

6618

2017-2018 Regular Sessions

I N S E N A T E

June 7, 2017

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

AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to establishing disability retirement benefits for certain members who suffer any condition or impairment of health caused by diseases of the lung

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The retirement and social security law is amended by adding  
2 a new section 605-f to read as follows:  
3 S 605-F. DISABILITY RETIREMENT FOR CERTAIN NEW YORK CITY MEMBERS. A.  
4 FOR THE PURPOSES OF THIS SECTION, A "NEW YORK CITY MEMBER" SHALL MEAN A  
5 MEMBER EMPLOYED IN ANY OF THE FOLLOWING TITLES: ASSOCIATE TRANSIT  
6 CUSTOMER SERVICE SPECIALIST TWO, ASSISTANT TRAIN DISPATCHER, COLLECTION  
7 SUPERVISOR ONE, DISPATCHER ONE, DISPATCHER RAPID TRANSIT OPERATIONS,  
8 ELECTRICAL SUPERVISOR, ELECTRONIC SUPERVISOR, LOCOMOTIVE ENGINE INSTRU-  
9 TOR SUPERVISOR, MAINTENANCE OF WAY INSTRUCTOR SUPERVISOR, MAINTENANCE  
10 SUPERVISOR CAR EQUIPMENT ONE, MAINTENANCE SUPERVISOR ELECTRIC EQUIPMENT  
11 ONE, MAINTENANCE SUPERVISOR ELECTRIC POWER ONE, MAINTENANCE SUPERVISOR  
12 ELEVATED ONE, MAINTENANCE SUPERVISOR LIGHTING ONE, MAINTENANCE SUPERVI-  
13 SOR LIGHTING ONE BUSES, MAINTENANCE SUPERVISOR POWER CABLES ONE, MAINTE-  
14 NANCE SUPERVISOR POWER DISTRIBUTION ONE, MAINTENANCE SUPERVISOR POWER  
15 ELECTRON ONE, MAINTENANCE SUPERVISOR REVENUE ONE, MAINTENANCE SUPERVISOR  
16 SIGNALS ONE, MAINTENANCE SUPERVISOR STORES ONE, MAINTENANCE SUPERVISOR  
17 STRUCTURE A CARPENTRY ONE BUSES, MAINTENANCE SUPERVISOR STRUCTURE A  
18 CARPENTRY ONE, MAINTENANCE SUPERVISOR STRUCTURE B MASONRY ONE, MAINTE-  
19 NANCE SUPERVISOR STRUCTURE B MASONRY ONE BUSES, MAINTENANCE SUPERVISOR  
20 STRUCTURE C IRONWORK ONE, MAINTENANCE SUPERVISOR STRUCTURE C IRONWORK  
21 ONE BUSES, MAINTENANCE SUPERVISOR STRUCTURE D SHEETMETAL ONE, MAINTE-  
22 NANCE SUPERVISOR STRUCTURE E PLUMBING ONE, MAINTENANCE SUPERVISOR STRUC-  
23 TURE E PLUMBING ONE BUSES, MAINTENANCE SUPERVISOR STRUCTURE F PAINTING

