

10030

I N A S S E M B L Y

May 6, 2016

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.