

1630

2015-2016 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. GARBARINO, THIELE, TITONE, LAVINE, SIMANOWITZ, GRAF, RA, McKEVITT, MALLIOTAKIS, BORELLI, DenDEKKER, JAFFEE, COLTON, RAIA, PALUMBO, CURRAN, SALADINO, MONTESANO, McDONOUGH, SKOUFIS, LUPI-NACCI, TENNEY -- Multi-Sponsored by -- M. of A. FITZPATRICK, LENTOL, MARKEY, SKARTADOS -- read once and referred to the Committee on Governmental Operations

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 reti-
6 rees from eligibility for the benefit. Although a small number of New
7 York city disability retirees were permitted to receive VSF supplementa-
8 tion 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 legisla-
15 ture's 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

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

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1 investigate such issues as are related to the exclusion of disability
2 pensioners from the VSF.

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

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

6 (b) issue subpoenas for and to compel attendance of witnesses and the
7 production of books, records, documents and other relevant evidence; and

8 (c) to recommend legislation consistent with the purposes of this
9 section.

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

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

14 (b) one member appointed on the recommendation of the speaker of the
15 assembly;

16 (c) one member appointed on the recommendation of the minority leader
17 of the senate;

18 (d) one member appointed on the recommendation of the minority leader
19 of the assembly;

20 (e) one member appointed on the recommendation of the mayor of the
21 city of New York;

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

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

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

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

46 S 3. This act shall take effect immediately.