

7872--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 19, 2011

Introduced by M. of A. ABINANTI, GUNTHER, ROBERTS, GIBSON, REILLY, PAULIN, STEVENSON -- Multi-Sponsored by -- M. of A. GABRYSZAK, McENEANY, MONTESANO, TITONE -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to providing notice of health insurance contracts for retired officers, employees, and their families

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

1 Section 1. Subdivision 2 of section 92-a of the general municipal law,
2 as amended by chapter 805 of the laws of 1984 and as further amended by
3 section 104 of part A of chapter 62 of the laws of 2011, is amended and
4 a new subdivision 2-a is added to read as follows:
5 2. [A] CONSISTENT WITH THE PROVISIONS OF SUBDIVISION TWO-A OF THIS
6 SECTION, A public corporation may contract with a non-profit membership
7 corporation, organized under article forty-three of the insurance law
8 and approved by the superintendent of financial services and the state
9 board of social welfare, or with any insurance company authorized to do
10 business in this state for the purpose of furnishing medical and surgi-
11 cal services and hospital service as defined in such article forty-
12 three, or medical and surgical and hospital insurance to persons who
13 contract with such non-profit membership corporation or insurance compa-
14 ny, or who subscribe to a plan or plans, as hereinafter provided. Any
15 such contract entered into by a public corporation shall permit any
16 officer or employee or group of officers or employees of an agency or
17 department of the public corporation voluntarily to subscribe to a plan
18 or plans providing for medical and surgical and hospital insurance for,
19 or medical and surgical services and hospital service to, such officers

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

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1 or employees and their families. Any such contract entered into by a
2 public corporation may, if authorized by the governing board or body and
3 subject to such conditions, limitations and eligibility requirements as
4 may be fixed by such board or body, permit any retired officers and
5 employees or group of retired officers and employees of an agency or
6 department of the public corporation voluntarily to subscribe to such a
7 plan or plans to provide such insurance for or service to themselves and
8 their families. The comptroller or other disbursing officer of the
9 public corporation, or of any fund out of which officers or employees of
10 such public corporation are paid, is authorized to deduct from the wages
11 or salary of such contracting or subscribing officer or employee, with
12 his prior consent, in writing, the sums required to be paid by such
13 officer or employee to such non-profit membership corporation or insur-
14 ance company. Such public corporation, if such contract or plan provides
15 that the employer shall contribute a share of the cost of such medical
16 and surgical services and hospital service, or medical and surgical and
17 hospital insurance, for its officers and employees or retired officers
18 and employees, is authorized to appropriate a sum required to be paid
19 under such contract by the public corporation as employer. The sum to be
20 paid by it under such contract, in the discretion of such public corpo-
21 ration, may be any percentage of the total cost including the whole
22 thereof. Where the compensation of any officer or employee whose posi-
23 tion is covered by medical and surgical services and hospital service or
24 medical and surgical and hospital insurance pursuant to this section is
25 paid from a special or administrative fund provided for by law, the
26 contributions required to be paid by the public corporation for such
27 coverage shall be paid from such special or administrative fund. The
28 public corporation shall be authorized to pay directly to such non-pro-
29 fit membership corporation or to such insurance company, the total of
30 such appropriation and of such officer and employee deductions.

31 2-A. PRIOR TO EXECUTING OR AMENDING A CONTRACT OR PLAN THAT PROVIDES
32 HEALTH INSURANCE TO RETIRED OFFICERS, EMPLOYEES, OR THEIR FAMILIES
33 PURSUANT TO SUBDIVISION TWO OF THIS SECTION, A PUBLIC CORPORATION SHALL
34 GIVE NINETY DAYS NOTICE OF SUCH PROPOSED CONTRACT TO THE RETIRED OFFI-
35 CERS, EMPLOYEES, OR THEIR FAMILY MEMBERS WHO ARE COVERED UNDER SUCH
36 CONTRACT. THE PUBLIC CORPORATION SHALL STATE IN THE NOTICE: (A) THE
37 GENERAL TERMS OF THE PROPOSED CONTRACT OR AMENDMENT; (B) THE LOCATION
38 WHERE THE COVERED RETIRED OFFICERS, EMPLOYEES, OR THEIR FAMILY MEMBERS
39 CAN OBTAIN THE FULL TEXT OF SUCH PROPOSED CONTRACT OR PLAN AND ANY
40 CHANGES THERETO; AND (C) ANY RELEVANT FINANCIAL INFORMATION INCLUDING,
41 BUT NOT LIMITED TO, THE COST OF THE PROPOSED CONTRACT TO THE PUBLIC
42 CORPORATION AND THE COST TO THE RETIRED OFFICERS, EMPLOYEES, OR THEIR
43 FAMILIES. THE NOTICE SHALL BE FORWARDED TO THE COVERED RETIRED OFFICERS,
44 EMPLOYEES, OR THEIR FAMILIES, AND SHALL ALSO BE POSTED IN A PUBLIC PLACE
45 AT THE OFFICES OF SUCH PUBLIC CORPORATION, ON ANY WEBSITE PUBLISHED OR
46 MAINTAINED BY THE PUBLIC CORPORATION, AND IN ANY OTHER PLACE LOCATED
47 WITHIN THE JURISDICTION OF SUCH PUBLIC CORPORATION WHERE PUBLIC NOTICES
48 ARE GENERALLY PUBLISHED.

49 S 2. This act shall take effect immediately and shall apply to any
50 health insurance contract or plan entered into, renewed, modified, or
51 amended on or after such effective date.