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

5740

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 certain impairments of health presumed to be incurred in performance or discharge of duty

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. CERTAIN IMPAIRMENTS OF HEALTH; PRESUMPTION. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER TO THE CONTRARY, ANY (I) MELANOMA OR (II) CONDITION OF CANCER AFFECTING THE LYMPHATIC, DIGESTIVE, HEMATOLOGICAL, URINARY OR PROSTATE SYSTEMS, RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A POLICE OFFICER, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO POLICE SERVICE, WHICH EXAMINATION FAILED TO REVEAL ANY EVIDENCE OF SUCH MELANOMA OR CONDITION, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

S 2. This act shall take effect immediately.

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

This bill will add a new Section 363-ddd to the Retirement and Social Security Law which will provide certain police officers with the benefit that any impairment of health caused by certain types of cancer resulting in disability or death shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence.

If this bill is enacted, we anticipate that few additional performance of duty 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. 2011-23, 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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