NEW YORK STATE PROFESSIONAL FIRE FIGHTERS ASSOCIATION

Samuel Fresina – President
James McGowan – Secretary Treasurer
David Holleran – Executive Vice President

Bill	Position	Senate No.	Senate Sponsor	Assembly No.	Assembly Sponsor	Status (Senate/Assembly)
Qualifications to Serve as a Fire Chief	Support	S.6242-B	Akshar	A.8057-B	Abbate	06/20/18 - Passed both Houses, awaiting delivery to the Governor
Disciplinary "Second Cities"	Support	S.8270-B	Golden	A.10736-A	Abbate	A. 05/30/18 - Amend and Recommit to Governmental Employees S. 06/19/18 - Passed Senate, Referred to Governmental Employees
Foreign Fire Insurance (2% monies)	Support	S.4543-A	Golden	A.6260-A	Abbate	A. 02/21/18 - Amend and Recommit to Insurance S. 02/06/18 - Amend and Recommit to Insurance
2% Monies/Special Act	Support	S.8911	Seward			A. 05/21/18 - Submitted for Introduction S. 06/04/18 - Referred to Rules
Special Accidental Death Benefit COLA	Support	S.7158-B	Golden	A.9056-A	Joyner	06/11/18 - Passed both Houses, awaiting delivery to the Governor
Definition of Accident	Support					05/23/18 - Sent to Senate and Assembly for Introduction - awaiting Fiscal Note
Bills of Interest - Support						
Reporting Requirements regarding the Training and Qualifications of all Fire Fighters including Volunteers	Support	S.6235	Akshar	A.8018	Abbate	A. 01/03/18 - Referred to Governmental Operations S. 01/03/18 - Referred to Finance
Retiree Health Insurance	Support			A.1444	Crouch	A. 05/15/18 - Held for Consideration in Governmental Employees S.
State Aid to Towns based on Tax Exempt Properties	Support	S.745	Ritchie	A.732	Gunther	A. 01/03/18 - Referred to Real Property Taxation S. 01/03/18 - Referred to Local Government
Local Government Jobs and Revenue Protection Act of 2017	Support	S.3129	DeFrancisco	A.3849	Rodriguez	A. 01/03/18 - Referred to Judiciary S. 01/03/18 - Referred to Judiciary

Prohibit Diminishing Health Insurance	Support	S.8220	Lanza	A.5455-A	Weprin	A. 04/23/18 - Amend and Recommit to Governmental Employees S. 04/19/18 - Referred to Civil Service and Pensions
Membership Dues in an Employee Organization and Signed Authorizations for Deduction	Support	S.5778-A	Alcantara	A.7601-A	Abbate	A. 01/03/18 - Ordered to Third Reading Cal. 532 S. 06/20/18 - Committed to Rules
Authorizes Participating Employers Offering 20 Year Reitrment Plans to offer such plans on a Non-contributory Basis	Support	S.4540-A	Young	A.8017-A	Abbate	A. 03/20/18 - Reported Referred to Ways and Means S. 04/16/18 - Reported and Committeed to Finance
Cancer Presumption	Support	S.4564	Golden	A.6501	Abbate	A. 01/03/18 - Referred to Ways and Means S. 06/04/18 - Passed Senate, Referred to Ways and Means
Authorizes Four Firefighters in Arlington Fire District to Elect to Participate in an Optional 20-Year Retirement Program	Support	S.6333-B	Serino	A.8227-A	Barrett	A. 06/04/18 - Passed Senate, Returned to Assembly S. 06/04/18 - Passed Senate, Returned to Assembly
Bills of Interest - Opposed						
Suspends the Triborough Amendment	Oppose			A.6462	B. Miller	A. 01/03/18 - Referred to Governmental Employees S.
Public Employer Continuing Terms of Expired Agreement	Oppose			A.5694	Fitzpatrick	A. 05/15/18 - Held for Consideration in Governmental Employees S.
Section 50-a of the Civil Rights Law	Oppose			A.3333	O'Donnell	A. 01/03/18 - Referred to Governmental Operations S.

STATE OF NEW YORK

6242--B

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to the minimum qualifications to serve as a fire chief in any fire department, fire district or fire protection district that employs five or more paid firefighters

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

Section 1. Subdivision 6 of section 58-a of the civil service law, as amended by section 1 of part A of chapter 101 of the laws of 2013, is amended to read as follows:

6. The provisions of this section shall not apply to appointments made by any county, city, town, village or fire district which employs [~~five or fewer~~] **fewer than five** fire fighters.

§ 2. Section 58-a of the civil service law is amended by adding a new subdivision 7 to read as follows:

7. Notwithstanding any other provision of this law or any general, special or local law to the contrary, no person shall be eligible for provisional or permanent appointment as a fire chief other than those chiefs employed by a fire department of cities with a population of one million or more unless he or she shall:

(a) satisfy the basic requirements for education, health and physical fitness established by the state fire administrator pursuant to section one hundred fifty-eight of the executive law; and

(b) has successfully completed training and education courses of minimum contact hour criteria approved by the state fire administrator and

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

LBD11399-05-8

received certification for supervisory level 1 or higher pursuant to 19 NYCRR 427.9.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to any appointment as a fire chief established on or after such date.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S6242B

SPONSOR: AKSHAR

TITLE OF BILL: An act to amend the civil service law, in relation to the minimum qualifications to serve as a fire chief in any fire department, fire district or fire protection district that employs five or more paid firefighters

PURPOSE OR GENERAL IDEA OF BILL:

To require all fire chiefs in any fire department with five or more paid fire fighters to have minimum qualifications.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1. Subdivision 6 of Section 58-a of the Civil Service Law is amended to read as follows:

6. The provisions of this section shall not apply to appointments made by any county, city, village or fire district which employs fewer than five fire fighters.

Section 2. Section 58-a of the civil service law, is amended by adding a new subdivision 7 to read as follows:

7. Notwithstanding any other provision of this law or any general, special or local law to the contrary, no person shall be eligible for provisional or permanent appointment as a fire chief other than those chiefs employed by a fire department of cities with a population of one million or more unless he or she shall:

(a)satisfy the basic requirements for education, health and physical fitness established by the state fire administrator pursuant to section one hundred fifty-eight of the executive law;

(b)has successfully completed training and education courses of minimum contact hour criteria approved by the State Fire Administrator and received certification for Supervisory Level 1 or higher pursuant to 19 NYCRR 427.9.

Section 3. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to any appointment as a fire chief established on or after such date.

JUSTIFICATION:

This legislation creates critical, yet basic, education, health and

physical fitness training benchmarks for fire chiefs in any fire department, fire district, or fire protection district that employs five or more paid fire fighters in areas outside of New York City. In addition, this legislation required a minimum of five years as a lieutenant or higher prior to being promoted to chief. This ensures a transition where fire chiefs are learning necessary leadership skills at different levels within the organization.

Currently, in New York State there are no training requirements to become a fire chief of a combination department (mix of volunteers and professional firefighters). This potential lack of training or understanding of fire situations can seriously jeopardize the lives of the brave men and women on the scene of a fire under the direction of the chief.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
This act shall take effect on the thirtieth day after it shall have become a law and shall apply to any appointment as a fire chief established on or after such date.

STATE OF NEW YORK

8270--B

Cal. No. 1401

IN SENATE

April 25, 2018

Introduced by Sens. GOLDEN, AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the civil service law, in relation to the negotiability of discipline affecting public employees

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

Section 1. Legislative findings and declarations. The legislature hereby finds, declares and reaffirms that the 1967 Public Employees' Fair Employment Act establishes that the public policy of the state, and the purpose of the act, is to promote harmonious and cooperative relationships between government and its employees and to protect the public by assuring, at all times, the orderly and uninterrupted operation and functions of government. Included among the policies adopted was the requirement that the state, local governments, and other political subdivisions negotiate and enter into agreements with employee organizations about terms and conditions of employment. Over the many years subsequent to the enactment of such act, the negotiability of discipline, including disciplinary procedures, has been fully endorsed by the public employment relations board and disciplinary procedures have been incorporated into collective bargaining agreements throughout the state. The legislature now declares that this practice of negotiating fair disciplinary protections and procedures for public employees must continue.

A recent court of appeals' decision involving police officers in the city of Schenectady has erroneously declared that the "public policy" of the state is to prohibit absolutely the negotiation of disciplinary procedures in certain places where there exist legislative enactments on the subject of discipline. The legislature declares a necessity for the enactment of this act to ensure that discipline, including disciplinary

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

LBD15564-04-8

procedures, will continue as a mandatory subject of collective negotiation, and that collective bargaining agreements addressing that subject remain valid and enforceable and to enhance the prohibition against strikes and the protection against the destruction of vital public services delivered by public employees throughout the state.

§ 2. Subdivision 4 of section 201 of the civil service law, as amended by chapter 606 of the laws of 1992, is amended to read as follows:

4. The term "terms and conditions of employment" means:

(a) salaries, wages, hours and other terms and conditions of employment provided, however, that such term shall not include any benefits provided by or to be provided by a public retirement system, or payments to a fund or insurer to provide an income for retirees, or payment to retirees or their beneficiaries. No such retirement benefits shall be negotiated pursuant to this article, and any benefits so negotiated shall be void.

(b) In addition, the terms and conditions of employment for firefighters and police officers shall include discipline, disciplinary procedures including alternatives to any statutory disciplinary system, provided, however, that any right of firefighters and police officers under the terms of any state law to elect coverage under either a statutory disciplinary system or a disciplinary system established by collective negotiations shall not be impaired, unless any such state law authorizes exclusivity of a negotiated disciplinary system and provided further that no provision contained in the town law, general city law, second class cities law, general municipal law, municipal home rule law, county law, or other state, local, special law or charter provision, or any special police act or other special act created by local law or charter or otherwise created, or this chapter shall prevent or impair the right to collective bargaining for or to modify disciplinary procedures.

§ 3. Section 204-a of the civil service law is amended by adding a new subdivision 4 to read as follows:

4. The terms of any current or expired agreement or interest arbitration award between any public employer and any public employee organization representing firefighters or police officers relating to the discipline of any firefighters or police officers shall be deemed valid and enforceable from the effective date of this subdivision.

§ 4. This act shall take effect immediately.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S8270B

SPONSOR: GOLDEN

TITLE OF BILL: An act to amend the civil service law, in relation to the negotiability of discipline affecting public employees

PURPOSE OR GENERAL IDEA OF BILL:

To preserve the ability of competitive class public employees to negotiate disciplinary procedures that affect them in their employment.

SUMMARY OF SPECIFIC PROVISIONS:

This bill amends the Civil Service Law to modify the language relied on by several courts in holding disciplinary procedures to be outside the protection of the Taylor Law where any other law commits discipline to the discretion of local officials and to make at clear that police officers and firefighters in this state are entitled to collectively bargain the disciplinary procedures that affect them in their employment. The bill would also restore the provisions of any collective bargaining agreements or interest arbitration awards between public employers and public employee organizations representing police officers or firefighters relative to discipline that were invalidated by judicial or administrative decisions.

JUSTIFICATION:

The fundamental purpose of the Taylor law adopted in 1967 was to make all term and conditions of employment in the public sector subject to collective bargaining. Early Taylor Law decisions established that disciplinary procedures were terms and conditions of employment subject to collective bargaining, and many collective bargaining agreements containing disciplinary provisions and procedures were adopted across the State, including those negotiated by police and fire labor unions. Over time, a series of judicial decisions, including most notably several cases decided by the Court of Appeals, found a countervailing policy in favor of strong local control of discipline to override the public policy expressed in the Taylor Law favoring the collective bargaining of all terms and conditions of employment. However, the Taylor Law did not repeal or modify any local law or charter provisions vesting control of discipline in local authorities. The Court of Appeals in its decisions also noted that the several statutes also contained provisions favoring the local control of police and fire discipline that would override the Taylor Law presumption of negotiability.

Thus, at the present time, all police officers and firefighters in cities, towns and villages across the state have had their contractual

disciplinary procedures taken away from them without compensation. Their disciplinary procedure is controlled by local law. These police officers and firefighters cannot even avail themselves of the rudimentary protections provided in sections 75 and 76 of the Civil Service Law, which were adopted in 1958, 9 years prior to the Taylor Law. Every police officer and firefighter employed in any town or village in the State of New York that has not already been divested of his or her contractual disciplinary procedure is subject to immediate divestment by the simple expedient of the passage by the town or village that employs him or her of a local law declaring local control over police and fire discipline.

This bill would legislatively overrule the judicial decisions on this issue declaring it to be the public policy of the State of New York that for police officers and firefighters, disciplinary procedures are terms and conditions or employment subject to mandatory negotiation under the Taylor Law. It would also restore those collective bargaining provisions that were previously declared invalid on grounds of public policy by prior judicial or administrative decisions.

