

5165

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. GLICK, O'DONNELL, HOYT, PERALTA, N. RIVERA --
Multi-Sponsored by -- M. of A. BING, BRENNAN, CAHILL, COLTON, DIAZ,
DINOWITZ, ESPAILLAT, GOTTFRIED, JOHN, KELLNER, LIFTON, V. LOPEZ, MCEN-
ENY, ORTIZ, PAULIN, PHEFFER, TOWNS -- read once and referred to the
Committee on Governmental Employees

AN ACT to amend the general municipal law and the retirement and social
security law, in relation to providing accidental death benefits to
domestic partners and the children of domestic partners in the case of
certain members

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

1 Section 1. Subdivisions 3 and 4 of section 208-b of the general munic-
2 ipal law, as added by chapter 882 of the laws of 1958, are amended and a
3 new subdivision 6 is added to read as follows:
4 3. The death benefit shall be paid to:
5 a. The member's widow OR HIS OR HER DOMESTIC PARTNER, or if he OR SHE
6 shall leave no widow OR WIDOWER, OR DOMESTIC PARTNER, or if his OR HER
7 widow OR WIDOWER, OR DOMESTIC PARTNER shall die before receiving the
8 total of the amounts provided in subdivision two [hereof] OF THIS
9 SECTION, then to
10 b. His OR HER child or children, INCLUDING THE DEPENDENT CHILD OR
11 CHILDREN OF HIS OR HER DOMESTIC PARTNER, under age eighteen, in equal
12 amounts.
13 4. Application for death benefit shall be made:
14 a. By the member's widow OR WIDOWER, OR DOMESTIC PARTNER.
15 b. By any of his OR HER children, INCLUDING THE DEPENDENT CHILD OR
16 CHILDREN OF HIS OR HER DOMESTIC PARTNER.
17 c. By any person in behalf of the widow OR WIDOWER, DOMESTIC PARTNER
18 or children.
19 6. FOR PURPOSES OF THIS SECTION ONLY, "DOMESTIC PARTNER" MEANS A
20 PERSON WHO, WITH RESPECT TO ANOTHER PERSON:

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

LBD04493-02-9

1 A. IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
2 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
3 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
4 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
5 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
6 OR FOREIGN JURISDICTION; OR

7 B. IS FORMALLY RECOGNIZED AS A BENEFICIARY OR COVERED PERSON UNDER THE
8 OTHER PERSON'S EMPLOYMENT BENEFITS OR HEALTH INSURANCE; OR

9 C. IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
10 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
11 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO:
12 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
13 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
14 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS UNDER PARAGRAPH A
15 OR B OF THIS SUBDIVISION; OR THE LENGTH OF THE PERSONAL RELATIONSHIP OF
16 THE PERSONS.

17 S 2. Section 208-f of the general municipal law is amended by adding
18 two new subdivisions j and k to read as follows:

19 J. FOR THE PURPOSES OF THIS SECTION, WHERE ALL REQUIREMENTS OF THIS
20 SECTION HAVE BEEN MET FOR THE PAYMENT OF SPECIAL ACCIDENTAL DEATH BENE-
21 FIT PURSUANT TO THIS SECTION BASED ON THE DEATH OF (1) A DECEASED MEMBER
22 OF A PENSION OR RETIREMENT SYSTEM OF A POLICE DEPARTMENT OR PAID FIRE
23 DEPARTMENT OF A CITY (OUTSIDE THE CITY OF NEW YORK), TOWN OR VILLAGE;
24 (2) A DECEASED PAID UNIFORMED MEMBER OF A COUNTY SHERIFF'S DEPARTMENT
25 (OUTSIDE THE CITY OF NEW YORK); OR (3) A DECEASED EMPLOYEE (OUTSIDE THE
26 CITY OF NEW YORK) IN A TITLE WHOSE DUTIES REQUIRE THE 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), THE TERMS "WIDOW"
30 AND "WIDOWER", AS USED IN THIS SECTION, SHALL BE DEEMED TO INCLUDE THE
31 SURVIVING DOMESTIC PARTNER AND THE TERM "DECEASED MEMBER'S CHILDREN"
32 SHALL BE DEEMED TO INCLUDE THE DEPENDENT CHILD OR CHILDREN OF HIS OR HER
33 DOMESTIC PARTNER.

34 K. FOR PURPOSES OF THIS SECTION ONLY, "DOMESTIC PARTNER" MEANS A
35 PERSON WHO, WITH RESPECT TO ANOTHER PERSON:

36 1. IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
37 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
38 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
39 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
40 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
41 OR FOREIGN JURISDICTION; OR

42 2. IS FORMALLY RECOGNIZED AS A BENEFICIARY OR COVERED PERSON UNDER THE
43 OTHER PERSON'S EMPLOYMENT BENEFITS OR HEALTH INSURANCE; OR

44 3. IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
45 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
46 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO:
47 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
48 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
49 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS UNDER PARAGRAPH ONE
50 OR TWO OF THIS SUBDIVISION; OR THE LENGTH OF THE PERSONAL RELATIONSHIP
51 OF THE PERSONS.

