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I N   S E N A T E

May 15, 2014

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

AN ACT authorizing the payment of ordinary disability retirement benefits by the New York state and local police and fire retirement system to the widow of Richard O'Brien

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

1     Section 1. Notwithstanding the provisions of any general or special  
2 law, rule or regulation to the contrary, Richard O'Brien, who was last  
3 employed by the New York state division of state police as an investi-  
4 gator, and who was a member of the New York state and local police and  
5 fire retirement system at the time of his death on December 7, 2009, and  
6 who, for reasons not ascribed to his own negligence, failed to file a  
7 timely application for the state police disability retirement benefit  
8 provided by section 363-b of the retirement and social security law  
9 prior to his death, shall be deemed to have timely filed an application  
10 for the benefit on December 7, 2009 if, within one year of the effective  
11 date of this act, Stephanie O'Brien, the widow of Richard O'Brien, files  
12 with the state comptroller a written request to that effect and a  
13 retirement option election form. The approval of said application for a  
14 disability retirement benefit provided by section 363-b of the retire-  
15 ment and social security law will constitute a waiver of any rights or  
16 benefits to the pre-retirement ordinary death benefit payable upon the  
17 death of a member in service pursuant to subdivision b of section 448 of  
18 the retirement and social security law. Any amounts paid by the retire-  
19 ment system as the result of the death of Richard O'Brien, whether to  
20 his estate, to Stephanie O'Brien or to any other beneficiary prior to  
21 the filing of the request for the disability retirement benefit shall be  
22 deducted from the disability retirement benefit payable thereafter.

23     S 2. Any additional costs for this act shall be paid by the state of  
24 New York.

25     S 3. This act shall take effect immediately.

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

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