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

10736--A

IN ASSEMBLY

May 16, 2018

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to the negotiability of discipline affecting public employees

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

Section 1. Legislative findings and declarations. The legislature hereby finds, declares and reaffirms that the 1967 Public Employees' Fair Employment Act establishes that the public policy of the state, and the purpose of the act, is to promote harmonious and cooperative relationships between government and its employees and to protect the public by assuring, at all times, the orderly and uninterrupted operation and functions of government. Included among the policies adopted was the requirement that the state, local governments, and other political subdivisions negotiate and enter into agreements with employee organizations about terms and conditions of employment. Over the many years subsequent to the enactment of such act, the negotiability of discipline, including disciplinary procedures, has been fully endorsed by the public employment relations board and disciplinary procedures have been incorporated into collective bargaining agreements throughout the state. The legislature now declares that this practice of negotiating fair disciplinary protections and procedures for public employees must continue.

A recent court of appeals' decision involving police officers in the city of Schenectady has erroneously declared that the "public policy" of the state is to prohibit absolutely the negotiation of disciplinary procedures in certain places where there exist legislative enactments on the subject of discipline. The legislature declares a necessity for the enactment of this act to ensure that discipline, including disciplinary procedures, will continue as a mandatory subject of collective negotiation, and that collective bargaining agreements addressing that subject remain valid and enforceable and to enhance the prohibition against

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

LBD15564-03-8

strikes and the protection against the destruction of vital public services delivered by public employees throughout the state.

§ 2. Subdivision 4 of section 201 of the civil service law, as amended by chapter 606 of the laws of 1992, is amended to read as follows:

4. The term "terms and conditions of employment" means:

(a) salaries, wages, hours and other terms and conditions of employment provided, however, that such term shall not include any benefits provided by or to be provided by a public retirement system, or payments to a fund or insurer to provide an income for retirees, or payment to retirees or their beneficiaries. No such retirement benefits shall be negotiated pursuant to this article, and any benefits so negotiated shall be void.

(b) In addition, the terms and conditions of employment for firefighters and police officers shall include discipline, disciplinary procedures including alternatives to any statutory disciplinary system, provided, however, that any right of firefighters and police officers under the terms of any state law to elect coverage under either a statutory disciplinary system or a disciplinary system established by collective negotiations shall not be impaired, unless any such state law authorizes exclusivity of a negotiated disciplinary system and provided further that no provision contained in the town law, general city law, second class cities law, general municipal law, municipal home rule law, county law, or other state, local, special law or charter provision or this chapter shall prevent or impair the right to collective bargaining for or to modify disciplinary procedures.

§ 3. Section 204-a of the civil service law is amended by adding a new subdivision 4 to read as follows:

4. The terms of any current or expired agreement or interest arbitration award between any public employer and any public employee organization representing firefighters or police officers relating to the discipline of any firefighters or police officers shall be deemed valid and enforceable from the effective date of this subdivision.

§ 4. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A10736A

SPONSOR: Abbate

TITLE OF BILL: An act to amend the civil service law, in relation to the negotiability of discipline affecting public employees

PURPOSE OR GENERAL IDEA OF BILL:

To preserve the ability of competitive class public employees to negotiate disciplinary procedures that affect them in their employment.

SUMMARY OF SPECIFIC PROVISIONS:

This bill amends the Civil Service Law to modify the language relied on by several courts in holding disciplinary procedures to be outside the protection of the Taylor Law where any other law commits discipline to the discretion of local officials and to make at clear that police officers and firefighters in this state are entitled to collectively bargain the disciplinary procedures that affect them in their employment. The bill would also restore the provisions of any collective bargaining agreements or interest arbitration awards between public employers and public employee organizations representing police officers or firefighters relative to discipline that were invalidated by judicial or administrative decisions.

JUSTIFICATION:

The fundamental purpose of the Taylor law adopted in 1967 was to make all term and conditions of employment in the public sector subject to collective bargaining. Early Taylor Law decisions established that disciplinary procedures were terms and conditions of employment subject to collective bargaining, and many collective bargaining agreements containing disciplinary provisions and procedures were adopted across the State, including those negotiated by police and fire labor unions. Over time, a series of judicial decisions, including most notably several cases decided by the Court of Appeals, found a countervailing policy in favor of strong local control of discipline to override the public policy expressed in the Taylor Law favoring the collective bargaining of all terms and conditions of employment. However, the Taylor Law did not repeal or modify any local law or charter provisions vesting control of discipline in local authorities. The Court of Appeals in its decisions also noted that the several statutes also contained provisions favoring the local control of police and fire discipline that would override the Taylor Law presumption of negotiability.

Thus, at the present time, all police officers and firefighters in cities, towns and villages across the state have had their contractual

disciplinary procedures taken away from them without compensation. Their disciplinary procedure is controlled by local law. These police officers and firefighters cannot even avail themselves of the rudimentary protections provided in sections 75 and 76 of the Civil Service Law, which were adopted in 1958, 9 years prior to the Taylor Law. Every police officer and firefighter employed in any town or village in the State of New York that has not already been divested of his or her contractual disciplinary procedure is subject to immediate divestment by the simple expedient of the passage by the town or village that employs him or her of a local law declaring local control over police and fire discipline.

This bill would legislatively overrule the judicial decisions on this issue declaring it to be the public policy of the State of New York that for police officers and firefighters, disciplinary procedures are terms and conditions or employment subject to mandatory negotiation under the Taylor Law. It would also restore those collective bargaining provisions that were previously declared invalid on grounds of public policy by prior judicial or administrative decisions.

PRIOR LEGISLATIVE HISTORY:

New bill

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

4543--A

2017-2018 Regular Sessions

IN SENATE

February 17, 2017

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to the distribution of fire insurance premium taxes

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

Section 1. Paragraph 1 of subsection (d) of section 9105 of the insurance law, as amended by chapter 293 of the laws of 1988, is amended to read as follows:

(1) The amount of all monies which were received by the superintendent on or before the first day of April in each year under the provisions of this section or section nine thousand one hundred four of this article shall be distributed by him **or her** not later than the first day of July in such year, after adding any earnings resulting from the investment of such monies and deducting the expenses of collection and distribution. [~~Ten~~] **Nine** percent of such remaining monies received under this section shall be paid to the treasurer of the Firemen's Association of the State of New York for the support and maintenance of the firemen's home at Hudson, New York**, and one percent of such remaining monies received under this section shall be paid to the treasurer of the New York State Professional Firefighters Association to promote, support and maintain the well-being of paid professional firefighters employed in the state of New York**, and the balance shall be paid as specified in paragraph two [~~hereof~~] **of this subsection**, in amounts which will be that proportion of the balance so to be distributed which the total amount of fire insurance business written by foreign mutual fire insurance companies on property situated in such locality bears to the total amount of fire insurance business written by foreign mutual fire insurance companies on

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

LBD08115-03-8

property situated in any and all of the protected localities in the state having treasurers or other fiscal officers as designated in paragraph two [~~hereof~~] **of this subsection** afforded fire protection by a fire department or fire company and upon which the tax provided in this section has been paid.

§ 2. This act shall take effect immediately and shall apply to all monies received by the superintendent of financial services pursuant to section 9105 of the insurance law commencing with those monies received on or after April 1, 2019.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S4543A

SPONSOR: GOLDEN

TITLE OF BILL: An act to amend the insurance law, in relation to the distribution of fire insurance premium taxes

PURPOSE OR GENERAL IDEA OF BILL:

This bill provides funds for the New York State Professional Firefighters Association to promote, support and maintain the well-being of paid professional firefighters.

SUMMARY OF PROVISIONS:

Section one amends paragraph 1 of subsection (d) of section 9105 of the insurance law. This bill reallocates one percent of remaining monies received under the provisions of section 9105 to the New York State Professional Firefighters Association instead of the Fireman's Association of the State of New York, which would receive nine percent instead of ten percent.

Section two provides that this act shall take effect immediately and shall apply to all monies received by the superintendent of financial services pursuant to section 9105 of the insurance law starting with monies received on or after April 1, 2019.

JUSTIFICATION:

The Fireman's Association trains and educates firefighters; the Professional Firefighters Association is a representative organization of the common interests of firefighters from across the state. Both the Fireman's Association and the Professional Firefighters Association serve important yet distinct purposes. This bill provides funds for the Professional Firefighters Association to ensure that firefighters are not just educated and trained, but that their workplace is safe and efficient.

PRIOR LEGISLATIVE HISTORY:

2017: S.4543 - Referred to Insurance
2016: S.7033 - Referred to Insurance

FISCAL IMPLICATIONS:

None to the State

EFFECTIVE DATE:
This act shall take effect immediately and shall apply to all monies received by the superintendent of financial services pursuant to section 9105 of the insurance law starting with monies received on or after April 1, 2019

STATE OF NEW YORK

8911

IN SENATE

June 4, 2018

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the insurance law, in relation to the disbursement of foreign fire insurance premiums

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

Section 1. The insurance law is amended by adding a new section 9112 to read as follows:

§ 9112. Foreign fire insurance premiums. Notwithstanding any other provision of this law or any general, special or local law to the contrary, the governing body of any city, town or village may adopt by local law or charter provision the repeal of any existing local law or charter provision that is not in compliance with this article.

§ 2. This act shall take effect immediately.

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

LBD16167-01-8

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S8911

SPONSOR: SEWARD

TITLE OF BILL: An act to amend the insurance law, in relation to the disbursement of foreign fire insurance premiums

PURPOSE:

This bill would allow localities to adopt local laws to ensure compliance with article 91 of the state insurance law.

SUMMARY OF PROVISIONS:

Section 1 adds a new section 9112 to the state insurance law to allow for cities, towns and villages to adopt local laws to ensure compliance with article 91 of the state insurance law, specifically related to foreign fire insurance.

Section 2 establishes the effective date.

JUSTIFICATION:

Since 1989, the distribution and use of foreign fire insurance funds has been outlined under sections 9104 and 9205 of the state insurance law. However, there are local laws and special laws enacted by the legislature that predate sections 9104 and 9105, many of which date back to the early 1900s and include terminology and various entities that are no longer in use.

This legislation would provide an avenue for local governments to update their antiquated and outdated laws related to the disbursement of foreign fire insurance.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

7158--B

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

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

Section 1. Subdivision c of section 208-f of the general municipal law, as amended by chapter 76 of the laws of 2017, is amended to read as follows:

c. Commencing July first, two thousand [~~seventeen~~] **eighteen** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[~~226.2%~~] **236%**
1978	[~~216.7%~~] **226.2%**
1979	[~~207.5%~~] **216.7%**
1980	[~~198.5%~~] **207.5%**
1981	[~~189.8%~~] **198.5%**
1982	[~~181.4%~~] **189.8%**
1983	[~~173.2%~~] **181.4%**
1984	[~~165.2%~~] **173.2%**
1985	[~~157.5%~~] **165.2%**
1986	[~~150.0%~~] **157.5%**

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

LBD13848-05-8

1987	[~~142.7%~~] 150.0%
1988	[~~135.7%~~] 142.7%
1989	[~~128.8%~~] 135.7%
1990	[~~122.1%~~] 128.8%
1991	[~~115.7%~~] 122.1%
1992	[~~109.4%~~] 115.7%
1993	[~~103.3%~~] 109.4%
1994	[~~97.4%~~] 103.3%
1995	[~~91.6%~~] 97.4%
1996	[~~86.0%~~] 91.6%
1997	[~~80.6%~~] 86.0%
1998	[~~75.4%~~] 80.6%
1999	[~~70.2%~~] 75.4%
2000	[~~65.3%~~] 70.2%
2001	[~~60.5%~~] 65.3%
2002	[~~55.8%~~] 60.5%
2003	[~~51.3%~~] 55.8%
2004	[~~46.9%~~] 51.3%
2005	[~~42.6%~~] 46.9%
2006	[~~38.4%~~] 42.6%
2007	[~~34.4%~~] 38.4%
2008	[~~30.5%~~] 34.4%
2009	[~~26.7%~~] 30.5%
2010	[~~23.0%~~] 26.7%
2011	[~~19.4%~~] 23.0%
2012	[~~15.9%~~] 19.4%
2013	[~~12.6%~~] 15.9%
2014	[~~9.3%~~] 12.6%
2015	[~~6.1%~~] 9.3%
2016	[~~3.0%~~] 6.1%
2017	[~~0.0%~~] 3.0%
2018	0.0%

