

STATE OF NEW YORK

3004--A

2009-2010 Regular Sessions

IN SENATE

March 9, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities 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 administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan

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

1 Section 1. Paragraph 2 of subdivision b of section 12-126 of the
2 administrative code of the city of New York, as amended by chapter 436
3 of the laws of 2001, the opening paragraph as amended by local law
4 number 22 of the city of New York for the year 2007, subparagraph (i) as
5 amended by local law number 9 of the city of New York for the year 2009
6 and subparagraph (ii) as amended by chapter 339 of the laws of 2008, is
7 amended to read as follows:

8 (2) Health insurance coverage for surviving spouses, domestic partners
9 and children of police officers, firefighters and certain other city
10 employees:

11 (i) Where the death of a member of the uniformed forces of the police
12 or fire departments is or was the natural and proximate result of an
13 accident or injury sustained while in the performance of duty, the
14 surviving spouse or domestic partner, until he or she dies, and the
15 children under the age of nineteen years and any such child who is
16 enrolled on a full-time basis in a program of undergraduate study in an
17 accredited degree-granting institution of higher education until such
18 child completes his or her educational program or reaches the age of
19 twenty-three years, whichever comes first, shall be afforded the right
20 to health insurance coverage, and health insurance coverage which is
21 predicated on the insured's enrollment in the hospital and medical
22 program for the aged and disabled under the social security act, as is
23 provided for city employees, city retirees and their dependents as set

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

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1 forth in paragraph one of this subdivision. Where the death of a
2 uniformed member of the correction or sanitation departments has
3 occurred while such employee was in active service as the natural and
4 proximate result of an accident or injury sustained while in the
5 performance of duty, the surviving spouse or domestic partner, until he
6 or she dies, and the child of such employee who is under the age of
7 nineteen years and any such child who is enrolled on a full-time basis
8 in a program of undergraduate study in an accredited degree-granting
9 institution of higher education until such child completes his or her
10 educational program or reaches the age of twenty-three years, whichever
11 comes first, shall be afforded the right to health insurance coverage,
12 and health insurance coverage which is predicated on the insured's
13 enrollment in the hospital and medical program for the aged and disabled
14 under the social security act, as is provided for city employees, city
15 retirees and their dependents as set forth in paragraph one of this
16 subdivision. Where the death of an employee of the fire department of
17 the city of New York who was serving in a title whose duties are those
18 of an emergency medical technician or advanced emergency medical techni-
19 cian (as those terms are defined in section three thousand one of the
20 public health law), or whose duties required the direct supervision of
21 employees whose duties are those of an emergency medical technician or
22 advanced emergency medical technician (as those terms are defined in
23 section three thousand one of the public health law) is or was the
24 natural and proximate result of an accident or injury sustained while in
25 the performance of duty on or after September eleventh, two thousand
26 one, the surviving spouse or domestic partner, until he or she dies, and
27 the children under the age of nineteen years and any such child who is
28 enrolled on a full-time basis in a program of undergraduate study in an
29 accredited degree-granting institution of higher education until such
30 child completes his or her educational program or reaches the age of
31 twenty-three years, whichever comes first, shall be afforded the right
32 to health insurance coverage, and health insurance coverage which is
33 predicated on the insured's enrollment in the hospital and medical
34 program for the aged and disabled under the social security act, as is
35 provided for city employees, city retirees and their dependents as set
36 forth in paragraph one of this subdivision. The mayor may, in his or her
37 discretion, authorize the provision of such health insurance coverage
38 for the surviving spouses, domestic partners and children of employees
39 of the fleet services division of the police department who died on or
40 after October first, nineteen hundred ninety-eight and before April
41 thirtieth, nineteen hundred ninety-nine, and the surviving spouses,
42 domestic partners and children of employees of the roadway repair and
43 maintenance division of the department of transportation who died on or
44 after September first, two thousand five and before September twenty-
45 eighth, two thousand five, and the surviving spouses, domestic partners
46 and children of employees of the bureau of wastewater treatment of the
47 department of environmental protection who died on or after January
48 eighth, two thousand nine and before January tenth, two thousand nine as
49 a natural and proximate result of an accident or injury sustained while
50 in the performance of duty, subject to the same terms, conditions and
51 limitations set forth in the section. Provided, however, and notwith-
52 standing any other provision of law to the contrary, and solely for the
53 purposes of this subparagraph, a member otherwise covered by this
54 subparagraph shall be deemed to have died as the natural and proximate
55 result of an accident or injury sustained while in the performance of
56 duty upon which his or her membership is based, provided that such

