

10030

I N   A S S E M B L Y

May 6, 2016

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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 disabilities of environmental police officers, forest rangers,  
and capital police officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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  
24    SEVENTY-FOUR OF THE LAWS OF NINETEEN EIGHTY-SIX), F (AS ADDED BY CHAPTER  
25    SIX HUNDRED SEVENTY-SEVEN OF THE LAWS OF NINETEEN EIGHTY-SIX), g, [and]  
26    h AND J of subdivision eleven of section three hundred two of this arti-  
27    cle, and who, prior to entry into service as a [fireman or policeman]

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

LBD14917-04-6

1 FIREFIGHTER OR POLICE OFFICER, successfully passed a physical examina-  
2 tion which failed to disclose evidence of any disease or other impair-  
3 ment of the heart.

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

7 S 2. Subdivision 11 of section 302 of the retirement and social secu-  
8 rity law is amended by adding a new paragraph j to read as follows:

9 J. SERVICE AS A SUPERVISOR OF FOREST RANGER SERVICES; ASSISTANT SUPER-  
10 VISOR OF FOREST RANGER SERVICES; FOREST RANGER 3; FOREST RANGER 2;  
11 FOREST RANGER 1 EMPLOYED BY THE STATE DEPARTMENT OF ENVIRONMENTAL  
12 CONSERVATION OR SWORN OFFICER OF THE DIVISION OF FOREST PROTECTION AND  
13 FIRE MANAGEMENT IN THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION RESPON-  
14 SIBLE FOR WILD LAND SEARCH AND RESCUE, WILD LAND FIRE MANAGEMENT IN THE  
15 STATE AS PRESCRIBED IN SUBDIVISION EIGHTEEN OF SECTION 9-0105 AND TITLE  
16 ELEVEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW, EXERCISING  
17 CARE, CUSTODY AND CONTROL OF STATE LANDS ADMINISTERED BY THE DEPARTMENT  
18 OF ENVIRONMENTAL CONSERVATION.

19 S 3. The amendments made to section 363-a of the retirement and social  
20 security law by section one of this act shall not affect, impair, or  
21 invalidate any temporary right, privilege, or benefit conferred pursuant  
22 to the provisions of a general, special or local law (other than pursu-  
23 ant to articles 14 and 15 of the retirement and social security law) for  
24 any member of a public retirement system or pension plan funded by the  
25 state or one of its political subdivisions, nor shall any amendments  
26 thereto affect the application of such provisions as extended by the  
27 provisions of section 480 of the retirement and social security law.

28 S 4. 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 granting performance of duty disability benefits for heart  
disease related disabilities. It would add a "heart bill" provision for  
police officers and forest rangers 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 would 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, 2015 actuarial valu-  
ation. Distributions and other statistics can be found in the 2015  
Report of the Actuary and the 2015 Comprehensive Annual Financial  
Report.

The actuarial assumptions and methods used are described in the 2015  
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, 2015  
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 Quali-  
fication Standards to render the actuarial opinion contained herein.

This estimate, dated April 8, 2016, and intended for use only during  
the 2016 Legislative Session, is Fiscal Note No. 2016-88, prepared by  
the Actuary for the New York State and Local Retirement System.