§ 2. Subdivision c of section 361-a of the retirement and social security law, as amended by chapter 76 of the laws of 2017, is amended to read as follows:

c. Commencing July first, two thousand [~~seventeen~~] eighteen the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member, as increased pursuant to subdivision b of this section, in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[~~226.2%~~] 236%
1978	[~~216.7%~~] 226.2%
1979	[~~207.5%~~] 216.7%
1980	[~~198.5%~~] 207.5%
1981	[~~189.8%~~] 198.5%
1982	[~~181.4%~~] 189.8%
1983	[~~173.2%~~] 181.4%
1984	[~~165.2%~~] 173.2%
1985	[~~157.5%~~] 165.2%
1986	[~~150.0%~~] 157.5%
1987	[~~142.7%~~] 150.0%
1988	[~~135.7%~~] 142.7%

1989	[~~128.8%~~] 135.7%
1990	[~~122.1%~~] 128.8%
1991	[~~115.7%~~] 122.1%
1992	[~~109.4%~~] 115.7%
1993	[~~103.3%~~] 109.4%
1994	[~~97.4%~~] 103.3%
1995	[~~91.6%~~] 97.4%
1996	[~~86.0%~~] 91.6%
1997	[~~80.6%~~] 86.0%
1998	[~~75.4%~~] 80.6%
1999	[~~70.2%~~] 75.4%
2000	[~~65.3%~~] 70.2%
2001	[~~60.5%~~] 65.3%
2002	[~~55.8%~~] 60.5%
2003	[~~51.3%~~] 55.8%
2004	[~~46.9%~~] 51.3%
2005	[~~42.6%~~] 46.9%
2006	[~~38.4%~~] 42.6%
2007	[~~34.4%~~] 38.4%
2008	[~~30.5%~~] 34.4%
2009	[~~26.7%~~] 30.5%
2010	[~~23.0%~~] 26.7%
2011	[~~19.4%~~] 23.0%
2012	[~~15.9%~~] 19.4%
2013	[~~12.6%~~] 15.9%
2014	[~~9.3%~~] 12.6%
2015	[~~6.1%~~] 9.3%
2016	[~~3.0%~~] 6.1%
2017	[~~0.0%~~] 3.0%
2018	0.0%

§ 3. This act shall take effect July 1, 2018.

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

SUMMARY OF BILL: The enactment of this proposed legislation would amend General Municipal Law (GML) Section 208-f(c) to increase certain Special Accidental Death Benefits (SADB) for surviving spouses, dependent children, and certain other individuals (Eligible Beneficiaries) of former uniformed employees of the city of New York and the New York City Health and Hospitals Corporation, and for certain former employees of the Triborough Bridge and Tunnel Authority, who were members of certain New York City Pension Funds or Retirement Systems (NYCRS) and died as a natural and proximate result of an accident sustained in the performance of duty.

Effective Date for this proposed legislation: July 1, 2018.

IMPACT ON BENEFITS - SADB RECIPIENTS: With respect to the NYCRS, the proposed legislation would impact the SADB payable to certain survivors of members of the:

* New York City Employees' Retirement System (NYCERS),
* New York City Police Pension Fund (POLICE), or
* New York City Fire Pension Fund (FIRE),

and who were employed by one of the following employers in certain positions:

* New York City Police Department - Uniformed Position,
* New York City Fire Department - Uniformed Position,
* New York City Department of Sanitation - Uniformed Position,
* New York City Housing Authority - Uniformed Position,
* New York City Transit Authority - Uniformed Position,

* New York City Department of Correction - Uniformed Position,
* New York City - Uniformed Position as Emergency Medical Technician (EMT),
* New York City Health and Hospitals Corporation - Uniformed Position as EMT, or
* Triborough Bridge and Tunnel Authority - Bridge and Tunnel Position.

DESCRIPTION OF BENEFITS PAYABLE: Under the GML, the basic SADB is defined as:

The salary of the deceased member at date of death (or, in certain instances, a greater salary based on a higher rank or other status)(Final Salary), less the following payments to an Eligible Beneficiary:

* Any NYCRS death benefit as adjusted by any Supplementation or Cost-of-Living Adjustment (COLA),
* Any Social Security death benefit, and
* Any Workers' Compensation benefit.

The SADB is paid to the deceased member's surviving spouse, if alive. If the spouse is no longer alive, the SADB is paid to the deceased member's children until age eighteen or until age twenty-three of a student. If neither spouse nor a dependent child is alive, the SADB may be paid to certain other individuals, if eligible, in accordance with certain laws related to the World Trade Center attack.

The GML also provides that the SADB is subject to escalation based on the calendar year in which the former member died. The SADB has traditionally been increased by a cumulative, incremental percentage of Final Salary based on the calendar year of the member's death.

Under the proposed legislation, effective July 1, 2018, an additional 3.0% of Final Salary would be applied to the SADB paid due to deaths occurring in each calendar year on and after 1977. The SADB for deaths occurring prior to 1977 would receive the same escalation as deaths occurring in 1977.

FINANCIAL IMPACT - EMPLOYER PAYMENTS: With respect to the NYCRS, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately $3.4 million.

As a result of the past four decades' practice of providing 3.0% COLAs on the SADB each year, and the likelihood that COLAs will continue to be granted in the future, the NYCRS Preliminary Fiscal Year 2018 employer contributions reflected, for the first time, the value of the SADB provided pursuant to GML Section 208(f) with an annual escalation assumption of 3.0%. Since then, the Actuary has continued to include the liability for SADB benefits and the assumed future annual escalation increases of 3.0%, including the additional cost associated with this proposed legislation, in NYCRS employer contributions. Therefore, the costs of this proposed legislation have already been accounted for and will not result in a further increase in employer contributions. Conversely, should this proposed legislation fail to pass, NYCRS employer contributions would decrease by approximately $400,000 per year for 14 years beginning in Fiscal Year 2021 as a result of an actuarial gain.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS (APVB): With respect to Eligible Beneficiaries of deceased NYCRS members who would be impacted by this proposed legislation, under the actuarial assumptions used in the NYCRS June 30, 2016 (Lag) actuarial valuations, including an annual Actuarial Interest Rate (AIR) assumption of 7.0%, the enactment of this proposed legislation would increase the APVB by approximately $36.9 million as of June 30, 2018.

OTHER COSTS: Enactment of this proposed legislation would also be expected to result in modest increases in administrative expenses of NYCERS, POLICE and FIRE, their participating employers, and certain New York City agencies.

CENSUS DATA: The financial impact of the proposed legislation is based upon the census data for such Eligible Beneficiaries provided by the NYCRS.

TOTAL ACCIDENTAL DEATH BENEFIT PAID BY THE NYCRS

Retirement System	Number of Deceased Members with Eligible Survivors	Annual Accidental Death Benefit Prior to Proposed July 1, 2018 Increase ($ Millions)
NYCERS	36	$2.8
POLICE	367	38.8
FIRE	**621**	**70.6**
Total	1,024	$112.2

ACTUARIAL ASSUMPTIONS AND METHODS: The increase in the APVB presented herein has been calculated based on the same actuarial assumptions and methods in effect for the June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of NYCERS, POLICE and FIRE, including an annual Actuarial Interest Rate (AIR) assumption of 7.0% (net of Investment Expenses). Please note these assumptions and methods are subject to change as this valuation is not considered final until the end of the City's Fiscal Year 2018.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-02 dated January 31, 2018, was prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and New York City Fire Pension Fund. This estimate is intended for use only during the 2018 Legislative Session.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2018.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately $493,000 above the approximately $11.3 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

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, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in 2015, 2016, and 2017 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, 2017 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 December 8, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-15, prepared by the Actuary for the New York State and Local Retirement System.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S7158B

SPONSOR: GOLDEN

TITLE OF BILL: An act to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

PURPOSE OR GENERAL IDEA OF BILL:

This legislation extends the escalation of a cost of living increase of approximately 3% for all line-of-duty widows or widowers for fiscal year 2018-19.

SUMMARY OF PROVISIONS:

This bill amends subdivision c of section 208-f of the General Municipal Law as amended by Chapter 76 of the Laws of 2017 and subdivision c of section 361-a of the Retirement and Social Security Law, as amended by Chapter 76 of the Laws of 2017.

EXISTING LAW:

The law allows special accidental death benefits to be paid to a deceased members' widow or widower, or children under the age of eighteen or, if a student, under the age of twenty-three, in accordance with the stated schedule.

JUSTIFICATION:

Since 1978, the Legislature has passed and the Governor signed into law a cost of living increase and a one-year escalation for all New York State widows and widowers of police officers and firefighters killed in the line-of-duty. The intent of the original 1978 law was to increase their benefits to an amount that would reflect the impact of inflation. However, the law did not provide for any new cost of living increase after July 1, 1979.

Since that date, the cost of living has increased well over 3% each year, including some periods of double-digit inflation. These same widows and widowers are no longer receiving adequate benefits. This Legislation does not totally cover the present inflation spiral, but it at least provides some increased relief to the widows and widowers of New York State's bravest citizens, who gave their lives in service to the people of New York State. In the past, these brave families have faced a poverty stricken existence.

This legislation would prevent the return of that deplorable state of affairs. As with previous legislation, there is no cost to the localities, as the state would reimburse them for this small increase.

PRIOR LEGISLATIVE HISTORY:

2017: S.4588-A - Chapter 76
2016: S.7179-A - Chapter 347
2015: S.4081-A - Chapter 23
2014: S.6467-A - Chapter 104
2013: S.4257-B - Chapter 196
2012: S.6438-A - Chapter 285
2011: S.3994-A - Chapter 161
2010: S.6879 - Chapter 439
2009: S.2343 - Chapter 305
2008: S.6733 - Chapter 76
2007: S.2492 - Chapter 39
2006: S.6744 - Chapter 88
2005: S.3971-C - Chapter 48
2004: S.6579-C - Chapter 351
2003: S.3903 - Chapter 139
2002: S.7263 - Chapter 313
2001: S.3297-A - Chapter 264
2000: S.6866-A - Chapter 231

FISCAL IMPLICATIONS:

See fiscal notes.

EFFECTIVE DATE:
This act shall take effect July 1, 2018

STATE OF NEW YORK

9056--A

IN ASSEMBLY

January 18, 2018

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

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

Section 1. Subdivision c of section 208-f of the general municipal law, as amended by chapter 76 of the laws of 2017, is amended to read as follows:

c. Commencing July first, two thousand [~~seventeen~~] **eighteen** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[~~226.2%~~] **236%**
1978	[~~216.7%~~] **226.2%**
1979	[~~207.5%~~] **216.7%**
1980	[~~198.5%~~] **207.5%**
1981	[~~189.8%~~] **198.5%**
1982	[~~181.4%~~] **189.8%**
1983	[~~173.2%~~] **181.4%**
1984	[~~165.2%~~] **173.2%**
1985	[~~157.5%~~] **165.2%**
1986	[~~150.0%~~] **157.5%**
1987	[~~142.7%~~] **150.0%**
1988	[~~135.7%~~] **142.7%**
1989	[~~128.8%~~] **135.7%**
1990	[~~122.1%~~] **128.8%**

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

LBD13848-07-8

1991	[~~115.7%~~] 122.1%
1992	[~~109.4%~~] 115.7%
1993	[~~103.3%~~] 109.4%
1994	[~~97.4%~~] 103.3%
1995	[~~91.6%~~] 97.4%
1996	[~~86.0%~~] 91.6%
1997	[~~80.6%~~] 86.0%
1998	[~~75.4%~~] 80.6%
1999	[~~70.2%~~] 75.4%
2000	[~~65.3%~~] 70.2%
2001	[~~60.5%~~] 65.3%
2002	[~~55.8%~~] 60.5%
2003	[~~51.3%~~] 55.8%
2004	[~~46.9%~~] 51.3%
2005	[~~42.6%~~] 46.9%
2006	[~~38.4%~~] 42.6%
2007	[~~34.4%~~] 38.4%
2008	[~~30.5%~~] 34.4%
2009	[~~26.7%~~] 30.5%
2010	[~~23.0%~~] 26.7%
2011	[~~19.4%~~] 23.0%
2012	[~~15.9%~~] 19.4%
2013	[~~12.6%~~] 15.9%
2014	[~~9.3%~~] 12.6%
2015	[~~6.1%~~] 9.3%
2016	[~~3.0%~~] 6.1%
2017	[~~0.0%~~] 3.0%
2018	0.0%

