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I N   A S S E M B L Y

June 8, 2016

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Introduced by COMMITTEE ON RULES -- (at request of 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  
disability benefits for firefighters employed by the division of mili-  
tary and naval affairs

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

1     Section 1. The retirement and social security law is amended by adding  
2     two new sections 63-g and 63-h to read as follows:  
3     S 63-G. PERFORMANCE OF DUTY DISABILITY RETIREMENT. A. ANY MEMBER OF  
4     THE RETIREMENT SYSTEM EMPLOYED BY THE DIVISION OF MILITARY AND NAVAL  
5     AFFAIRS SHALL BE ELIGIBLE TO RETIRE PURSUANT TO THE PROVISIONS OF THIS  
6     SECTION IF HE OR SHE IS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIRE-  
7     FIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING  
8     AND SAFETY OFFICER.  
9     B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
10    SPECIAL LAW TO THE CONTRARY, ANY MEMBER WHO BECOMES PHYSICALLY OR  
11    MENTALLY INCAPACITATED AS THE RESULT OF A DISABILITY FROM ANY CONDITION  
12    OF IMPAIRMENT OF HEALTH CAUSED BY: (1) DISEASES OF THE HEART; OR (2) ANY  
13    (I) MELANOMA OR (II) CONDITION OF CANCER AFFECTING THE LYMPHATIC, DIGES-  
14    TIVE, HEMATOLOGICAL, URINARY, NEUROLOGICAL, BREAST, REPRODUCTIVE OR  
15    PROSTATE SYSTEMS, WHO IS PRESENTLY EMPLOYED AND WHO SHALL HAVE SUSTAINED  
16    SUCH DISABILITY WHILE SO EMPLOYED AND WHILE ACTUALLY A MEMBER OF THE  
17    RETIREMENT SYSTEM, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON  
18    ENTRY INTO SERVICE AS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIRE-  
19    FIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING  
20    AND SAFETY OFFICER, WHICH EXAMINATION FAILED TO DISCLOSE EVIDENCE OF ANY  
21    DISEASE OR OTHER IMPAIRMENT OF THE HEART OR SUCH MELANOMA OR CONDITION,  
22    SHALL BE PRESUMPTIVE EVIDENCE THAT SUCH DISABILITY OR DEATH (A) WAS  
23    CAUSED BY THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT, NOT CAUSED BY  
24    SUCH FIREFIGHTER'S OWN NEGLIGENCE AND (B) WAS INCURRED IN THE PERFORM-  
25    ANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT  
26    EVIDENCE AND SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT  
27    BENEFIT PAYABLE PURSUANT TO THIS SECTION.

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

LBD15496-02-6

1 C. APPLICATION FOR A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOW-  
2 ANCE FOR SUCH A MEMBER MAY BE MADE BY:

- 3 1. SUCH MEMBER;  
4 2. THE HEAD OF THE DEPARTMENT IN WHICH SUCH MEMBER IS EMPLOYED; OR  
5 3. SOME PERSON ACTING ON BEHALF OF AND AUTHORIZED BY SUCH MEMBER.

6 D. AFTER THE FILING OF SUCH AN APPLICATION SUCH MEMBER SHALL BE GIVEN  
7 ONE OR MORE MEDICAL EXAMINATIONS.

8 E. IF THE COMPTROLLER DETERMINES THAT THE MEMBER IS PHYSICALLY OR  
9 MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTY AND OUGHT TO BE  
10 RETIRED FOR PERFORMANCE OF DUTY DISABILITY, SUCH MEMBER SHALL BE SO  
11 RETIRED. SUCH RETIREMENT SHALL BE EFFECTIVE AS OF A DATE APPROVED BY  
12 THE COMPTROLLER.

13 F. THE RETIREMENT ALLOWANCE PAYABLE UPON RETIREMENT FOR PERFORMANCE OF  
14 DUTY DISABILITY SHALL CONSIST OF A PENSION OF ONE-HALF OF HIS OR HER  
15 FINAL AVERAGE SALARY PLUS AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIV-  
16 ALENT OF SUCH MEMBER'S ACCUMULATED CONTRIBUTIONS, IF ANY.

