

# STATE OF NEW YORK

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4393--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 4, 2021

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Introduced by M. of A. ABBATE, DURSO, DeSTEFANO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- 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 university police officers appointed by the state university of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 363-a of the retirement and social  
2 security law, as amended by chapter 437 of the laws of 2016, is amended  
3 to read as follows:

4 3. As used in this section, the terms "firefighter" and "police offi-  
5 cer" mean any member who is performing police or fire service, as the  
6 phrase police or fire service is defined in paragraphs a, b, c, d, f (as  
7 added by chapter six hundred seventy-four of the laws of nineteen eight-  
8 y-six), f (as added by chapter six hundred seventy-seven of the laws of  
9 nineteen eighty-six), g, h, i and j of subdivision eleven of section  
10 three hundred two of this article, and who, prior to entry into service  
11 as a firefighter or police officer, successfully passed a physical exam-  
12 ination which failed to disclose evidence of any disease or other  
13 impairment of the heart.

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

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

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1 by the provisions of section 480 of the retirement and social security  
2 law.

3 § 3. This act shall take effect immediately.

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

This bill is a technical correction to Chapter 561 of the Laws of 2015. It would add a "heart bill" performance of duty disability provision for police officers of the State University of New York 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:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the 2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 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, 2021 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated December 22, 2021, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-46, prepared by the Actuary for the New York State and Local Retirement System.