§ 2. Subdivision c of section 361-a of the retirement and social security law, as amended by chapter 76 of the laws of 2017, is amended to read as follows:

c. Commencing July first, two thousand [~~seventeen~~] eighteen the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member, as increased pursuant to subdivision b of this section, in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[~~226.2%~~] 236%
1978	[~~216.7%~~] 226.2%
1979	[~~207.5%~~] 216.7%
1980	[~~198.5%~~] 207.5%
1981	[~~189.8%~~] 198.5%
1982	[~~181.4%~~] 189.8%
1983	[~~173.2%~~] 181.4%
1984	[~~165.2%~~] 173.2%
1985	[~~157.5%~~] 165.2%
1986	[~~150.0%~~] 157.5%
1987	[~~142.7%~~] 150.0%
1988	[~~135.7%~~] 142.7%
1989	[~~128.8%~~] 135.7%
1990	[~~122.1%~~] 128.8%
1991	[~~115.7%~~] 122.1%
1992	[~~109.4%~~] 115.7%

1993	[~~103.3%~~] 109.4%
1994	[~~97.4%~~] 103.3%
1995	[~~91.6%~~] 97.4%
1996	[~~86.0%~~] 91.6%
1997	[~~80.6%~~] 86.0%
1998	[~~75.4%~~] 80.6%
1999	[~~70.2%~~] 75.4%
2000	[~~65.3%~~] 70.2%
2001	[~~60.5%~~] 65.3%
2002	[~~55.8%~~] 60.5%
2003	[~~51.3%~~] 55.8%
2004	[~~46.9%~~] 51.3%
2005	[~~42.6%~~] 46.9%
2006	[~~38.4%~~] 42.6%
2007	[~~34.4%~~] 38.4%
2008	[~~30.5%~~] 34.4%
2009	[~~26.7%~~] 30.5%
2010	[~~23.0%~~] 26.7%
2011	[~~19.4%~~] 23.0%
2012	[~~15.9%~~] 19.4%
2013	[~~12.6%~~] 15.9%
2014	[~~9.3%~~] 12.6%
2015	[~~6.1%~~] 9.3%
2016	[~~3.0%~~] 6.1%
2017	[~~0.0%~~] 3.0%
2018	0.0%

§ 3. This act shall take effect July 1, 2018.

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

SUMMARY OF BILL: The enactment of this proposed legislation would amend General Municipal Law (GML) Section 208-f(c) to increase certain Special Accidental Death Benefits (SADB) for surviving spouses, dependent children, and certain other individuals (Eligible Beneficiaries) of former uniformed employees of the city of New York and the New York City Health and Hospitals Corporation, and for certain former employees of the Triborough Bridge and Tunnel Authority, who were members of certain New York City Pension Funds or Retirement Systems (NYCRS) and died as a natural and proximate result of an accident sustained in the performance of duty.

Effective Date for this proposed legislation: July 1, 2018.

IMPACT ON BENEFITS - SADB RECIPIENTS: With respect to the NYCRS, the proposed legislation would impact the SADB payable to certain survivors of members of the:

* New York City Employees' Retirement System (NYCERS),
* New York City Police Pension Fund (POLICE), or
* New York City Fire Pension Fund (FIRE),

and who were employed by one of the following employers in certain positions:

* New York City Police Department - Uniformed Position,
* New York City Fire Department - Uniformed Position,
* New York City Department of Sanitation - Uniformed Position,
* New York City Housing Authority - Uniformed Position,
* New York City Transit Authority - Uniformed Position,
* New York City Department of Correction - Uniformed Position,
* New York City - Uniformed Position as Emergency Medical Technician (EMT),

* New York City Health and Hospitals Corporation - Uniformed Position as EMT, or

* Triborough Bridge and Tunnel Authority - Bridge and Tunnel Position.

DESCRIPTION OF BENEFITS PAYABLE: Under the GML, the basic SADB is defined as:

The salary of the deceased member at date of death (or, in certain instances, a greater salary based on a higher rank or other status)(Final Salary), less the following payments to an Eligible Beneficiary:

* Any NYCRS death benefit as adjusted by any Supplementation or Cost-of-Living Adjustment (COLA),

* Any Social Security death benefit, and

* Any Workers' Compensation benefit.

The SADB is paid to the deceased member's surviving spouse, if alive. If the spouse is no longer alive, the SADB is paid to the deceased member's children until age eighteen or until age twenty-three of a student. If neither spouse nor a dependent child is alive, the SADB may be paid to certain other individuals, if eligible, in accordance with certain laws related to the World Trade Center attack.

The GML also provides that the SADB is subject to escalation based on the calendar year in which the former member died. The SADB has traditionally been increased by a cumulative, incremental percentage of Final Salary based on the calendar year of the member's death.

Under the proposed legislation, effective July 1, 2018, an additional 3.0% of Final Salary would be applied to the SADB paid due to deaths occurring in each calendar year on and after 1977. The SADB for deaths occurring prior to 1977 would receive the same escalation as deaths occurring in 1977.

FINANCIAL IMPACT - EMPLOYER PAYMENTS: With respect to the NYCRS, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately $3.4 million.

As a result of the past four decades' practice of providing 3.0% COLAs on the SADB each year, and the likelihood that COLAs will continue to be granted in the future, the NYCRS Preliminary Fiscal Year 2018 employer contributions reflected, for the first time, the value of the SADB provided pursuant to GML Section 208(f) with an annual escalation assumption of 3.0%. Since then, the Actuary has continued to include the liability for SADB benefits and the assumed future annual escalation increases of 3.0%, including the additional cost associated with this proposed legislation, in NYCRS employer contributions. Therefore, the costs of this proposed legislation have already been accounted for and will not result in a further increase in employer contributions. Conversely, should this proposed legislation fail to pass, NYCRS employer contributions would decrease by approximately $400,000 per year for 14 years beginning in Fiscal Year 2021 as a result of an actuarial gain.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS (APVB): With respect to Eligible Beneficiaries of deceased NYCRS members who would be impacted by this proposed legislation, under the actuarial assumptions used in the NYCRS June 30, 2016 (Lag) actuarial valuations, including an annual Actuarial Interest Rate (AIR) assumption of 7.0%, the enactment of this proposed legislation would increase the APVB by approximately $36.9 million as of June 30, 2018.

OTHER COSTS: Enactment of this proposed legislation would also be expected to result in modest increases in administrative expenses of

NYCERS, POLICE and FIRE, their participating employers, and certain New York City agencies.

CENSUS DATA: The financial impact of the proposed legislation is based upon the census data for such Eligible Beneficiaries provided by the NYCRS.

TOTAL ACCIDENTAL DEATH BENEFIT PAID BY THE NYCRS

Retirement System	Number of Deceased Members with Eligible Survivors	Annual Accidental Death Benefit Prior to Proposed July 1, 2018 Increase ($ Millions)
NYCERS	36	$2.8
POLICE	367	38.8
FIRE	621	70.6
Total	1,024	$112.2

ACTUARIAL ASSUMPTIONS AND METHODS: The increase in the APVB presented herein has been calculated based on the same actuarial assumptions and methods in effect for the June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of NYCERS, POLICE and FIRE, including an annual Actuarial Interest Rate (AIR) assumption of 7.0% (net of Investment Expenses). Please note these assumptions and methods are subject to change as this valuation is not considered final until the end of the City's Fiscal Year 2018.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974 (ERISA), a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2018-02 dated January 31, 2018, was prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and New York City Fire Pension Fund. This estimate is intended for use only during the 2018 Legislative Session.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2018.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately $493,000 above the approximately $11.3 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

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, 2017 actuarial valu-

ation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in 2015, 2016, and 2017 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, 2017 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 December 8, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-15, prepared by the Actuary for the New York State and Local Retirement System.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A9056A

SPONSOR: Joyner

TITLE OF BILL: An act to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

PURPOSE OR GENERAL IDEA OF BILL:

This legislation extends the escalation of a cost of living increase of approximately 3% for all line-of-duty widows or widowers for fiscal year 2018-19.

SUMMARY OF PROVISIONS:

This bill amends subdivision c of section 208-f of the General Municipal Law as amended by Chapter 76 of the Laws of 2017 and subdivision c of section 361-a of the Retirement and Social Security Law, as amended by Chapter 76 of the Laws of 2017.

EXISTING LAW:

The law allows special accidental death benefits to be paid to a deceased members' widow or widower, or children under the age of eighteen or, if a student, under the age of twenty-three, in accordance with the stated schedule.

JUSTIFICATION:

Since 1978, the Legislature has passed and the Governor signed into law a cost of living .increase and a one-year escalation for all New York State widows and widowers of police. officers and firefighters killed in the line-of-duty. The intent of the original 1978 law was to increase their benefits to an amount that would reflect the impact of inflation. However, the law did not provide for any new cost of living increase after July 1, 1979.

Since that date, the cost of living has increased well over 3% each year, including some periods of double-digit inflation. These same widows and widowers are no longer receiving adequate benefits. This Legislation does not totally cover the present inflation spiral, but it at least provides some increased relief to the widows and widowers of New York State's bravest citizens, who gave their lives in service to the people of New York State. In the past, these brave families have faced a poverty stricken existence.

This legislation would prevent the return of that deplorable state of affairs. As with previous legislation, there is no cost to the localities, as the state would reimburse them for this small increase.

PRIOR LEGISLATIVE HISTORY:

2017: S.4588-A - Chapter 76
2016: S.7179-A - Chapter 347
2015: S.4081-A - Chapter 23
2014: S.6467-A - Chapter 104
2013: S.4257-B - Chapter 196
2012: S.6438-A - Chapter 285
2011: S.3994-A - Chapter 161
2010: S.6879 - Chapter 439
2009: S.2343 - Chapter 305
2008: S.6733 - Chapter 76
2007: S.2492 - Chapter 39
2006: S.6744 - Chapter 88
2005: S.3971-C - Chapter 48
2004: S.6579-C - Chapter 351
2003: S.3903 - Chapter 139
2002: S.7263 - Chapter 313
2001: S.3297-A - Chapter 264
2000: S.6866-A - Chapter 231

FISCAL IMPLICATIONS:

See fiscal notes.

EFFECTIVE DATE:
This act shall take effect July 1, 2018

STATE OF NEW YORK

6235

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to reporting by the office of fire prevention and control

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

Section 1. Subdivision 17 of section 156 of the executive law, as added by chapter 615 of the laws of 2006, is amended to read as follows:

17. Issue a written report to the governor and legislature, on or before February fifteenth of each year, on firefighter training activities. Such report shall include at least the following information: the minimum training hours allocated on a county-by-county basis, the training hours requested by each county, any unfulfilled training hour requests, [~~and~~] the number of hours used by each county on a county-by-county basis**, and a statewide total of the number of hours allocated to each firefighter. Such report shall also identify the fire department or district providing the training including the number of hours of training and the type of training for each firefighter. In addition, such report shall also list the names of those firefighters qualified to do interior firefighting. The written report shall be prominently posted on the division of homeland security and emergency services website no later March first of each year**.

§ 2. This act shall take effect immediately.

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

LBD11400-01-7

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S6235

SPONSOR: AKSHAR

TITLE OF BILL: An act to amend the executive law, in relation to reporting by the office of fire prevention and control

PURPOSE:

This bill will ensure the safety of all paid and volunteer fire fighters, by updating the reporting requirements in relation to training and qualifications.

SUMMARY OF PROVISIONS:

Section 1 Paragraph 17 of section 156 of the executive law is amended to read as follows:

17. Issue a written report to the governor and legislature, on or before February fifteenth of each year, on firefighter training activities. Such report shall include at least the following information: the minimum training hours allocated on a county-by-county basis, the training hours requested by each county, any unfulfilled training hour requests, the number of hours used by each county on a county-by-county basis, and a statewide total of the number of hours allocated to each firefighter. Such report shall also identify the fire department or district providing the training including the number of hours of training and the type of training for each firefighter. In addition, such report shall also list the names of those firefighters qualified to do interior firefighting. The written report shall be prominently posted on the division of homeland security and emergency services website no later than March first of each year.

Section 2 states the effective date.

JUSTIFICATION:

This legislation requires the Office of Fire Prevention and Control (OFPC) to calculate the names and hours of all firefighters in New York State qualified for interior firefighting and for that information to be posted and updated annually on the New York State Division of Homeland Security and Emergency Services website.

Ensuring appropriate recordkeeping and public notification of which firefighters in New York State have the appropriate and type of training to qualify for interior firefighting is a critical and commonsense public safety measure. This legislation will create a very clear understanding of the specific tasks and duties each firefighter is approved

to handle at a fire or emergency situation.

Very often, smaller fire districts, departments, and companies do not have the ability, space or personnel to appropriately retain an appropriate recordkeeping of their firefighters. New York State Comptroller Thomas DiNapoli has recognized the need for more transparency for fire protection costs and his office released a March 2017 report titled, Fire Protection in New York State: How Is It Provided in Your Community?, which noted: "Many of these entities are quite small and - as noted above - run by part-time and volunteer staff. While many of these organizations do a good job of maintaining financial records, there have

been instances where weak internal controls or lack of governing board oversight have led to negative outcomes."