17 G. IF THE MEMBER, AT THE TIME OF THE FILING OF AN APPLICATION UNDER  
18 THE PROVISIONS OF SUBDIVISION C OF THIS SECTION, IS ELIGIBLE FOR A  
19 SERVICE RETIREMENT BENEFIT, THEN AND IN THAT EVENT, SUCH MEMBER MAY  
20 SIMULTANEOUSLY FILE AN APPLICATION FOR SERVICE RETIREMENT IN ACCORDANCE  
21 WITH THE PROVISIONS OF SECTION SEVENTY OF THIS ARTICLE, PROVIDED THAT  
22 THE MEMBER INDICATES ON THE APPLICATION FOR SERVICE RETIREMENT THAT SUCH  
23 APPLICATION IS FILED WITHOUT PREJUDICE TO THE APPLICATION FOR PERFORM-  
24 ANCE OF DUTY DISABILITY RETIREMENT.

25 H. ANY BENEFIT PROVIDED PURSUANT TO THIS SECTION SHALL NOT BE CONSID-  
26 ERED AS AN ACCIDENTAL DISABILITY BENEFIT WITHIN THE MEANING OF SECTION  
27 SIXTY-FOUR OF THIS TITLE. ANY BENEFIT PAYABLE PURSUANT TO THE WORKERS'  
28 COMPENSATION LAW TO A MEMBER RECEIVING A DISABILITY ALLOWANCE PURSUANT  
29 TO THIS SECTION SHALL BE IN ADDITION TO SUCH RETIREMENT FOR DISABILITY  
30 INCURRED IN PERFORMANCE OF DUTY ALLOWANCE.

31 S 63-H. CERTAIN IMPAIRMENTS OF HEALTH; PRESUMPTION. A. ANY MEMBER OF  
32 THE RETIREMENT SYSTEM EMPLOYED BY THE DIVISION OF MILITARY AND NAVAL  
33 AFFAIRS SHALL BE ELIGIBLE TO RETIRE PURSUANT TO THE PROVISIONS OF THIS  
34 SECTION IF HE OR SHE IS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIRE-  
35 FIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING  
36 AND SAFETY OFFICER.

37 B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
38 SPECIAL LAW TO THE CONTRARY, ANY CONDITION OF IMPAIRMENT OF HEALTH  
39 CAUSED BY: (1) DISEASES OF THE HEART; OR (2) ANY (I) MELANOMA OR (II)  
40 CONDITION OF CANCER AFFECTING THE LYMPHATIC, DIGESTIVE, HEMATOLOGICAL,  
41 URINARY, NEUROLOGICAL, BREAST, REPRODUCTIVE OR PROSTATE SYSTEMS RESULT-  
42 ING IN DISABILITY TO A MEMBER COVERED BY THIS SECTION, PRESENTLY  
43 EMPLOYED AND WHO SHALL HAVE SUSTAINED SUCH DISABILITY AS THE RESULT OF  
44 AN ACCIDENT NOT CAUSED BY HIS OR HER OWN WILLFUL NEGLIGENCE SUSTAINED IN  
45 SUCH SERVICE AND WHILE ACTUALLY A MEMBER OF THE RETIREMENT SYSTEM, WHO  
46 SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO SERVICE AS AN  
47 AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIREFIGHTER I, AIRPORT FIRE-  
48 FIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING AND SAFETY OFFICER WHICH  
49 EXAMINATION FAILED TO DISCLOSE EVIDENCE OF ANY DISEASE OR OTHER IMPAIR-  
50 MENT OF THE HEART OR SUCH MELANOMA OR CONDITION, SHALL BE PRESUMPTIVE  
51 EVIDENCE THAT SUCH DISABILITY OR DEATH (A) WAS CAUSED BY THE NATURAL AND  
52 PROXIMATE RESULT OF AN ACCIDENT, NOT CAUSED BY SUCH FIREFIGHTER'S OWN  
53 NEGLIGENCE AND (B) WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF  
54 DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE AND SHALL BE  
55 PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THAT

1 WHICH IS PROVIDED IN SECTION SIXTY-THREE OF THIS TITLE, SUBJECT TO THE  
2 PROVISIONS OF SECTION SIXTY-FOUR OF THIS TITLE.