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

LBD11804-01-7

1 ONE, MAINTENANCE SUPERVISOR STRUCTURE F PAINTING ONE BUSES, MAINTENANCE  
2 SUPERVISOR STRUCTURE H AIR COOLING AND HEATING ONE, MAINTENANCE SUPERVI-  
3 SOR STRUCTURE H AIR COOLING AND HEATING ONE BUSES, MAINTENANCE SUPERVI-  
4 SOR SURFACE ONE, MAINTENANCE SUPERVISOR TELEPHONES ONE, MAINTENANCE  
5 SUPERVISOR TRACK EQUIPMENT ONE, MAINTENANCE SUPERVISOR TRACK ONE, MAIN-  
6 TENANCE SUPERVISOR VENTILATION AND DRAINAGE ONE, MAINTENANCE SUPERVISOR  
7 VENTILATION ONE BUSES, POWERS AND SIGNALS SUPERVISOR, STATEN ISLAND  
8 RAILWAY OPERATIONS SUPERVISOR, STOREROOM SUPERVISOR, SUPERINTENDENT  
9 ADMINISTRATION AND TIMEKEEPING, SUPERVISOR INFRASTRUCTURE, SUPERVISOR  
10 MAINTENANCE, SUPERVISOR STATION ONE, TRAIN SERVICE SUPERVISOR, TRANSIT  
11 PROPERTY PROTECTION SUPERVISOR ONE, YARD DISPATCHER RAPID TRANSIT OPER-  
12 ATIONS, COLLECTION SUPERVISOR REVENUE TWO, DISPATCHER ONE SURFACE  
13 QUEENS, MAINTENANCE SUPERVISOR CAR EQUIPMENT TWO, MAINTENANCE SUPERVISOR  
14 ELECTRIC EQUIPMENT TWO, MAINTENANCE SUPERVISOR ELECTRIC POWER TWO, MAIN-  
15 TENANCE SUPERVISOR ELEVATED TWO, MAINTENANCE SUPERVISOR LIGHTING TWO,  
16 MAINTENANCE SUPERVISOR POWER CABLES TWO, MAINTENANCE SUPERVISOR POWER  
17 DISTRIBUTION TWO, MAINTENANCE SUPERVISOR REVENUE TWO, MAINTENANCE SUPER-  
18 VISOR SIGNALS TWO, MAINTENANCE SUPERVISOR STRUCTURE A CARPENTER TWO,  
19 MAINTENANCE SUPERVISOR STRUCTURE B MASONRY TWO, MAINTENANCE SUPERVISOR  
20 STRUCTURE C IRONWORK TWO, MAINTENANCE SUPERVISOR STRUCTURE D SHEETMETAL  
21 TWO, MAINTENANCE SUPERVISOR STRUCTURE E PLUMBING TWO, MAINTENANCE SUPER-  
22 VISOR STRUCTURE F PAINTING TWO, MAINTENANCE SUPERVISOR STRUCTURE H AIR  
23 COOL TWO, MAINTENANCE SUPERVISOR SURFACE ONE QUEENS, MAINTENANCE SUPER-  
24 VISOR TELEPHONES TWO, MAINTENANCE SUPERVISOR TRACK EQUIPMENT TWO, MAIN-  
25 TENANCE SUPERVISOR TRACK TWO, MAINTENANCE SUPERVISOR VENTILATION TWO,  
26 SUPERVISOR STATION TWO, TRANSIT PROPERTY PROTECTION TWO, CAR INSPECTOR  
27 ASSIGNMENT A, CAR INSPECTOR ASSIGNMENT B, CAR INSPECTOR B 01-E, CAR  
28 MAINTAINER B, CAR MAINTAINER B 01-E, CAR MAINTAINER C, CLEANER (LABOR)  
29 STATION MAINTENANCE HELPER, CLEANER (TRANSIT AUTHORITY LABOR) AMALGAMAT-  
30 ED TRANSIT UNION Q1056, CLEANER (TRANSIT AUTHORITY LABOR) AMALGAMATED  
31 TRANSIT UNION S1726, CLEANER (TRANSIT AUTHORITY LABOR) TWU LOCAL 100  
32 01-D, CLEANER/ STATION MAINTENANCE HELPER, COLLECTING AGENT, COLLECTING  
33 AGENT 01-F, CONDUCTOR (CONSTRUCTION AND FLAGGING), CONDUCTOR, LIGHT  
34 MAINTAINER, MAINTAINER (ELECTRONIC EQUIPMENT), MAINTAINER ONE (REVENUE  
35 EQUIPMENT), MECHANICAL MAINTAINER C, POWER CABLE MAINTAINER, POWER  
36 DISTRIBUTION MAINTAINER, POWER ELECTRONIC MAINTAINER, POWER ELECTRONIC  
37 TECHNICIAN, POWER MAINTAINER B, QUALITY CONTROL SPECIALIST, RAILROAD  
38 STOCK WORKER ONE, RAILROAD STOCK WORKER TWO, RAILROAD TRACK CLEANER,  
39 ROAD CAR INSPECTOR, SIGNAL MAINTAINER, STATION AGENT NON AUTOMATED FARE  
40 COLLECTION, STATION AGENT AUTOMATED FARE COLLECTION, STATION AGENT PAID  
41 AS COLLECTING AGENT, STRUCTURE MAINTAINER A, STRUCTURE MAINTAINER B,  
42 STRUCTURE MAINTAINER C, STRUCTURE MAINTAINER D, STRUCTURE MAINTAINER E,  
43 STRUCTURE MAINTAINER F, STRUCTURE MAINTAINER G, TA ELECTRONIC HELPER  
44 POWER DISTRIBUTION 01-F, TA ELECTRONIC MECHANICAL MAINTENANCE (VENTI-  
45 LATION) 01-E, TA ELECTRONIC HELPER LIGHTING 01-F, TA ELECTRONIC HELPER  
46 POWER 01-F, TA ELECTRONIC HELPER SIGNALS 01-F, TA ELECTRONIC MECHANICAL  
47 MAINTENANCE 01-E, TA ELECTRONIC MECHANICAL MAINTENANCE HEATING VENTI-  
48 LATION AND COOLING 01-E, TA PROPERTY PROTECTION AGENT 01-F, TELEPHONE  
49 MAINTAINER, TOWER OPERATOR, TRACK EQUIPMENT MAINTAINER, TRACK WORKER,  
50 TRACK WORKER (SPECIALIST), TRAIN OPERATOR (REVENUE VEHICLES), TRAIN  
51 OPERATOR (YARD), TRANSIT ELECTRONIC HELPER ELEVATED, TRANSIT ELECTRONIC  
52 HELPER LIGHTING, TRANSIT ELECTRONIC HELPER POWER, TRANSIT ELECTRONIC  
53 HELPER POWER DISTRIBUTION, TRANSIT ELECTRONIC HELPER SIGNALS, TRANSIT  
54 ELECTRICAL APPRENTICE, TRANSIT ELECTRONIC MECHANICAL MAINTAINER  
55 ELEVATED, TRANSIT ELECTRONIC MECHANICAL MAINTAINER HEATING VENTILATION  
56 AND COOLING, TRANSIT ELECTRONIC MECHANICAL MAINTAINER VENTILATION, TRAN-