A statewide collection and reporting system will add to increased safety and transparency. OFPC is already required to issue an annual written report to the governor and legislature on firefighter training activities and this legislation would simply add additional and critical information to the existing report.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

1444

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. CROUCH, BARCLAY, COLTON, FRIEND, GIGLIO, McDONOUGH, McKEVITT -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to affecting the health insurance benefits and contributions of certain retired public employees

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

Section 1. From May 1, 2008 until May 15, 2018, a public employer shall be prohibited from diminishing the health insurance benefits provided to retirees and their dependents or the contributions such employer makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their dependents by such employer unless a corresponding diminution of benefits or contributions is effected from the appropriate level as of May 1, 2008 during this period by such employer from the corresponding group of active employees for such retirees. For the purpose of this act, "public employer" shall mean the following: (i) the state; (ii) a county, city, town or village; (iii) a school district, board of cooperative educational services, vocational education and extension board or a school district as enumerated in section 1 of chapter 566 of the laws of 1967, as amended; (iv) any governmental entity operating a college or university; (v) a public improvement or special district; (vi) a public authority, commission or public benefit corporation; or (vii) any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state.

§ 2. Nothing contained in this act shall supersede or diminish the terms of a collective bargaining agreement.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after May 1, 2008.

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

LBD01007-01-7

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A1444

SPONSOR: Crouch

TITLE OF BILL: An act in relation to affecting the health insurance benefits and contributions of certain retired public employees

PURPOSE OR GENERAL IDEA OF BILL:

This bill prohibits the diminution of health insurance benefits of public employee retirees.

SUMMARY OF SPECIFIC PROVISIONS:

The bill enacts an unconsolidated law which, for the period May 1, 2008 until May 15, 2018, prohibits a public employer from diminishing the health insurance benefits provided to retirees and their dependents or reducing the contributions that the public employer makes toward these benefits, unless also making an equivalent change for active employees.

EXISTING LAW:

Chapter 729 of the Laws of 1994, as last amended by Chapter 22 of the Laws of 2007, provides this protection for retirees of school districts.

JUSTIFICATION:

Health insurance coverage is a critical issue for retirees, who often face tremendous health care costs at a time of severely diminished income. Continuation of health insurance after retirement is provided for some retirees by statute and for some others by union contract. This legislation seeks to protect health insurance coverage for all public sector retirees. It provides that a public employer may not unilaterally reduce benefit coverage or employer contributions unless making a parallel reduction for active employees. This does not prevent public employers from reducing benefits as a cost-cutting measure, but does, in effect; require that any such reductions be the result of union negotiations. Absent this, the Taylor Law prohibits public employee unions from negotiating on behalf of retirees. This bill also specifically recognizes union contracts which may, now or in the future, provide stronger benefits for retirees covered by the contracts. A similar law has protected school district retirees since 1994.

PRIOR LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None. This is not a fiscal mandate, as the State remains free to reduce health insurance costs either through amendments to the Civil Service law or through public employee negotiations.

LOCAL FISCAL IMPLICATIONS:

Same as State fiscal implications (above).

EFFECTIVE DATE:
This act shall take effect immediately and shall be deemed to have been in full force and effect on and after May 1, 2008.

STATE OF NEW YORK

745

2017-2018 Regular Sessions

IN SENATE

January 4, 2017

Introduced by Sens. RITCHIE, AKSHAR, SERINO, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the real property tax law, in relation to state aid for certain towns adversely affected by a concentration of tax exempt property

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

Section 1. The real property tax law is amended by adding a new section 532-a to read as follows:

§ 532-a. Certain lands subject to state payments. In any city, town, village or fire district in which the total amount of tax exempt property represents more than thirty-five percent, by value, of the total amount of property in such city, town, village or fire district, the state shall pay a sum, subject to budgetary appropriation, as follows:

1. Fifty percent of such sum shall be paid to each eligible city, town, village or fire district in proportion to such entity's population relative to the population of all such eligible entities; and

2. Fifty percent of such sum shall be paid based on the value of tax exempt property in each eligible city, town, village or fire district as a percentage of the value of all tax exempt property in all such eligible entities.

§ 2. This act shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after the date on which this act shall have become a law.

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

LBD02788-01-7

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S745

SPONSOR: RITCHIE

TITLE OF BILL:

An act to amend the real property tax law, in relation to state aid for certain towns adversely affected by a concentration of tax exempt property

PURPOSE:

This bill creates a new category of state aid for certain towns based on the amount of tax exempt property in their jurisdiction.

SUMMARY OF PROVISIONS:

Section 1 amends the Real Property Tax Law by adding a new Section 532-a providing that for any city, town, village, or fire district to be eligible for a new category of state aid at least 35 percent of the real property in the city, town, village, or fire district, by value, must be exempt from taxation. The funds available to assist eligible cities, towns, villages, or fire districts are allocated based on a formula. Fifty percent of the distribution is based on the town's population. The remaining 50 percent is based on the amount of tax exempt property in the town.

Section 2 is the effective date.

JUSTIFICATION:

Real property taxes are the main way local governments are able to raise revenue and provide necessary services to the residents of their city, town, village, or fire district. When a large concentration, over 35 percent by value, of the property in a city, town, village, or fire district, is exempt from taxation, there is a significant portion of land for which real property taxes cannot be collected to support the services provided by the locality. This significantly reduces the property tax base and limits the number of property owners that pay taxes to support the town's services. This places an increased burden on the taxpayers for support of a city's, town's, village's, or fire district's services.

This bill will aid the taxpayers and the cities, towns, villages, and fire districts, that have a significantly high amount of real property that is exempt from taxation by allowing the state to appropriate and distribute funds, based upon a formula, to the towns which have a significantly high amount, over 35 percent by value, of real property

that is exempt from taxation.

LEGISLATIVE HISTORY:

2015-2016: S.1821/ A.1026
2013-2014: S.4605/ A.1079

FISCAL IMPLICATIONS:

Subject to budgetary appropriation.

EFFECTIVE DATE:
This bill shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring and after the date on which this act shall have become a law.

STATE OF NEW YORK

3129

2017-2018 Regular Sessions

IN SENATE

January 19, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to enacting the "local government jobs and revenue protection act of 2017"

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

Section 1. This act shall be known and may be cited as the "local government jobs and revenue protection act of 2017."

§ 2. Legislative intent. New York state, New York city and county governments throughout the state are the recipients of hundred of millions of dollars each year under the master settlement agreement. The total of all master settlement payments to these governments over the years has so far exceeded fourteen billion dollars. These funds are vitally important and any disruption in these payments would put the recipients at financial risk. The legislature hereby finds that it is in the public interest to enact the "local government jobs and revenue protection act of 2017" in order to continue the flow of these funds to the state and local governments which depend on this revenue during the appeal of a judgement against master settlement agreement signatories, affiliates, successors and non-participating manufacturers.

§ 3. The civil practice law and rules is amended by adding a new section 5519-a to read as follows:

§ 5519-a. Stay of enforcement for tobacco product master settlement agreement participating or non-participating manufacturers or their successors or affiliates. (a) In civil litigation under any legal theory involving a participating manufacturer or a non-participating manufacturer, as those terms are defined in the master settlement agreement, or any of their successors or affiliates, the undertaking required during the pendency of all appeals or discretionary reviews by any appellate courts in order to stay the execution of any judgment or order granting legal, equitable or other relief during the entire course of appellate

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

LBD08057-01-7

review, including review by the United States supreme court, shall be set pursuant to the applicable provisions of law or court rules; provided, however that the total undertaking required of all appellants collectively shall not exceed two hundred fifty million dollars, regardless of the value of the judgment appealed.

(b) Notwithstanding the provisions of subdivision (a) of this section, upon proof by a preponderance of the evidence, by an appellee, that an appellant is dissipating assets outside the course of ordinary business to avoid payment of a judgment, a court may require the appellant to post a bond in an amount up to the total amount of the judgement.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law, and shall apply to any cause of action pending on or filed on or after such effective date.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S3129 Revised 12/05/17

SPONSOR: DEFRANCISCO

TITLE OF BILL:

An act to amend the civil practice law and rules, in relation to enacting the "local government jobs and revenue protection act of 2017"

PURPOSE:

The purpose of this bill is to enact the Local Government Jobs and Revenue Protection Act of 2017 to safeguard the flow of funds under the tobacco master settlement agreement ("MSA") to the state and local governments by limiting the bond that MSA signatories and their successors and affiliates and nonparticipating manufacturers must post to stay the execution of a judgment during appeal to two-hundred fifty million dollars regardless of the value of the judgment.

SUMMARY OF PROVISIONS:

This bill would provide that the maximum aggregate undertaking required staying the execution of a judgment involving a signatory, a successor to a signatory, or an affiliate of a signatory to the MSA or a nonparticipating manufacturer shall not exceed $250 million. This bill also would provide that a court may require a higher bond in an amount not to exceed the total amount of the judgment if the appellee demonstrates by preponderance of the evidence that a defendant is improperly dissipating assets outside the ordinary course of business in order to avoid payment of a judgment.

For purposes of this bill, the term "master settlement agreement" shall mean the settlement agreement (and related documents) entered into on November 23, 1999 by the state and leading United States tobacco product manufacturers, as defined in Section 1399-00 of the Public Health Codes.

JUSTIFICATION:

Currently the Tobacco Master Settlement Agreement delivers hundreds of millions of dollars in revenues to the state and its localities annually, and it will continue to do so in perpetuity. In 2017 alone, New York State, New York City and other New York Counties received approximately $617,458,922 under the MSA and total payments to date under the MSA to New York State, New York City and other New York Counties are reaching $15.2 billion. These funds have either been bonded by recipients or are used each year as a critical funding stream for jobs, programs and infrastructure.

However, the tobacco companies that make payments to the state pursuant to the MSA are involved in extensive litigation, which on occasion produces verdicts in the hundreds of millions or billions of dollars. Many of these large verdicts are reduced or overturned on appeal. But if such a verdict were entered against the tobacco companies in New York, the only way the companies could prevent a plaintiff from collecting on the judgment during the appeal would be to post an undertaking equal to the full amount of the judgment. If the companies could not afford to post an undertaking in this amount, they would be unable to protect their assets and hence their ability to make their MSA payments to the states during the appeal. Thirty-eight states have recognized the possibility that a large undertaking may cause the tobacco companies to be unable to meet their obligations to the states under the MSA, and these states have passed legislation that limits the size of the required undertaking in cases involving large judgments. In addition, five other states do not require a defendant to post an undertaking at all during an appeal, and two states' Supreme Courts have amended their court rules to limit the maximum amount of an undertaking so 90% of the states currently limit the undertaking requirement. Some states have passed legislation that applies to all litigants, while other states have passed legislation that applies only to MSA signatories, succes-sors, and affiliates.

The undertaking limits in most of these states range from $1 million to $250 million. By limiting the amount of the undertaking that defendants must pest to stay the execution of the judgment during appeal, such legislation guarantees that New York State, New York City and other New York Counties will continue to receive their MSA payments while the MSA signatories, affiliates, successors and nonparticipating manufacturers appeal such a judgment.

This bill would impose a $250 million limit on the undertaking that MSA signatories, affiliates, successors and nonparticipating manufacturers must post to stay the execution of a judgment in New York. This under-taking limit would not in any way affect the outcome of the appeal or the ultimate ability of the plaintiff to prevail in the appeal. Plain-tiffs are protected by the provision in the bill allowing for a higher bond_ amount up to the full value of the judgment if the court deter-mines that .the appellant is dissipating assets to avoid .paying a judg-ment on appeal. This same provision is included in nearly all of the laws passed in thirty-eight other states that place a maximum amount on the size of the undertaking that must be posted in order to stay execution of judgment during an appeal. This legislation thus would not injure plaintiffs in any way, but would merely ensure that the tobacco companies are able fully to utilize their constitutional right to appeal, while protecting the interests of the state, counties, and New York City in the continued receipt of its MSA funds during the course of appeal.

LEGISLATIVE HISTORY:

S.8002 of 2016;
S.249, S.6857 of 2015;
S.3852-B of 2013-2014

FISCAL IMPLICATIONS:

The DOB expects that MSA payments of approximately $125 million in FY

2018, and $400 million annually thereafter, will be available for State purposes alone. The 2017-18 Budget directed these funds be used to cover the State's share of Medicaid. The City of New York and remaining New York counties received nearly $400 million in 2017. Absent this legislation, future payments could be in jeopardy.