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1 member was in active service upon which his or her membership is based
2 at the time that such member was ordered to active duty, other than for
3 training purposes, pursuant to Title 10 of the United States Code, with
4 the armed forces of the United States, and such member died while on
5 active duty on or after the effective date of local law number ninety-
6 six of the city of New York for the year two thousand five while serving
7 on such active military duty.

8 (ii) Where a retired member of the fire department dies and is
9 enrolled in a health insurance plan, the surviving spouse shall be
10 afforded the right to such health insurance coverage and health insur-
11 ance coverage which is predicated on the insured's enrollment in the
12 hospital and medical program for the aged and disabled under the social
13 security act as is provided for retirees and their dependents as set
14 forth in subparagraph (i) of this paragraph, provided such surviving
15 spouse pays one hundred two percent of the group rate for such coverage,
16 with two percent intended to cover administrative costs incurred,
17 provided such spouse elects such health insurance coverage within one
18 year of the death of his or her spouse. For purposes of this subpara-
19 graph, "retired member of the fire department" shall include persons
20 who, immediately prior to retirement, were employed by the fire depart-
21 ment of the city of New York in a title whose duties are those of an
22 emergency medical technician or advanced emergency medical technician
23 (as those terms are defined in section three thousand one of the public
24 health law), or whose duties required the direct supervision of employ-
25 ees whose duties are those of an emergency medical technician or
26 advanced emergency medical technician (as those terms are defined in
27 section three thousand one of the public health law).

28 (iii) Where a retired member of the police department, including
29 premerger retirees who were police officers employed by the New York
30 city housing authority or the New York city transit authority, dies and
31 is enrolled in a health insurance plan, the surviving spouse shall be
32 afforded the right to such health insurance coverage and health insur-
33 ance coverage which is predicated on the insured's enrollment in the
34 hospital and medical program for the aged and disabled under the social
35 security act as is provided for retirees and their dependents as set
36 forth in subparagraph (i) of this paragraph, provided such surviving
37 spouse pays one hundred two percent of the group rate for such coverage,
38 with two percent intended to cover administrative costs incurred,
39 provided such spouse elects such health insurance coverage within one
40 year of the death of his or her spouse.

41 (iv) Where an active or retired member of the New York city department
42 of correction or sanitation dies and is enrolled in a health insurance
43 plan, the surviving spouse or domestic partner shall be afforded the
44 right to such health insurance coverage and health insurance coverage
45 which is predicated on the insured's enrollment in the hospital and
46 medical program for the aged and disabled under the social security act
47 as is provided for retirees and their dependents as set forth in subpar-
48 agraph (i) of this paragraph, provided such surviving spouse or domestic
49 partner pays one hundred two percent of the group rate for such cover-
50 age, with two percent intended to cover administrative costs incurred,
51 provided such spouse or domestic partner elects such health insurance
52 coverage within one year of the death of his or her spouse or domestic
53 partner.

54 § 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: S3004A

SPONSOR: LANZA

TITLE OF BILL:

An act to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan

PURPOSE OR GENERAL IDEA OF BILL:

To allow the spouses or domestic partners of deceased retired New York City Department of Correction or Sanitation to continue their health insurance coverage.

SUMMARY OF SPECIFIC PROVISIONS:

Amends paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by chapter 436 of the laws of 2001, the opening paragraph as amended by local law number 22 of the city of New York for the year 2007 and subparagraphs (i) and (ii) as amended by chapter 339 of the laws of 2008, is amended to add spouses or domestic partners of deceased retired New York City Department of Correction or Sanitation to continue their health insurance coverage.