1 SIT PROPERTY PROTECTION AGENT, TRANSIT RAILCAR TECHNICAL SPECIALIST ONE,  
2 TRANSIT RAILCAR TECHNICAL SPECIALIST ONE OPERATIONS, TRANSIT RAILCAR  
3 TECHNICAL SPECIALIST TWO, TRANSIT RAILCAR TECHNICAL SPECIALIST TWO OPER-  
4 ATIONS, TRANSIT RAILCAR TECHNICAL SPECIALIST THREE, TRANSIT RAILCAR  
5 TECHNICAL SPECIALIST THREE OPERATIONS, TRANSIT RAILCAR TECHNICAL  
6 SPECIALIST FOUR, TRANSIT RAILCAR TECHNICAL SPECIALIST FOUR OPERATIONS  
7 AND TRANSIT RAILCAR TECHNICAL SPECIALIST INTERN.

8 B. A NEW YORK CITY MEMBER SHALL BE ENTITLED TO DISABILITY RETIREMENT  
9 ALLOWANCE, IF, AT THE TIME APPLICATION THEREFOR IS FILED, SUCH MEMBER IS  
10 PHYSICALLY INCAPACITATED FOR PERFORMANCE OF DUTY AS A RESULT OF ANY  
11 CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF THE LUNG WHILE  
12 SO EMPLOYED AND AS A RESULT OF HIS OR HER EMPLOYMENT.

13 C. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL,  
14 SPECIAL OR LOCAL LAW TO THE CONTRARY, ANY NEW YORK CITY MEMBER WHO IS  
15 DIAGNOSED WITH ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES  
16 OF THE LUNG, RESULTING IN DISABILITY TO SUCH MEMBER, PRESENTLY EMPLOYED,  
17 AND WHO SHALL HAVE SUSTAINED SUCH DISABILITY WHILE SO EMPLOYED, SHALL  
18 HAVE SUCH DIAGNOSIS BE PRESUMPTIVE EVIDENCE THAT SUCH DISABILITY WAS  
19 INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY  
20 BE PROVEN BY COMPETENT EVIDENCE.

