by competent evidence.

If this bill is enacted, we anticipate that few additional accidental disability retirements will be granted, and thus, the resulting costs will be negligible.

This estimate, dated November 17, 2010, and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-7, prepared by the Actuary for 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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