STATE OF NEW YORK

9933

IN ASSEMBLY

April 26, 2024

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to allowing paid firefighters to receive disability benefits for endocrine/thyroid cancer

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

Section 1. Section 363-d of the retirement and social security law, as amended by chapter 531 of the laws of 2003, is amended to read as follows:

§ 363-d. Certain impairments of health; presumption. Notwithstanding any other provisions of this chapter to the contrary, any (i) melanoma or (ii) condition of cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive, **endocrine/thyroid** or prostate systems, resulting in total or partial disability or death to a paid firefighter, who successfully passed a physical examination on entry into firefighter service, which examination failed to reveal any evidence of such melanoma or condition, shall be presumptive evidence that, unless the contrary be proven by competent evidence, such disability or death (a) was caused by the natural and proximate result of an accident, not caused by such firefighter's own willful negligence, and (b) was sustained in the performance and discharge of duty. The provisions of this section shall remain in full force and effect [~~to and including the thirtieth day of June, two thousand five~~] **pursuant to section four hundred eighty of this chapter**.

§ 2. This act shall take effect immediately.

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

This bill would amend Section 363-d of the Retirement and Social Security Law to provide an accidental disability presumption to firefighters who contract cancer affecting the endocrine/thyroid system, resulting in disability or death. Such presumption would provide that the disease was contracted during the performance and discharge of duty and as the result of an accident, unless the contrary can be proved by competent evidence.

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

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Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), if this legislation is enacted during the 2024 Legislative Session, it would lead to more disabilities and deaths being classified as "accidental". The cost of the revised benefit will depend upon the applicant's age, service, salary, plan, and any benefit type otherwise payable but would average:

Benefit prior to enactment:	None	Ordinary Disability	Performance of Duty
NYSLPFRS cost for proposed benefit:	10 times salary	5.5 times salary	3 times salary

Benefit prior to enactment:	Service Retirement	Ordinary Death
NYSLPFRS cost for proposed benefit:	2 times 13 times	salary salary

Further, we anticipate that there could be some administrative costs to implement the provisions of this legislation.

All costs arising from this bill would be shared by the State of New York and all the participating employers in the NYSLPFRS.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 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, 2023 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 April 9, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-126, prepared by the Actuary for the New York State and Local Retirement System.