EFFECTIVE DATE:
This act shall take effect on the thirtieth day after it shall have become a law, and shall apply to any cause of action pending on or filed on or after such effective date.

STATE OF NEW YORK

8220

IN SENATE

April 19, 2018

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to prohibit public employers from diminishing the health insurance benefits and contributions of retired public employees

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

Section 1. On and after the effective date of this act, a public employer shall be prohibited from diminishing the health insurance benefits provided to retirees, who retired before, on or after the effective date of this act, and their dependents or the contributions such employer makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their dependents by such employer as of the retiree's date of retirement. For the purpose of this act, "public employer" shall mean the following: (i) the state; (ii) a county, city, town or village; (iii) any governmental entity operating a college or university; (iv) a public improvement or special district including police or fire districts; (v) a public authority, commission or public benefit corporation; or (vi) any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state. The term public employer shall not include any school district, board of cooperative educational services, or vocational education and extension board.

§ 2. Nothing contained in this act shall supersede or diminish the terms of a collective bargaining agreement.

§ 3. Notwithstanding the provisions of section one of this act to the contrary, a public employer shall be prohibited from diminishing the health insurance benefits provided to retirees who retire after the effective date of this act from positions not subject to a collective bargaining agreement and their dependents, or the contributions such employer makes for such health insurance coverage, below the level of such benefits or contributions made on behalf of active employees in such positions as of the retiree's date of retirement.

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

LBD09559-02-7

§ 4. Nothing contained in this act shall require a public employer which does not provide health insurance benefits to retirees and their dependents as of the effective date of this act to offer such benefits.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S8220

SPONSOR: LANZA

TITLE OF BILL: An act to prohibit public employers from diminishing the health insurance benefits and contributions of retired public employees

PURPOSE OR GENERAL IDEA OF BILL:

This bill would prohibit state and local governments from diminishing the health insurance benefits of retirees below the level of benefits that are in place 30 days after this act shall become law.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1: Prohibits the State and local governments from diminishing the health insurance benefits of retirees and their dependents, as well as the employer contribution toward such health insurance, below the level of benefits in place 30 days after this act shall take effect. This bill does not apply to school districts and BOCES because they have been recently covered under the current law.

Section 2: Grants precedence to collective bargaining agreements.

Section 3: Provides for future retirees from positions not subject to a collective bargaining agreement.

Section 4: Ensures that a public employer which does not now offer health insurance benefits to retirees is not required to do so under this bill.

EXISTING LAW:

Chapter 729 of the laws of 1994, as amended by Chapter 22 of the Laws of 2007 and the laws of 2009, prohibits school districts and BOCES from diminishing retiree health insurance benefits, unless there is a parallel diminution affecting active employees. Article XI of the Civil Service Law provides that retires from the State and participating agencies in the New York State Health Insurance Plan (NYSHIP) shall receive the same health insurance benefits as negotiated with active employees. There is no existing law protecting health insurance benefits of retirees from local governments.

JUSTIFICATION:

Given the increasing costs of health care, health insurance coverage is

of tremendous importance to retirees and their dependents.

Although there have been a number of attempts to protect retiree health coverage, there is no consistent standard for all retirees. Education retirees are now protected by a law. Some workers have retired under union contracts with stronger protections. Many retirees, however, have no protection. This bill creates a uniform standard of protection which applies to all retirees and their dependents, unless covered by a more favorable union contract.

PRIOR LEGISLATIVE HISTORY:

A.7060-A held for consideration by ways and means in 2010 S.6029E in 2007 01/12/11 referred to governmental employees 01/04/12 referred to governmental employees 05/01/12 reported referred to ways and means

FISCAL IMPLICATIONS:

None. This bill merely requires the State to continue the level of benefits which it is now providing.

EFFECTIVE DATE:
30 days after it shall have become law.

STATE OF NEW YORK

5455--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 9, 2017

Introduced by M. of A. WEPRIN, BRINDISI, JAFFEE, TITONE, COLTON, RAIA, BENEDETTO, FAHY, SKOUFIS, DiPIETRO, BRONSON, ORTIZ, WOERNER, SANTABARBARA, BRABENEC, ROZIC, MALLIOTAKIS, SEPULVEDA -- Multi-Sponsored by -- M. of A. ABINANTI, DenDEKKER, ENGLEBRIGHT, GALEF, GIGLIO, GUNTHER, LAVINE, MAYER, McDONOUGH, MONTESANO, PERRY, RA, RIVERA, SKARTADOS, THIELE, ZEBROWSKI -- 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 prohibit public employers from diminishing the health insurance benefits and contributions of certain retired public employees

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

Section 1. On and after the effective date of this act, a public employer shall be prohibited from diminishing the health insurance benefits provided to retirees, who retired before, on or after the effective date of this act, and their dependents or the contributions such employer makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their dependents by such employer as of the retiree's date of retirement. For the purpose of this act, "public employer" shall mean the following: (i) the state; (ii) a county, city, town or village; (iii) any governmental entity operating a college or university; (iv) a public improvement or special district including police or fire districts; (v) a public authority, commission or public benefit corporation; or (vi) any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state. The term public employer shall not include any school district, board of cooperative educational services, or vocational education and extension board.

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

LBD09559-03-8

§ 2. Nothing contained in this act shall supersede or diminish the terms of a collective bargaining agreement.

§ 3. Notwithstanding the provisions of section one of this act to the contrary, a public employer shall be prohibited from diminishing the health insurance benefits provided to retirees who retire after the effective date of this act from positions not subject to a collective bargaining agreement and their dependents, or the contributions such employer makes for such health insurance coverage, below the level of such benefits or contributions made on behalf of active employees in such positions as of the retiree's date of retirement.

§ 4. Nothing contained in this act shall require a public employer which does not provide health insurance benefits to retirees and their dependents as of the effective date of this act to offer such benefits.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A5455A

SPONSOR: Weprin (MS)

TITLE OF BILL:

An act to prohibit public employers from diminishing the health insurance benefits and contributions of certain retired public employees

PURPOSE OR GENERAL IDEA OF BILL:

This bill would prohibit state and local governments from diminishing the health insurance benefits of retirees below the level of benefits that are in place 30 days after this act shall become law.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1: Prohibits the State and local governments from diminishing the health insurance benefits of retirees and their dependents, as well as the employer contribution toward such health insurance, below the level of benefits in place 30 days after this act shall take effect. This bill does not apply to school districts and BOCES because they have been recently covered under the current law.

Section 2: Grants precedence to collective bargaining agreements.

Section 3: Provides for future retirees from positions not subject to a collective bargaining agreement.

Section 4: Ensures that a public employer which does not now offer health insurance benefits to retirees is not required to do so under this bill.

EXISTING LAW:

Chapter 729 of the laws of 1994, as amended by Chapter 22 of the Laws of 2007 and the laws of 2009, prohibits school districts and BOCES from diminishing retiree health insurance benefits, unless there is a parallel diminution affecting active employees. Article XI of the Civil Service Law provides that retires from the State and participating agencies in the New York State Health Insurance Plan (NYSHIP) shall receive the same health insurance benefits as negotiated with active employees. There is no existing law protecting health insurance benefits of retirees from local governments

JUSTIFICATION:

Given the increasing costs of health care, health insurance coverage is of tremendous importance to retirees and their dependents. Although there have been a number of attempts to protect retiree health coverage, there is no consistent standard for all retirees. Education retirees are now protected by a law. Some workers have retired under union contracts with stronger protections. Many retirees, however, have no protection. This bill creates a uniform standard of protection which applies to all retirees and their dependents, unless covered by a more favorable union contract.

PRIOR LEGISLATIVE HISTORY:

A.7060-A held for consideration by ways and means in 2010
S.6029E in 2007
01/12/11 referred to governmental employees
01/04/12 referred to governmental employees
05/01/12 reported referred to ways and means

FISCAL IMPLICATIONS:

None. This bill merely requires the State to continue the level of benefits which it is now providing.

EFFECTIVE DATE:
30 days after it shall have become law.

STATE OF NEW YORK

5778--A

Cal. No. 1344

2017-2018 Regular Sessions

IN SENATE

April 28, 2017

Introduced by Sens. ALCANTARA, SAVINO, KLEIN, PERALTA, HAMILTON, VALESKY, CARLUCCI, AVELLA, ADDABBO, BAILEY, COMRIE, GALLIVAN, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the civil service law, in relation to membership dues in an employee organization and signed authorizations for deduction

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

Section 1. The civil service law is amended by adding a new section 159-d to read as follows:

§ 159-d. Membership dues; signed authorization. 1. (a) A public employer shall commence making deductions of membership dues in an employee organization pursuant to a public employee's signed authorization as soon as practicable but in no case later than thirty days after receiving proof of a signed authorization.

(b) Any membership dues in an employee organization deducted from the salary of a public employee shall be transmitted to the employee organization as soon as practicable but in no case later than thirty days after the salary from which it is deducted is paid to the employee.

2. Within thirty days of a public employee first being paid after being employed or reemployed by a public employer, or within thirty days of being promoted or transferred to a new bargaining unit, the public employer shall:

(a) notify the employee organization, if any, that represents that bargaining unit of the employee's name, job title, work location, work telephone number and hours of work; and

(b) allow a duly appointed representative of the employee organization that represents that bargaining unit to meet with that employee during

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

LBD11206-06-7

work time, unless otherwise specified within an agreement bargained collectively under article fourteen of the civil service law.

3. (a) Notwithstanding any other provision of law to the contrary, the period of time that an authorization to deduct from the salary of a public employee an amount for the payment of membership dues in an employee organization shall remain in effect shall be the shorter of (i) that set forth in the signed authorization, or (ii) as may be later determined by a court of competent jurisdiction to be constitutionally required or required by law.

(b) Notwithstanding any other provision of law to the contrary, the period of time that a public employee shall have to withdraw a signed authorization to deduct from his or her salary an amount for the payment of membership dues in an employee organization prior to it being renewed shall be the longer of (i) that set forth in the signed authorization, or (ii) as may be later finally determined by a court of competent jurisdiction to be constitutionally required or required by law.

4. A public employer shall accept a signed authorization to deduct from the salary of a public employee an amount for the payment of his or her membership dues in an employee organization in any format permitted by article three of the state technology law.

5. Notwithstanding any other provision of law to the contrary, except as provided in subdivision three of this section, any signed authorization to deduct from the salary of a public employee an amount for the payment of membership dues in an employee organization may be withdrawn by such employee only in accordance with the terms of the signed authorization.

6. Notwithstanding any provision of article fourteen of this chapter to the contrary, except as provided in subdivision three of this section, as used in this section, the terms "public employee" and "public employer" shall have the same meaning as set forth in section two hundred one of this chapter, and the term "employee organization" shall mean any employee organization, as that term is defined in section two hundred one of this chapter, that has been certified or recognized pursuant to article fourteen of this chapter or other applicable law as the exclusive bargaining representative of public employees. Nothing in this section shall be construed to make the comptroller of the state of New York the public employer of any public employees except as set forth in section two hundred one of this chapter.

7. (a) If any clause, sentence, paragraph, or subdivision of this section shall be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or subdivision of this section directly involved in the controversy in which such judgment shall have been rendered.

(b) If any clause, sentence, paragraph, or part of a signed authorization shall be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such determination shall not affect, impair or invalidate the remainder of such signed authorization but shall be confined in its operation to the clause, sentence, paragraph, or part of the signed authorization directly involved in the controversy in which such judgment shall have been rendered.

§ 2. This act shall take effect immediately.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S5778A

SPONSOR: ALCANTARA

TITLE OF BILL: An act to amend the civil service law, in relation to membership dues in an employee organization and signed authorizations for deduction

PURPOSE:

To streamline the process for an individual to join a public sector union.

SUMMARY OF PROVISIONS:

Amends the civil service law by adding a new section 159-d, to do the following:

*Requires public employers to process dues authorization cards, to begin making required deductions.and to transmit union dues to the recognized collective bargaining organization within thirty days after the salary from which it was deducted from is paid to the employee.

*Provides that within 30 days of employment or reemployment with a public employer, or promotion and transfers to new bargaining units the employer shall provide the recognized employee organization of the name, job title, work location, work contact information and hours and allow the duly appointed representative to meet with that employee during work time or as provided by the collective bargaining agreement.

*Provides for time periods for authorization to deduction for payment of membership dues shall be the shorter of time set forth on authorization card or a time frame that may be set by future court rulings.

*Provides for time periods for withdrawal of authorization to deduction for payment of membership dues prior to renewal to be the longer of time set forth on authorization card or a time frame that may be set by future court rulings.