21 D. THE ANNUAL RETIREMENT ALLOWANCE PAYABLE SHALL BE EQUAL TO THE  
22 THREE-QUARTERS OF HIS OR HER FINAL AVERAGE SALARY, SUBJECT TO SECTION  
23 13-176 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

24 S 2. The administrative code of the city of New York is amended by  
25 adding a new section 13-168.1 to read as follows:

26 S 13-168.1 DISABILITY RETIREMENT FOR CERTAIN NEW YORK CITY MEMBERS. A.  
27 FOR THE PURPOSES OF THIS SECTION, A "NEW YORK CITY MEMBER" SHALL MEAN A  
28 MEMBER EMPLOYED IN ANY OF THE FOLLOWING TITLES: ASSOCIATE TRANSIT  
29 CUSTOMER SERVICE SPECIALIST TWO, ASSISTANT TRAIN DISPATCHER, COLLECTION  
30 SUPERVISOR ONE, DISPATCHER ONE, DISPATCHER RAPID TRANSIT OPERATIONS,  
31 ELECTRICAL SUPERVISOR, ELECTRONIC SUPERVISOR, LOCOMOTIVE ENGINE INSTRU-  
32 CTOR SUPERVISOR, MAINTENANCE OF WAY INSTRUCTOR SUPERVISOR, MAINTENANCE  
33 SUPERVISOR CAR EQUIPMENT ONE, MAINTENANCE SUPERVISOR ELECTRIC EQUIPMENT  
34 ONE, MAINTENANCE SUPERVISOR ELECTRIC POWER ONE, MAINTENANCE SUPERVISOR  
35 ELEVATED ONE, MAINTENANCE SUPERVISOR LIGHTING ONE, MAINTENANCE SUPERVI-  
36 SOR LIGHTING ONE BUSES, MAINTENANCE SUPERVISOR POWER CABLES ONE, MAINTEN-  
37 NANCE SUPERVISOR POWER DISTRIBUTION ONE, MAINTENANCE SUPERVISOR POWER  
38 ELECTRON ONE, MAINTENANCE SUPERVISOR REVENUE ONE, MAINTENANCE SUPERVISOR  
39 SIGNALS ONE, MAINTENANCE SUPERVISOR STORES ONE, MAINTENANCE SUPERVISOR  
40 STRUCTURE A CARPENTRY ONE BUSES, MAINTENANCE SUPERVISOR STRUCTURE A  
41 CARPENTRY ONE, MAINTENANCE SUPERVISOR STRUCTURE B MASONRY ONE, MAINTEN-  
42 NANCE SUPERVISOR STRUCTURE B MASONRY ONE BUSES, MAINTENANCE SUPERVISOR  
43 STRUCTURE C IRONWORK ONE, MAINTENANCE SUPERVISOR STRUCTURE C IRONWORK  
44 ONE BUSES, MAINTENANCE SUPERVISOR STRUCTURE D SHEETMETAL ONE, MAINTEN-  
45 NANCE SUPERVISOR STRUCTURE E PLUMBING ONE, MAINTENANCE SUPERVISOR STRUC-  
46 TURE E PLUMBING ONE BUSES, MAINTENANCE SUPERVISOR STRUCTURE F PAINTING  
47 ONE, MAINTENANCE SUPERVISOR STRUCTURE F PAINTING ONE BUSES, MAINTENANCE  
48 SUPERVISOR STRUCTURE H AIR COOLING AND HEATING ONE, MAINTENANCE SUPERVI-  
49 SOR STRUCTURE H AIR COOLING AND HEATING ONE BUSES, MAINTENANCE SUPERVI-  
50 SOR SURFACE ONE, MAINTENANCE SUPERVISOR TELEPHONES ONE, MAINTENANCE  
51 SUPERVISOR TRACK EQUIPMENT ONE, MAINTENANCE SUPERVISOR TRACK ONE, MAIN-  
52 TENANCE SUPERVISOR VENTILATION AND DRAINAGE ONE, MAINTENANCE SUPERVISOR  
53 VENTILATION ONE BUSES, POWERS AND SIGNALS SUPERVISOR, STATEN ISLAND  
54 RAILWAY OPERATIONS SUPERVISOR, STOREROOM SUPERVISOR, SUPERINTENDENT  
55 ADMINISTRATION AND TIMEKEEPING, SUPERVISOR INFRASTRUCTURE, SUPERVISOR  
56 MAINTENANCE, SUPERVISOR STATION ONE, TRAIN SERVICE SUPERVISOR, TRANSIT