3 C. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
4 SPECIAL LAW TO THE CONTRARY, ANY CONDITION OF IMPAIRMENT OF HEALTH  
5 CAUSED BY DISEASES OF THE LUNG, RESULTING IN DISABILITY TO A MEMBER  
6 COVERED BY THIS SECTION, PRESENTLY EMPLOYED AND WHILE ACTUALLY A MEMBER  
7 OF THE RETIREMENT SYSTEM, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION  
8 ON ENTRY INTO SERVICE AS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT  
9 FIREFIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAIN-  
10 ING AND SAFETY OFFICER, WHICH EXAMINATION FAILED TO DISCLOSE EVIDENCE OF  
11 ANY DISEASE OR OTHER IMPAIRMENT OF THE LUNG, SHALL BE PRESUMPTIVE  
12 EVIDENCE THAT SUCH DISABILITY OR DEATH (1) WAS CAUSED BY THE NATURAL AND  
13 PROXIMATE RESULT OF AN ACCIDENT, NOT CAUSED BY SUCH FIREFIGHTER'S OWN  
14 NEGLIGENCE AND (2) WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF  
15 DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE AND SHALL BE  
16 PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THAT  
17 WHICH IS PROVIDED IN SECTION SIXTY-THREE OF THIS TITLE, SUBJECT TO THE  
18 PROVISIONS OF SECTION SIXTY-FOUR OF THIS TITLE.

19 S 2. The retirement and social security law is amended by adding two  
20 new sections 607-i and 607-j to read as follows:

21 S 607-I. PERFORMANCE OF DUTY DISABILITY RETIREMENT. A. ANY MEMBER OF  
22 THE RETIREMENT SYSTEM EMPLOYED BY THE DIVISION OF MILITARY AND NAVAL  
23 AFFAIRS SHALL BE ELIGIBLE TO RETIRE PURSUANT TO THE PROVISIONS OF THIS  
24 SECTION IF HE OR SHE IS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIRE-  
25 FIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING  
26 AND SAFETY OFFICER.

27 B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
28 SPECIAL LAW TO THE CONTRARY, ANY MEMBER WHO BECOMES PHYSICALLY OR  
29 MENTALLY INCAPACITATED AS THE RESULT OF A DISABILITY FROM ANY CONDITION  
30 OF IMPAIRMENT OF HEALTH CAUSED BY: (1) DISEASES OF THE HEART; OR (2) ANY  
31 (I) MELANOMA OR (II) CONDITION OF CANCER AFFECTING THE LYMPHATIC, DIGES-  
32 TIVE, HEMATOLOGICAL, URINARY, NEUROLOGICAL, BREAST, REPRODUCTIVE OR  
33 PROSTATE SYSTEMS, WHO IS PRESENTLY EMPLOYED AND WHO SHALL HAVE SUSTAINED  
34 SUCH DISABILITY WHILE SO EMPLOYED AND WHILE ACTUALLY A MEMBER OF THE  
35 RETIREMENT SYSTEM, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON  
36 ENTRY INTO SERVICE AS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIRE-  
37 FIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING  
38 AND SAFETY OFFICER, WHICH EXAMINATION FAILED TO DISCLOSE EVIDENCE OF ANY  
39 DISEASE OR OTHER IMPAIRMENT OF THE HEART OR SUCH MELANOMA OR CONDITION,  
40 SHALL BE PRESUMPTIVE EVIDENCE THAT SUCH DISABILITY OR DEATH (A) WAS  
41 CAUSED BY THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT, NOT CAUSED BY  
42 SUCH FIREFIGHTER'S OWN NEGLIGENCE AND (B) WAS INCURRED IN THE PERFORM-  
43 ANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT  
44 EVIDENCE AND SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT  
45 BENEFIT PAYABLE PURSUANT TO THIS SECTION.

46 C. APPLICATION FOR A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOW-  
47 ANCE FOR SUCH A MEMBER MAY BE MADE BY:

48 1. SUCH MEMBER;

49 2. THE HEAD OF THE DEPARTMENT IN WHICH SUCH MEMBER IS EMPLOYED; OR

50 3. SOME PERSON ACTING ON BEHALF OF AND AUTHORIZED BY SUCH MEMBER.