*Clarifies the allowable formats under article three of the state technology law that dues authorization forms can take and ensure that such a form will be provided to an employee,

*Provides for a clear system for an individual to withdrawal from payment of membership dues according to terms of the signed authorization card.

*Defines terms according to Article 14 of the Civil Service Law.

*Provides for a severability clause, to ensure that if any parts are found to be invalid the remainder shall be deemed valid

*Provides that if any clause, sentence, paragraph of a signed authorization shall be found unconstitutional or otherwise invalid, all other provisions of existing dues authorization cards will continue to be valid by the terms of such authorization card.

*Provides for an immediate effective date.

JUSTIFICATION:
This legislation will simplify the process for an individual to join a public employee union by clarifying and streamlining the dues deduction authorization process. Furthermore, this legislation will make sure that the process is consistent among all public employers in the state.

Under current law, the process varies among the different employers and can result in confusion and delays in the ability of unions to effectively represent their membership, as required by law.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPACT:

None to State or Local Governments.

EFFECTIVE DATE:
The act shall take effect immediately.

STATE OF NEW YORK

4540--A

2017-2018 Regular Sessions

IN SENATE

February 16, 2017

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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 authorizing participating employers in the New York state and local police and fire retirement system offering an optional twenty year retirement plan for its police officers and firefighters, to offer such plan on a non-contributory basis

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

Section 1. The retirement and social security law is amended by adding a new article 26 to read as follows:

ARTICLE 26

BENEFIT ENHANCEMENTS

Section 1400. Non-contributory basis.
1401. Collective bargaining.
1402. Past service costs.

§ 1400. Non-contributory basis. (a) Notwithstanding the provisions of this chapter or any other law to the contrary, a participating employer in the New York state and local police and fire retirement system may elect to provide its employees who are members of the optional twenty year retirement plan for police and firefighters eligibility to participate on a non-contributory basis.

(b) No member who participates in this non-contributory retirement plan shall be entitled to a refund of previous contributions made to the contributory twenty year retirement plan.

§ 1401. Collective bargaining. A demand in collective bargaining negotiations for the additional benefit provided by section fourteen hundred

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

LBD09303-03-8

of this article shall not be subject to the provisions of paragraph (b) or (c) of subdivision four of section two hundred nine of the civil service law, nor shall such demand be subject to any provision for interest arbitration contained in any local law, resolution or ordinance adopted by any governmental entity pursuant to subdivision one of section two hundred twelve of the civil service law.

§ 1402. Past service costs. Any participating employer that elects the additional benefits provided by this article may also elect to pay the past service cost associated with this benefit in ten annual installments.

§ 2. This act shall take effect immediately.

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

This bill will allow employers in the New York State and Local Police and Fire Retirement System which have elected to provide their employees with the benefits of the 20 year contributory retirement plan to elect to provide eligibility for their employees to participate on a non-contributory basis. Any member who participates on a non-contributory basis will not be entitled to a refund of previous member contributions.

If this bill is enacted, there will be an increase in the annual contributions of electing employers on behalf of their Tiers 3, 5 and 6 members. For the fiscal year ending March 31, 2018, the contribution increases, as a percentage of salary, are as follows:

Tier	384-d	384-e
3	0.3%	1.0%
5	3.5%	3.5%
6	6.5%	6.6%

These additional annual costs will be borne by the employers which elect to provide this benefit.

There will not be a past service cost.

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, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, and 2017 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, 2017 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 January 19, 2018, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-45, prepared by the Actuary for the New York State and Local Retirement System.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S4540A

SPONSOR: YOUNG

TITLE OF BILL: An act to amend the retirement and social security law, in relation to authorizing participating employers in the New York state and local police and fire retirement system offering an optional twenty year retirement plan for its police officers and firefighters, to offer such plan on a non-contributory basis

PURPOSE:

To permit all police officers and firefighters in NYS the opportunity to be treated equally pursuant to the benefits provided in the Retirement and Social Security Law.

SUMMARY OF PROVISIONS:

Amends the retirement and social security law by adding a new Article 26 to grant police officers and professional firefighters the opportunity to participate in a non-contributory twenty year retirement if their employer so elects.

JUSTIFICATION:

In 2009 the legislature passed a new Tier V pension bill for police officers and firefighters hired after January 2010 into the Tier V plan. Those police officers and firefighters hired on or after the effective date of Tier V (January 9, 2010) were placed in a contributory twenty-year retirement plan unless they were subject to a collective bargaining agreement that provided to the contrary. This same protection was not afforded police officers and firefighters working without a collective bargaining agreement.

This bill would afford the same opportunities to such police officers and professional, paid firefighters as those working pursuant to a collective bargaining agreement at the time of the enactment of Tier V. In addition, this bill would allow any participating employer, in the future, to provide a non-contributory twenty year retirement notwith-standing the provisions of Tier V or Tier VI. It should, however, be noted that this additional benefit is not to be considered a mandatory subject of bargaining pursuant to the Taylor Law.

LEGISLATIVE HISTORY:

2017: S.4540 Passed the Senate
2016: S.7023 Vetoed by Governor

2015: S.3010 Vetoed by Governor
2014: S.7717 Referred to Civil Service & Pensions Committee

FISCAL IMPLICATIONS:

See fiscal note.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

4564

2017-2018 Regular Sessions

IN SENATE

February 17, 2017

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to creating a cancer presumption for firefighters

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

Section 1. The general municipal law is amended by adding a new section 207-kkk to read as follows:

§ 207-kkk. Firefighters; disabilities caused by cancer. Notwithstanding any other provisions of this chapter to the contrary, any condition of impairment of health caused by (i) any condition of cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive, or prostate systems or (ii) melanoma resulting in total or partial disability or death to a paid member of a fire department or fire district that participates in the New York State and Local Police and Fire Retirement System, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty unless the contrary be proved by competent evidence.

§ 2. This act shall take effect immediately.

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

LBD10089-01-7

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S4564

SPONSOR: GOLDEN

TITLE OF BILL:

An act to amend the general municipal law, in relation to creating a cancer presumption for firefighters

PURPOSE:

Provides disability or death of certain firemen from cancer disabilities presumed to be occupational.

SUMMARY OF PROVISIONS:

Section one of this bill adds a new section 207-kkk to the General Municipal Law.

Section two of this bill provides that this act shall take effect immediately.

JUSTIFICATION:

The increased use of plastic and other chemical products in the last two decades has resulted in a qualitative change in the nature of the compounds to which firefighters are exposed to in responding to fires and other hazardous situations. Cancer disabilities for firefighters exceeds that of the average adult population. This increase is due to the proliferation of synthetic chemicals resulting in firefighters being exposed to increasing numbers of combustion and off-gassed materials from plastics and other synthetic substances at fires, chemical spills and other hazardous exposures

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

Undetermined

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

6333--B

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya, to elect to participate in the optional twenty year retirement plan for firefighters employed by the Arlington Fire District in the county of Dutchess

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

Section 1. Notwithstanding any other provision of law to the contrary, the Arlington Fire District, in the county of Dutchess, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to firefighters employed by such fire district, is hereby authorized to make participation in such plan available to Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya; firefighters employed by such fire district, who, for reasons not ascribable to their own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. Thereafter, Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section as well as section 384-e of such law, by filing a request to that effect with the state comptroller on or before December 31, 2018.

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

LBD07032-09-7

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the Arlington Fire District and may be amortized over a period of ten years.

§ 3. Notwithstanding any other provision of law to the contrary, this act shall be contingent upon the Arlington Fire District Board of Fire Commissioners passing a resolution requesting the enactment of this legislation and providing copies of such resolution to each house of the legislature.

§ 4. This act shall take effect immediately.

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

This bill will allow the Arlington Fire District to elect to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for fire fighters Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya.

If this bill is enacted and these firefighters become covered under the provisions of Section 384-d together with Section 384-e, we anticipate that there will be an increase of approximately $42,000 in the annual contributions of the Arlington Fire District for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salaries of these firefighters change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $399,000 which would be borne by the Arlington Fire District as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019. If the Arlington Fire District elects to amortize this cost over a 10 year period, the cost of the first year would be $53,100.

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, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 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, 2017 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 December 1, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-13, prepared by the Actuary for the New York State and Local Retirement System.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S6333B

SPONSOR: SERINO

TITLE OF BILL: An act to authorize Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya, to elect to participate in the optional twenty year retirement plan for firefighters employed by the Arlington Fire District in the county of Dutchess

PURPOSE:

To reopen the provisions of section 384-d together with section 384-e of the retirement and social security law for four firefighters in the Arlington Fire District.

SUMMARY OF PROVISIONS:

Section 1: Authorizes Arlington Fire District firefighters Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya to elect to be covered by the provisions of section 384-d together with 384-e of the retirement and social security law.

Section 2: Requires that all past service costs associated with this legislation be borne by the Arlington Fire District.

Section 3: Requires that the Arlington Fire District Board of Fire Commissioners pass a resolution requesting this legislation and provide a copy of such resolution to each house of the legislature.

Section 4: Establishes the effective date.

JUSTIFICATION:

Through no fault of their own, four members of the Arlington Fire District did not complete the appropriate forms to enroll under the 384-d retirement plan together with the 384-e retirement plan. This legislation would grant these firefighters until December 31, 2018 to file a request with the state comptroller to be enrolled and covered under such plans.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

According to the fiscal note, if this bill is enacted, the New York State Local Retirement System anticipates there will be an approximately $42,000 increase in annual contributions of the Arlington Fire District for the fiscal year ending March 31, 2018, with costs varying in future years.

Additionally, there will be an immediate past service cost of approximately $399,000 which would also be borne by the Arlington Fire District. If the fire district opts to amortize the cost over a 10-year period, the cost for the first year would be $53,100.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

8227--A

2017-2018 Regular Sessions

IN ASSEMBLY

June 2, 2017

Introduced by M. of A. BARRETT -- 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 authorize Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya, to elect to participate in the optional twenty year retirement plan for firefighters employed by the Arlington Fire District in the county of Dutchess

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

Section 1. Notwithstanding any other provision of law to the contrary, the Arlington Fire District, in the county of Dutchess, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to firefighters employed by such fire district, is hereby authorized to make participation in such plan available to Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya; firefighters employed by such fire district, who, for reasons not ascribable to their own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. Thereafter, Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section as well as section 384-e of such law, by filing a request to that effect with the state comptroller on or before December 31, 2018.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the Arlington Fire District and may be amortized over a period of ten years.

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

LBD07032-10-7

§ 3. Notwithstanding any other provision of law to the contrary, this act shall be contingent upon the Arlington Fire District Board of Fire Commissioners passing a resolution requesting the enactment of this legislation and providing copies of such resolution to each house of the legislature.

§ 4. This act shall take effect immediately.

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

This bill will allow the Arlington Fire District to elect to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for fire fighters Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya.

If this bill is enacted and these firefighters become covered under the provisions of Section 384-d together with Section 384-e, we anticipate that there will be an increase of approximately $42,000 in the annual contributions of the Arlington Fire District for the fiscal year ending March 31, 2019. In future years, this cost will vary as the billing rates and salaries of these firefighters change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $399,000 which would be borne by the Arlington Fire District as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2019. If the Arlington Fire District elects to amortize this cost over a 10 year period, the cost of the first year would be $53,100.

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, 2017 actuarial valuation. Distributions and other statistics can be found in the 2017 Report of the Actuary and the 2017 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016 and 2017 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, 2017 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 December 1, 2017, and intended for use only during the 2018 Legislative Session, is Fiscal Note No. 2018-13, prepared by the Actuary for the New York State and Local Retirement System.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A8227A

SPONSOR: Barrett

TITLE OF BILL:

An act to authorize Johel E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya, to elect to participate in the optional twenty year retirement plan for firefighters employed by the Arlington Fire District in the county of Dutchess

PURPOSE:

The purpose of this bill is to reopen the provisions of section 384-d together with section 384-e of the retirement and social security law for four firefighters in the Arlington Fire District.

SUMMARY OF PROVISIONS:

The bill authorizes Arlington Fire District firefighters Joehl E. Dongo, Carl P. Cacace Jr., Douglas J. Parrish and Christopher Saya to elect to be covered by the provisions of section 384-d together with 384-e of the retirement and social security law.

The bill requires that all past service costs associated with this legislation be borne by the Arlington Fire District.

Finally, the Arlington Fire District Board of Fire Commissioners would be required to pass a resolution requesting this legislation and provide a copy of such resolution to each house of the legislature.

JUSTIFICATION:

Through no fault of their own, four members of the Arlington Fire District did not complete the appropriate forms to enroll under the 384-d retirement plan together with the 384-e retirement plan. This legislation would grant these firefighters until December 31, 2018 the ability to file a request with the state comptroller to be enrolled and covered under such plans.

