

7476

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 22, 2013

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Introduced by M. of A. GARBARINO -- read once and referred to the  
Committee on Governmental Employees

AN ACT establishing a temporary task force on variable supplements fund

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

1     Section 1. Legislative intent. The variable supplements fund (VSF)  
2     program was enacted in 1970 to provide supplementation to the retirement  
3     allowance of New York city police and fire retirement system members.  
4     Since the enactment of the legislation establishing the VSF program,  
5     much controversy has been generated by the exclusion of disability retirees  
6     from eligibility for the benefit. Although a small number of New  
7     York city disability retirees were permitted to receive VSF supplementation  
8     benefits as a result of technical correction legislation approved  
9     during previous years, the lack of clarity in defining VSF eligibility  
10    and the continued exclusion of most disabled firefighters from receipt  
11    of this benefit has been a cause of much frustration and confusion for  
12    disability pensioners.

13    While it is recognized that any amendment to the VSF will require  
14    careful study and consideration of the issues involved, the legislature's  
15    interest in ensuring fairness and equity demand such review.  
16    Because the legislature does not accept this responsibility lightly, it  
17    hereby declares that the establishment of a temporary task force, to be  
18    known as the temporary task force on the variable supplements fund, is  
19    both warranted and required.

20    S 2. 1. A temporary task force, to be known as the temporary task  
21    force on the variable supplements fund, is hereby created to examine and  
22    investigate such issues as are related to the exclusion of disability  
23    pensioners from the VSF.

24    2. The temporary task force shall have the power to:

25    (a) conduct public hearings in furtherance of the performance of its  
26    duties under this act;

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

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1 (b) issue subpoenas for and to compel attendance of witnesses and the  
2 production of books, records, documents and other relevant evidence; and  
3 (c) to recommend legislation consistent with the purposes of this  
4 section.

5 3. The task force shall consist of seven members appointed by the  
6 governor as follows:

7 (a) one member appointed on the recommendation of the temporary presi-  
8 dent of the senate;

9 (b) one member appointed on the recommendation of the speaker of the  
10 assembly;

11 (c) one member appointed on the recommendation of the minority leader  
12 of the senate;

13 (d) one member appointed on the recommendation of the minority leader  
14 of the assembly;

15 (e) one member appointed on the recommendation of the mayor of the  
16 city of New York;

17 (f) one member appointed on the recommendation of the state comp-  
18 troller; and

19 (g) one member who shall represent the interest of the affected disa-  
20 bility retirees and who shall be designated by the chair.

21 From among such seven members, the governor shall designate the chair.  
22 In addition to such six voting members, the president of the uniformed  
23 firefighters association of greater New York or his or her designee and  
24 the comptroller of the city of New York or his or her designee shall  
25 serve as non-voting members. Four voting members of the temporary task  
26 force shall, at all times, constitute a quorum. Members shall receive no  
27 compensation for their services; members (including non-voting members)  
28 who are not governmental employees shall be reimbursed for their reason-  
29 able expenses incurred during the performance of their duties. Notwith-  
30 standing any inconsistent provision of any general, special or local  
31 law, no officer or employee of the state or of any political subdivision  
32 thereof shall forfeit his or her office or employment by reason of  
33 acceptance of appointment to the temporary task force.

34 4. Within one year of this act becoming law, the temporary task force  
35 shall issue a report containing such findings and recommendations  
36 regarding the eligibility of disability pensioners of New York city to  
37 receive supplemental payments from the VSF and any other matters relat-  
38 ing thereto. Such report shall be transmitted to the governor, the comp-  
39 troller, the chair of the Senate civil service and pensions committee  
40 and the chair of the assembly governmental employees committee.

41 S 3. This act shall take effect immediately.