JUSTIFICATION:

The loss of medical insurance to retired individuals is one of the most devastating occurrences often leaving those people in desperate straits. This bill would allow the surviving spouses or domestic partners of deceased New York City Department of Correction or Sanitation officers to retain such coverage by paying 102% of the group rate for such coverage. Chapter 436 of the laws of 2001 allowed New York City firefighters and policemen surviving spouses or domestic partners to have the ability to retain such coverage by also paying 102% of the group rate for such coverage. Widow and widowers or domestic partners of New York City Correction or Sanitation officers are no longer receiving adequate health benefits. This bill would provide increased relief to a deceased correction or sanitation officer's family who may be struggling to find adequate and affordable health insurance after the loss of their loved one.

PRIOR LEGISLATIVE HISTORY:

2009: A.7383 referred to Governmental Employees; S.3004 referred to Cities.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

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2009-2010 Regular Sessions

IN ASSEMBLY

April 2, 2009

Introduced by M. of A. CUSICK, BOYLAND, CASTRO, PHEFFER, PERRY, AUBRY, HYER-SPENCER, M. MILLER, MILLMAN, COLTON, TITONE, SPANO, DenDEKKER, O'DONNELL -- Multi-Sponsored by -- M. of A. BARRON, GIBSON, HOOPER, JOHN, MARKEY, MAYERSOHN -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan

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

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2 administrative code of the city of New York, as amended by chapter 436
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4 number 22 of the city of New York for the year 2007, subparagraph (i) as
5 amended by local law number 9 of the city of New York for the year 2009
6 and subparagraph (ii) as amended by chapter 339 of the laws of 2008, is
7 amended to read as follows:

8 (2) Health insurance coverage for surviving spouses, domestic partners
9 and children of police officers, firefighters and certain other city
10 employees:

11 (i) Where the death of a member of the uniformed forces of the police
12 or fire departments is or was the natural and proximate result of an
13 accident or injury sustained while in the performance of duty, the
14 surviving spouse or domestic partner, until he or she dies, and the
15 children under the age of nineteen years and any such child who is
16 enrolled on a full-time basis in a program of undergraduate study in an
17 accredited degree-granting institution of higher education until such

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
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1 child completes his or her educational program or reaches the age of
2 twenty-three years, whichever comes first, shall be afforded the right
3 to health insurance coverage, and health insurance coverage which is
4 predicated on the insured's enrollment in the hospital and medical
5 program for the aged and disabled under the social security act, as is
6 provided for city employees, city retirees and their dependents as set
7 forth in paragraph one of this subdivision. Where the death of a
8 uniformed member of the correction or sanitation departments has
9 occurred while such employee was in active service as the natural and
10 proximate result of an accident or injury sustained while in the
11 performance of duty, the surviving spouse or domestic partner, until he
12 or she dies, and the child of such employee who is under the age of
13 nineteen years and any such child who is enrolled on a full-time basis
14 in a program of undergraduate study in an accredited degree-granting
15 institution of higher education until such child completes his or her
16 educational program or reaches the age of twenty-three years, whichever
17 comes first, shall be afforded the right to health insurance coverage,
18 and health insurance coverage which is predicated on the insured's
19 enrollment in the hospital and medical program for the aged and disabled
20 under the social security act, as is provided for city employees, city
21 retirees and their dependents as set forth in paragraph one of this
22 subdivision. Where the death of an employee of the fire department of
23 the city of New York who was serving in a title whose duties are those
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25 cian (as those terms are defined in section three thousand one of the
26 public health law), or whose duties required the direct supervision of
27 employees whose duties are those of an emergency medical technician or
28 advanced emergency medical technician (as those terms are defined in
29 section three thousand one of the public health law) is or was the
30 natural and proximate result of an accident or injury sustained while in
31 the performance of duty on or after September eleventh, two thousand
32 one, the surviving spouse or domestic partner, until he or she dies, and
33 the children under the age of nineteen years and any such child who is
34 enrolled on a full-time basis in a program of undergraduate study in an
35 accredited degree-granting institution of higher education until such
36 child completes his or her educational program or reaches the age of
37 twenty-three years, whichever comes first, shall be afforded the right
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40 program for the aged and disabled under the social security act, as is
41 provided for city employees, city retirees and their dependents as set
42 forth in paragraph one of this subdivision. The mayor may, in his or her
43 discretion, authorize the provision of such health insurance coverage
44 for the surviving spouses, domestic partners and children of employees
45 of the fleet services division of the police department who died on or
46 after October first, nineteen hundred ninety-eight and before April
47 thirtieth, nineteen hundred ninety-nine, and the surviving spouses,
48 domestic partners and children of employees of the roadway repair and
49 maintenance division of the department of transportation who died on or
50 after September first, two thousand five and before September twenty-
51 eighth, two thousand five, and the surviving spouses, domestic partners
52 and children of employees of the bureau of wastewater treatment of the
53 department of environmental protection who died on or after January
54 eighth, two thousand nine and before January tenth, two thousand nine as
55 a natural and proximate result of an accident or injury sustained while
56 in the performance of duty, subject to the same terms, conditions and