LEGISLATIVE HISTORY:

2017: A8227 Passed Assembly; Died in Senate

FISCAL IMPLICATIONS:

If this bill is enacted, the New York State Local Retirement System anticipates there will be an approximately $42,000 increase in annual contributions of the Arlington Fire District for the fiscal year ending March 31, 2018, with costs varying in future years. Additionally, there will be an immediate past service cost of approximately $399,000 which would also be borne by the Arlington Fire District. If the fire district opts to amortize the cost over a 10-year period, the cost for the first year would be $53,100.

EFFECTIVE DATE:
Immediately

STATE OF NEW YORK

6462

2017-2018 Regular Sessions

IN ASSEMBLY

March 7, 2017

Introduced by M. of A. B. MILLER, LALOR, FITZPATRICK, FINCH -- Multi-Sponsored by -- M. of A. BLANKENBUSH -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to suspending the Triborough amendment; directing the mandate relief redesign team to prepare a list of unfunded mandates; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision 1 of section 209-a of the civil service law, as amended by chapter 244 of the laws of 2007, is amended to read as follows:

1. Improper employer practices. It shall be an improper practice for a public employer or its agents deliberately (a) to interfere with, restrain or coerce public employees in the exercise of their rights guaranteed in section two hundred two of this article for the purpose of depriving them of such rights; (b) to dominate or interfere with the formation or administration of any employee organization for the purpose of depriving them of such rights; (c) to discriminate against any employee for the purpose of encouraging or discouraging membership in, or participation in the activities of, any employee organization; (d) to refuse to negotiate in good faith with the duly recognized or certified representatives of its public employees; (e) [~~to refuse to continue all the terms of an expired agreement until a new agreement is negotiated, unless the employee organization which is a party to such agreement has, during such negotiations or prior to such resolution of such negotiations, engaged in conduct violative of subdivision one of section two hundred ten of this article; (f)~~] to utilize any state funds appropriated for any purpose to train managers, supervisors or other administrative personnel regarding methods to discourage union organization or to discourage an employee from participating in a union organizing drive;

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

LBD09414-01-7

or [~~(g)~~] **(f)** to fail to permit or refuse to afford a public employee the right, upon the employee's demand, to representation by a representative of the employee organization, or the designee of such organization, which has been certified or recognized under this article when at the time of questioning by the employer of such employee it reasonably appears that he or she may be the subject of a potential disciplinary action. If representation is requested, and the employee is a potential target of disciplinary action at the time of questioning, a reasonable period of time shall be afforded to the employee to obtain such representation. It shall be an affirmative defense to any improper practice charge under paragraph [~~(g)~~] **(f)** of this subdivision that the employee has the right, pursuant to statute, interest arbitration award, collectively negotiated agreement, policy or practice, to present to a hearing officer or arbitrator evidence of the employer's failure to provide representation and to obtain exclusion of the resulting evidence upon demonstration of such failure. Nothing in this section shall grant an employee any right to representation by the representative of an employee organization in any criminal investigation.

§ 2. The Mandate Relief Redesign Team, as established by Executive Order Number Six of 2011, shall prepare a list of unfunded mandates on local governments and an estimate of the cost thereof. The Mandate Relief Redesign Team shall complete such list and submit it to the governor and the legislature no later than two years after the effective date of this act.

§ 3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed 2 years after such date.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A6462

SPONSOR: Miller B (MS)

TITLE OF BILL:

An act to amend the civil service law, in relation to suspending the Triborough amendment; directing the mandate relief redesign team to prepare a list of unfunded mandates; and providing for the repeal of such provisions upon expiration thereof

PURPOSE OR GENERAL IDEA OF BILL:

Suspends the Triborough amendment; requires the mandate relief team to prepare a list of unfunded mandates; expires in two years

SUMMARY OF PROVISIONS:

Section 1 amends subdivision one of section 209-a of the civil service law, which deletes section (e), and the original paragraphs f) and (g) are relabeled as (e) and (f) respectively.

Section 2 directs the Mandate Relief Redesign Team, as established by Executive Order Number Six of 2011, shall prepare a list of unfunded mandates on local governments and an estimate of the cost thereof, and submit it to the legislature no later than two years after the effective date of this act.

Section 3 contains a severability clause.

Section 4 contains the effective date.

JUSTIFICATION:

In January of 2011, Governor Andrew M. Cuomo announced the signing of an Executive Order to create a team of private and public sector individuals charged with finding ways to cut the unfunded and underfunded mandates that make New York one of the most taxed states in the nation.

The "Mandate Relief Redesign Team" was created to review unfunded and underfunded mandates imposed by the New York State government on school districts, local governments, and other local taxing districts.

During the team's early 2011 meetings, the head of the team gave tacit support to re-examining the Triborough Amendment, which was added to the Taylor Law in 1982. The Triborough Amendment prohibits a public employer from altering any provision of an expired labor agreement until a new agreement is reached. New York is the only state in the nation to have

such a requirement, and it is one of the most expensive mandates borne by State and local governments.

Public employers and employees should be encouraged to work together to achieve labor contracts that are both fair and affordable. While suspending, and ultimately reforming, the Triborough Amendment is just one potential solution, any comprehensive solution that provides tax relief must include reforms to the most challenging unfunded and under-funded State mandates by granting our municipalities greater flexibility.

The stakeholders from business, labor, education and government who comprise the Mandate Relief Redesign Team have shown a willingness to work together to achieve the reforms we as New Yorkers and taxpayers so desperately need. This legislation will give the team the tools it needs for these and other reforms to reduce both the size and cost of government. This bill would also require the team to provide a cost estimate for these mandates to the legislature within two years.

PRIOR LEGISLATIVE HISTORY:

A.3863
A.5249

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

The bill will bring an undetermined amount of savings to the state and localities by granting them greater flexibility to negotiate when an agreement fails to be reached, as employers will no longer be forced to abide by the previous collective bargaining agreement.

EFFECTIVE DATE:
This act shall take effect immediately and shall expire and be deemed repealed two years after such date.

STATE OF NEW YORK

5694

2017-2018 Regular Sessions

IN ASSEMBLY

February 14, 2017

Introduced by M. of A. FITZPATRICK, LALOR -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to removing the requirement that a public employer continue terms of an expired agreement until a new agreement is negotiated with an employee organization

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

Section 1. Subdivision 1 of section 209-a of the civil service law, as amended by chapter 244 of the laws of 2007, is amended to read as follows:

1. Improper employer practices. It shall be an improper practice for a public employer or its agents deliberately (a) to interfere with, restrain or coerce public employees in the exercise of their rights guaranteed in section two hundred two of this article for the purpose of depriving them of such rights; (b) to dominate or interfere with the formation or administration of any employee organization for the purpose of depriving them of such rights; (c) to discriminate against any employee for the purpose of encouraging or discouraging membership in, or participation in the activities of, any employee organization; (d) to refuse to negotiate in good faith with the duly recognized or certified representatives of its public employees; (e) [~~to refuse to continue all the terms of an expired agreement until a new agreement is negotiated, unless the employee organization which is a party to such agreement has, during such negotiations or prior to such resolution of such negotiations, engaged in conduct violative of subdivision one of section two hundred ten of this article; (f)~~] to utilize any state funds appropriated for any purpose to train managers, supervisors or other administrative personnel regarding methods to discourage union organization or to discourage an employee from participating in a union organizing drive; or [~~(g)~~] **(f)** to fail to permit or refuse to afford a public employee the right, upon the employee's demand, to representation by a representative

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

LBD05300-01-7

of the employee organization, or the designee of such organization, which has been certified or recognized under this article when at the time of questioning by the employer of such employee it reasonably appears that he or she may be the subject of a potential disciplinary action. If representation is requested, and the employee is a potential target of disciplinary action at the time of questioning, a reasonable period of time shall be afforded to the employee to obtain such representation. It shall be an affirmative defense to any improper practice charge under paragraph [~~(g)~~] **(f)** of this subdivision that the employee has the right, pursuant to statute, interest arbitration award, collectively negotiated agreement, policy or practice, to present to a hearing officer or arbitrator evidence of the employer's failure to provide representation and to obtain exclusion of the resulting evidence upon demonstration of such failure. Nothing in this section shall grant an employee any right to representation by the representative of an employee organization in any criminal investigation.

§ 2. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A5694

SPONSOR: Fitzpatrick

TITLE OF BILL: An act to amend the civil service law, in relation to removing the requirement that a public employer continue terms of an expired agreement until a new agreement is negotiated with an employee organization

PURPOSE:

Removes the requirement that a public employer continue terms of an expired agreement until a new agreement is negotiated with an employee organization.

SUMMARY OF PROVISIONS:

Section 1: Paragraph (e) of Subdivision 1 of section 209-a of the civil service law is deleted, and the original paragraphs (f), and (g), are renumbered as (e), and (f).

Section 2: This act shall take effect immediately.

JUSTIFICATION:

The 1982 Triborough Amendment to the Taylor Law prohibits a public employer from altering any provision of an expired labor agreement until a new agreement is reached.

New York is the only state in the nation to have such a requirement, and in the private sector, where collective bargaining has existed for more than 60 years under the National. Labor Relations Act, no similar obligation is imposed upon employers who are parties to a labor contract.

This mandate undermines the collective bargaining process and discourages those at the negotiating table from making givebacks or concessions, putting New York's taxpayers at an extreme disadvantage.

The Triborough Amendment should be repealed so that public employer's and employees can be encouraged to work together to achieve labor contracts that are both fair and affordable.

PRIOR LEGISLATIVE HISTORY:

2014 - A.5106 - Held in Governmental Employees

FISCAL IMPLICATIONS:

The bill will bring an undetermined amount of savings to the state and localities by granting them greater flexibility to negotiate when an agreement is failed to be reached, as employers will no longer be forced to abide by the previous collective bargaining agreement.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

3333

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. O'DONNELL, HYNDMAN, ABINANTI, SIMON, WALKER, GOTTFRIED -- Multi-Sponsored by -- M. of A. COOK, GLICK, LAWRENCE -- read once and referred to the Committee on Governmental Operations

AN ACT to repeal section 50-a of the civil rights law, relating to personnel records of police officers, firefighters and correction officers

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

Section 1. Section 50-a of the civil rights law is REPEALED.

§ 2. This act shall take effect immediately.

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

LBD04189-01-7

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A3333

SPONSOR: O'Donnell (MS)

TITLE OF BILL: An act to repeal section 50-a of the civil rights law, relating to personnel records of police officers, firefighters and correction officers

PURPOSE OR GENERAL IDEA OF BILL:

This bill would repeal Section 50-a of the civil rights law.

SUMMARY OF SPECIFIC PROVISIONS:

Section one of the bill repeals section 50-a of the civil rights law.

Section two is the effective date.

JUSTIFICATION:

§ 50-a of the New York State Civil Rights Law permits law enforcement officers to refuse disclosure of "personnel records used to evaluate performance toward continued employment or promotion." This exemption was adopted in 1976 by the Legislature in order to prevent criminal defense lawyers from using such records in cross examination of police witnesses during criminal prosecutions. According to the 2014 annual report by the State Committee on Open Government to the Governor and the State Legislature, "this narrow exemption has been expanded in the courts to allow police departments to withhold from the public virtually any record that contains any information that could conceivably be used to evaluate the performance of a police officer."

The evolution of § 50-a has defeated the Freedom of Information Law's (FOIL) goal of accountability and transparency. FOIL already provides all public employees, including those protected under § 50-a, the protections necessary to guard against unwarranted invasions of privacy and from disclosures that could jeopardize their security or safety. Furthermore, courts have the ability to protect against improper cross-examination and determine if police records are admissible in a trial, without the denial of public access to information regarding police activity created by § 50-a.

The 1976 enactment of § 50-a may have been necessary to safeguard law enforcement officers from improper personnel record exposure during criminal prosecutions, but that is no longer the case today. The general rules and statutory exceptions of FOIL - for example in instances that disclosure would constitute an unwarranted invasion of privacy - are sufficient in protecting police from unfair cross examination by criminal defense lawyers. Moreover, the State Committee on Open Government notes that "(§ 50-a) creates a legal shield that prohibits disclosure,

even when it is known that misconduct has occurred." FOIL's public policy goals, which are to make government agencies and their employees accountable to the public, are thus undermined by the statute. Outright appeal of this statute will positively affect public trust in law enforcement and serve to hold police and other uniformed law enforcement officials to the same level of accountability applied to all other public employees.

PRIOR LEGISLATIVE HISTORY:

A. 9332 (governmental operations)

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
This act shall take effect immediately.