1 PROPERTY PROTECTION SUPERVISOR ONE, YARD DISPATCHER RAPID TRANSIT OPER-  
2 ATIONS, COLLECTION SUPERVISOR REVENUE TWO, DISPATCHER ONE SURFACE  
3 QUEENS, MAINTENANCE SUPERVISOR CAR EQUIPMENT TWO, MAINTENANCE SUPERVISOR  
4 ELECTRIC EQUIPMENT TWO, MAINTENANCE SUPERVISOR ELECTRIC POWER TWO, MAIN-  
5 TENANCE SUPERVISOR ELEVATED TWO, MAINTENANCE SUPERVISOR LIGHTING TWO,  
6 MAINTENANCE SUPERVISOR POWER CABLES TWO, MAINTENANCE SUPERVISOR POWER  
7 DISTRIBUTION TWO, MAINTENANCE SUPERVISOR REVENUE TWO, MAINTENANCE SUPER-  
8 VISOR SIGNALS TWO, MAINTENANCE SUPERVISOR STRUCTURE A CARPENTER TWO,  
9 MAINTENANCE SUPERVISOR STRUCTURE B MASONRY TWO, MAINTENANCE SUPERVISOR  
10 STRUCTURE C IRONWORK TWO, MAINTENANCE SUPERVISOR STRUCTURE D SHEETMETAL  
11 TWO, MAINTENANCE SUPERVISOR STRUCTURE E PLUMBING TWO, MAINTENANCE SUPER-  
12 VISOR STRUCTURE F PAINTING TWO, MAINTENANCE SUPERVISOR STRUCTURE H AIR  
13 COOL TWO, MAINTENANCE SUPERVISOR SURFACE ONE QUEENS, MAINTENANCE SUPER-  
14 VISOR TELEPHONES TWO, MAINTENANCE SUPERVISOR TRACK EQUIPMENT TWO, MAIN-  
15 TENANCE SUPERVISOR TRACK TWO, MAINTENANCE SUPERVISOR VENTILATION TWO,  
16 SUPERVISOR STATION TWO, TRANSIT PROPERTY PROTECTION TWO, CAR INSPECTOR  
17 ASSIGNMENT A, CAR INSPECTOR ASSIGNMENT B, CAR INSPECTOR B 01-E, CAR  
18 MAINTAINER B, CAR MAINTAINER B 01-E, CAR MAINTAINER C, CLEANER (LABOR)  
19 STATION MAINTENANCE HELPER, CLEANER (TRANSIT AUTHORITY LABOR) AMALGAMAT-  
20 ED TRANSIT UNION Q1056, CLEANER (TRANSIT AUTHORITY LABOR) AMALGAMATED  
21 TRANSIT UNION S1726, CLEANER (TRANSIT AUTHORITY LABOR) TWU LOCAL 100  
22 01-D, CLEANER/ STATION MAINTENANCE HELPER, COLLECTING AGENT, COLLECTING  
23 AGENT 01-F, CONDUCTOR (CONSTRUCTION AND FLAGGING), CONDUCTOR, LIGHT  
24 MAINTAINER, MAINTAINER (ELECTRONIC EQUIPMENT), MAINTAINER ONE (REVENUE  
25 EQUIPMENT), MECHANICAL MAINTAINER C, POWER CABLE MAINTAINER, POWER  
26 DISTRIBUTION MAINTAINER, POWER ELECTRONIC MAINTAINER, POWER ELECTRONIC  
27 TECHNICIAN, POWER MAINTAINER B, QUALITY CONTROL SPECIALIST, RAILROAD  
28 STOCK WORKER ONE, RAILROAD STOCK WORKER TWO, RAILROAD TRACK CLEANER,  
29 ROAD CAR INSPECTOR, SIGNAL MAINTAINER, STATION AGENT NON AUTOMATED FARE  
30 COLLECTION, STATION AGENT AUTOMATED FARE COLLECTION, STATION AGENT PAID  
31 AS COLLECTING AGENT, STRUCTURE MAINTAINER A, STRUCTURE MAINTAINER B,  
32 STRUCTURE MAINTAINER C, STRUCTURE MAINTAINER D, STRUCTURE MAINTAINER E,  
33 STRUCTURE MAINTAINER F, STRUCTURE MAINTAINER G, TA ELECTRONIC HELPER  
34 POWER DISTRIBUTION 01-F, TA ELECTRONIC MECHANICAL MAINTENANCE (VENTI-  
35 LATION) 01-E, TA ELECTRONIC HELPER LIGHTING 01-F, TA ELECTRONIC HELPER  
36 POWER 01-F, TA ELECTRONIC HELPER SIGNALS 01-F, TA ELECTRONIC MECHANICAL  
37 MAINTENANCE 01-E, TA ELECTRONIC MECHANICAL MAINTENANCE HEATING VENTI-  
38 LATION AND COOLING 01-E, TA PROPERTY PROTECTION AGENT 01-F, TELEPHONE  
39 MAINTAINER, TOWER OPERATOR, TRACK EQUIPMENT MAINTAINER, TRACK WORKER,  
40 TRACK WORKER (SPECIALIST), TRAIN OPERATOR (REVENUE VEHICLES), TRAIN  
41 OPERATOR (YARD), TRANSIT ELECTRONIC HELPER ELEVATED, TRANSIT ELECTRONIC  
42 HELPER LIGHTING, TRANSIT ELECTRONIC HELPER POWER, TRANSIT ELECTRONIC  
43 HELPER POWER DISTRIBUTION, TRANSIT ELECTRONIC HELPER SIGNALS, TRANSIT  
44 ELECTRICAL APPRENTICE, TRANSIT ELECTRONIC MECHANICAL MAINTAINER  
45 ELEVATED, TRANSIT ELECTRONIC MECHANICAL MAINTAINER HEATING VENTILATION  
46 AND COOLING, TRANSIT ELECTRONIC MECHANICAL MAINTAINER VENTILATION, TRAN-  
47 SIT PROPERTY PROTECTION AGENT, TRANSIT RAILCAR TECHNICAL SPECIALIST ONE,  
48 TRANSIT RAILCAR TECHNICAL SPECIALIST ONE OPERATIONS, TRANSIT RAILCAR  
49 TECHNICAL SPECIALIST TWO, TRANSIT RAILCAR TECHNICAL SPECIALIST TWO OPER-  
50 ATIONS, TRANSIT RAILCAR TECHNICAL SPECIALIST THREE, TRANSIT RAILCAR  
51 TECHNICAL SPECIALIST THREE OPERATIONS, TRANSIT RAILCAR TECHNICAL  
52 SPECIALIST FOUR, TRANSIT RAILCAR TECHNICAL SPECIALIST FOUR OPERATIONS  
53 AND TRANSIT RAILCAR TECHNICAL SPECIALIST INTERN.

