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

1666--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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:

Section 1. Section 363-a of the retirement and social security law, as amended by chapter 967 of the laws of 1974, subdivision 3 as amended by chapter 357 of the laws of 2002 and subdivision 4 as amended by chapter 768 of the laws of 1975, is amended to read as follows:

S 363-a. [Firemen and policemen] FIREFIGHTERS AND POLICE OFFICERS; certain disabilities. 1. Notwithstanding any provision of this chapter or of any general, special, or local law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to a [fireman] FIREFIGHTER shall be presumptive evidence that it was incurred in the performance and discharge of duty and the natural and proximate result of an accident, unless the contrary be proved by competent evidence.

2. Notwithstanding any provision of this chapter or of any general, special, or local law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to a [policeman] POLICE OFFICER, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that [is] IT was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

3. As used in this section, the [term "fireman" and "policeman" means] TERMS "FIREFIGHTER" AND "POLICE OFFICER" MEAN any member who is performing police or fire service, as the phrase police or fire service is

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

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

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

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

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.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the statement of actuarial opinion contained herein.

This estimate, dated October 28, 2013, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-27, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.