

S T A T E   O F   N E W   Y O R K

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5116--A

2011-2012 Regular Sessions

I N   S E N A T E

May 3, 2011

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Introduced by Sens. GRISANTI, ADDABBO, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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.

LBD10309-03-1

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

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

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

20 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 of duty disability retirements will be granted, and thus, the resulting costs will be negligible.

This estimate, dated November 10, 2011, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-6, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.