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1 limitations set forth in the section. Provided, however, and notwith-
2 standing any other provision of law to the contrary, and solely for the
3 purposes of this subparagraph, a member otherwise covered by this
4 subparagraph shall be deemed to have died as the natural and proximate
5 result of an accident or injury sustained while in the performance of
6 duty upon which his or her membership is based, provided that such
7 member was in active service upon which his or her membership is based
8 at the time that such member was ordered to active duty, other than for
9 training purposes, pursuant to Title 10 of the United States Code, with
10 the armed forces of the United States, and such member died while on
11 active duty on or after the effective date of local law number ninety-
12 six of the city of New York for the year two thousand five while serving
13 on such active military duty.

14 (ii) Where a retired member of the fire department dies and is
15 enrolled in a health insurance plan, the surviving spouse shall be
16 afforded the right to such health insurance coverage and health insur-
17 ance coverage which is predicated on the insured's enrollment in the
18 hospital and medical program for the aged and disabled under the social
19 security act as is provided for retirees and their dependents as set
20 forth in subparagraph (i) of this paragraph, provided such surviving
21 spouse pays one hundred two percent of the group rate for such coverage,
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24 year of the death of his or her spouse. For purposes of this subpara-
25 graph, "retired member of the fire department" shall include persons
26 who, immediately prior to retirement, were employed by the fire depart-
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35 premerger retirees who were police officers employed by the New York
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39 ance coverage which is predicated on the insured's enrollment in the
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41 security act as is provided for retirees and their dependents as set
42 forth in subparagraph (i) of this paragraph, provided such surviving
43 spouse pays one hundred two percent of the group rate for such coverage,
44 with two percent intended to cover administrative costs incurred,
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46 year of the death of his or her spouse.

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48 of correction or sanitation dies and is enrolled in a health insurance
49 plan, the surviving spouse or domestic partner shall be afforded the
50 right to such health insurance coverage and health insurance coverage
51 which is predicated on the insured's enrollment in the hospital and
52 medical program for the aged and disabled under the social security act
53 as is provided for retirees and their dependents as set forth in subpar-
54 agraph (i) of this paragraph, provided such surviving spouse or domestic
55 partner pays one hundred two percent of the group rate for such cover-
56 age, with two percent intended to cover administrative costs incurred,

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1 provided such spouse or domestic partner elects such health insurance
2 coverage within one year of the death of his or her spouse or domestic
3 partner.

4 § 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: A7383A

SPONSOR: Cusick

TITLE OF BILL: An act to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan

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PRIOR LEGISLATIVE HISTORY: 2009: A.7383 referred to Governmental Employees; S.3004 referred to Cities.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.