51 D. AFTER THE FILING OF SUCH AN APPLICATION SUCH MEMBER SHALL BE GIVEN  
52 ONE OR MORE MEDICAL EXAMINATIONS.

53 E. IF THE COMPTROLLER DETERMINES THAT THE MEMBER IS PHYSICALLY OR  
54 MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTY AND OUGHT TO BE  
55 RETIRED FOR PERFORMANCE OF DUTY DISABILITY, SUCH MEMBER SHALL BE SO

1 RETIRED. SUCH RETIREMENT SHALL BE EFFECTIVE AS OF A DATE APPROVED BY THE  
2 COMPTROLLER.

3 F. THE RETIREMENT ALLOWANCE PAYABLE UPON RETIREMENT FOR PERFORMANCE OF  
4 DUTY DISABILITY SHALL CONSIST OF A PENSION OF ONE-HALF OF HIS OR HER  
5 FINAL AVERAGE SALARY PLUS AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIV-  
6 ALENT OF SUCH MEMBER'S ACCUMULATED CONTRIBUTIONS, IF ANY.

7 G. IF THE MEMBER, AT THE TIME OF THE FILING OF AN APPLICATION UNDER  
8 THE PROVISIONS OF SUBDIVISION C OF THIS SECTION, IS ELIGIBLE FOR A  
9 SERVICE RETIREMENT BENEFIT, THEN AND IN THAT EVENT, SUCH MEMBER MAY  
10 SIMULTANEOUSLY FILE AN APPLICATION FOR SERVICE RETIREMENT IN ACCORDANCE  
11 WITH THE PROVISIONS OF SECTION SEVENTY OF THIS CHAPTER, PROVIDED THAT  
12 THE MEMBER INDICATES ON THE APPLICATION FOR SERVICE RETIREMENT THAT SUCH  
13 APPLICATION IS FILED WITHOUT PREJUDICE TO THE APPLICATION FOR PERFORM-  
14 ANCE OF DUTY DISABILITY RETIREMENT.

15 H. ANY BENEFIT PROVIDED PURSUANT TO THIS SECTION SHALL NOT BE CONSID-  
16 ERED AS AN ACCIDENTAL DISABILITY BENEFIT WITHIN THE MEANING OF SECTION  
17 SIXTY-FOUR OF THIS CHAPTER. ANY BENEFIT PAYABLE PURSUANT TO THE WORKERS'  
18 COMPENSATION LAW TO A MEMBER RECEIVING A DISABILITY ALLOWANCE PURSUANT  
19 TO THIS SECTION SHALL BE IN ADDITION TO SUCH RETIREMENT FOR DISABILITY  
20 INCURRED IN PERFORMANCE OF DUTY ALLOWANCE.

21 S 607-J. CERTAIN IMPAIRMENTS OF HEALTH; PRESUMPTION. A. ANY MEMBER OF  
22 THE RETIREMENT SYSTEM EMPLOYED BY THE DIVISION OF MILITARY AND NAVAL  
23 AFFAIRS SHALL BE ELIGIBLE TO RETIRE PURSUANT TO THE PROVISIONS OF THIS  
24 SECTION IF HE OR SHE IS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIRE-  
25 FIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING  
26 AND SAFETY OFFICER.