54 B. A NEW YORK CITY MEMBER SHALL BE ENTITLED TO DISABILITY RETIREMENT  
55 ALLOWANCE, IF, AT THE TIME APPLICATION THEREFOR IS FILED, SUCH MEMBER IS  
56 PHYSICALLY INCAPACITATED FOR PERFORMANCE OF DUTY AS A RESULT OF ANY

1   CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF THE LUNG WHILE  
2   SO EMPLOYED AND AS A RESULT OF HIS OR HER EMPLOYMENT.

3   C. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL,  
4   SPECIAL OR LOCAL LAW TO THE CONTRARY, ANY NEW YORK CITY MEMBER WHO IS  
5   DIAGNOSED WITH ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES  
6   OF THE LUNG, RESULTING IN DISABILITY TO SUCH MEMBER, PRESENTLY EMPLOYED,  
7   AND WHO SHALL HAVE SUSTAINED SUCH DISABILITY WHILE SO EMPLOYED, SHALL  
8   HAVE SUCH DIAGNOSIS BE PRESUMPTIVE EVIDENCE THAT SUCH DISABILITY WAS  
9   INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY  
10  BE PROVEN BY COMPETENT EVIDENCE.

11  D. THE ANNUAL RETIREMENT ALLOWANCE PAYABLE SHALL BE EQUAL TO THE  
12  THREE-QUARTERS OF HIS OR HER FINAL AVERAGE SALARY, SUBJECT TO SECTION  
13  13-176 OF THIS CHAPTER.

14  S 3. This act shall take effect immediately.