27 B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
28 SPECIAL LAW TO THE CONTRARY, ANY CONDITION OF IMPAIRMENT OF HEALTH  
29 CAUSED BY: (1) DISEASES OF THE HEART; OR (2) ANY (I) MELANOMA OR (II)  
30 CONDITION OF CANCER AFFECTING THE LYMPHATIC, DIGESTIVE, HEMATOLOGICAL,  
31 URINARY, NEUROLOGICAL, BREAST, REPRODUCTIVE OR PROSTATE SYSTEMS RESULT-  
32 ING IN DISABILITY TO A MEMBER COVERED BY THIS SECTION, PRESENTLY  
33 EMPLOYED AND WHO SHALL HAVE SUSTAINED SUCH DISABILITY AS THE RESULT OF  
34 AN ACCIDENT NOT CAUSED BY HIS OR HER OWN WILLFUL NEGLIGENCE SUSTAINED IN  
35 SUCH SERVICE AND WHILE ACTUALLY A MEMBER OF THE RETIREMENT SYSTEM, WHO  
36 SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO SERVICE AS AN  
37 AIRPORT FIREFIGHTER APPRENTICE, AIRPORT FIREFIGHTER I, AIRPORT FIRE-  
38 FIGHTER II, AIRPORT FIREFIGHTER III OR TRAINING AND SAFETY OFFICER WHICH  
39 EXAMINATION FAILED TO DISCLOSE EVIDENCE OF ANY DISEASE OR OTHER IMPAIR-  
40 MENT OF THE HEART OR SUCH MELANOMA OR CONDITION, SHALL BE PRESUMPTIVE  
41 EVIDENCE THAT SUCH DISABILITY OR DEATH (A) WAS CAUSED BY THE NATURAL AND  
42 PROXIMATE RESULT OF AN ACCIDENT, NOT CAUSED BY SUCH FIREFIGHTER'S OWN  
43 NEGLIGENCE AND (B) WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF  
44 DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE AND SHALL BE  
45 PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THAT  
46 WHICH IS PROVIDED IN SECTION SIXTY-THREE OF THIS CHAPTER, SUBJECT TO THE  
47 PROVISIONS OF SECTIONS SIXTY-THREE AND SIXTY-FOUR OF THIS CHAPTER.

48 C. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
49 SPECIAL LAW TO THE CONTRARY, ANY CONDITION OF IMPAIRMENT OF HEALTH  
50 CAUSED BY DISEASES OF THE LUNG, RESULTING IN DISABILITY TO A MEMBER  
51 COVERED BY THIS SECTION, PRESENTLY EMPLOYED AND WHILE ACTUALLY A MEMBER  
52 OF THE RETIREMENT SYSTEM, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION  
53 ON ENTRY INTO SERVICE AS AN AIRPORT FIREFIGHTER APPRENTICE, AIRPORT  
54 FIREFIGHTER I, AIRPORT FIREFIGHTER II, AIRPORT FIREFIGHTER III OR TRAIN-  
55 ING AND SAFETY OFFICER, WHICH EXAMINATION FAILED TO DISCLOSE EVIDENCE OF  
56 ANY DISEASE OR OTHER IMPAIRMENT OF THE LUNG, SHALL BE PRESUMPTIVE

1 EVIDENCE THAT SUCH DISABILITY OR DEATH (1) WAS CAUSED BY THE NATURAL AND  
2 PROXIMATE RESULT OF AN ACCIDENT, NOT CAUSED BY SUCH FIREFIGHTER'S OWN  
3 NEGLIGENCE AND (2) WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF  
4 DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE AND SHALL BE  
5 PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THAT  
6 WHICH IS PROVIDED IN SECTION SIXTY-THREE OF THIS CHAPTER, SUBJECT TO THE  
7 PROVISIONS OF SECTION SIXTY-FOUR OF THIS CHAPTER.

8 S 3. This act shall take effect immediately.

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

This bill would grant improved disability pensions to airport fire-fighters and training and safety officers in the New York State division of military and naval affairs who sustain a disability related to heart disease, lung disease and certain forms of cancer. This bill would help individuals who sustained such disabilities to establish the presumption that they were incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence. The benefit for a heart or cancer related accidental disability, or a lung disease related performance of duty disability would be 75% of final average salary (FAS) minus worker's compensation (WC). The benefit for a heart or cancer related performance of duty disability benefit would be 50% of final average salary.

If this bill is enacted, the disability benefits of affected members with heart, lung or certain cancer related disabilities would increase from approximately 1/3 of FAS to 50% of FAS, or 75% of FAS minus WC. The estimated increase in the annual contributions of the State of New York for the fiscal year ending March 31, 2017 would be approximately \$25,000.

These estimated costs are based on 69 members having an annual salary for the fiscal year ending March 31, 2015 of approximately \$4 million.

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 valuation. 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 Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated June 2, 2016, and intended for use only during the 2016 Legislative Session, is Fiscal Note No. 2016-104, prepared by the Actuary for the New York State and Local Retirement System.