52 S 3. Paragraphs 1 and 2 of subdivision d of section 361 of the retire-
53 ment and social security law, as amended by chapter 733 of the laws of
54 1990, are amended to read as follows:

55 1. The member's widow or widower, OR DOMESTIC PARTNER, to continue
56 during his or her lifetime. If he or she shall leave no widow or widow-

1 er OR DOMESTIC PARTNER, or if his or her widow or widower OR DOMESTIC
2 PARTNER shall die before all his or her children, INCLUDING THE DEPEND-
3 ENT CHILD OR CHILDREN OF HIS OR HER DOMESTIC PARTNER, shall have
4 attained age eighteen, or if students, before all of his or her
5 children, INCLUDING THE DEPENDENT CHILD OR CHILDREN OF HIS OR HER DOMES-
6 TIC PARTNER, shall have attained age twenty-three, or sooner die, then
7 to

8 2. His or her child or children, INCLUDING THE DEPENDENT CHILD OR
9 CHILDREN OF HIS OR HER DOMESTIC PARTNER, under age eighteen, or, if
10 students, his or her children under age twenty-three, divided in such
11 manner as the comptroller, in his discretion, shall determine. Such
12 pension shall continue as a joint and survivor pension until every such
13 child shall have attained age eighteen, or, if a student, shall have
14 attained age twenty-three, or sooner die. If no widow or widower OR
15 DOMESTIC PARTNER or child under age eighteen, or, if a student, under
16 age twenty-three, shall survive such member, at the time of his or her
17 death, then to

18 S 4. Subdivision d of section 361 of the retirement and social securi-
19 ty law is amended by adding a new undesignated paragraph to read as
20 follows:

21 FOR PURPOSES OF THIS SUBDIVISION ONLY, "DOMESTIC PARTNER" MEANS A
22 PERSON WHO, WITH RESPECT TO ANOTHER PERSON:

23 (I) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
24 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
25 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
26 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
27 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
28 OR FOREIGN JURISDICTION; OR

29 (II) IS FORMALLY RECOGNIZED AS A BENEFICIARY OR COVERED PERSON UNDER
30 THE OTHER PERSON'S EMPLOYMENT BENEFITS OR HEALTH INSURANCE; OR

31 (III) IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
32 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
33 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO:
34 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
35 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
36 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS UNDER SUBPARAGRAPH
37 (I) OR (II) OF THIS PARAGRAPH; OR THE LENGTH OF THE PERSONAL RELATION-
38 SHIP OF THE PERSONS.

39 S 5. The opening paragraph of subdivision a, the opening paragraph of
40 subdivision b, the opening paragraph of subdivision c and subdivision e
41 of section 361-a of the retirement and social security law, the opening
42 paragraph of subdivision a, the opening paragraph of subdivision b and
43 subdivision e as amended by chapter 733 of the laws of 1990 and the
44 opening paragraph of subdivision c as amended by chapter 76 of the laws
45 of 2008, are amended and a new subdivision g is added to read as
46 follows:

47 Notwithstanding any other provision of law, a widow or widower, OR
48 DOMESTIC PARTNER, or the deceased member's children, INCLUDING THE
49 DEPENDENT CHILD OR CHILDREN OF HIS OR HER DOMESTIC PARTNER, under the
50 age of eighteen or, if a student, under the age of twenty-three, if the
51 widow or widower OR DOMESTIC PARTNER has died who is or are receiving
52 the accidental death benefit provided by section three hundred sixty-one
53 of this [chapter] TITLE, shall also be paid the special accidental death
54 benefit authorized by this section.

55 The special accidental death benefit shall be payable from the pension
56 accumulation fund, and shall consist of a pension which is equal to the

1 salary of the deceased member reduced by the sum of each of the follow-
2 ing benefits received by the widow or widower OR DOMESTIC PARTNER or the
3 deceased member's children, INCLUDING THE DEPENDENT CHILD OR CHILDREN OF
4 HIS OR HER DOMESTIC PARTNER, under the age of eighteen or, if a student,
5 under the age of twenty-three, if the widow or widower OR DOMESTIC PART-
6 NER has died, on account of the death of the deceased member:

7 [Commencing July first, two thousand eight the] THE special accidental
8 death benefit paid to a widow or widower OR DOMESTIC PARTNER or the
9 deceased member's children, INCLUDING THE DEPENDENT CHILD OR CHILDREN OF
10 HIS OR HER DOMESTIC PARTNER, under the age of eighteen or, if a student,
11 under the age of twenty-three, if the widow or widower OR DOMESTIC PART-
12 NER has died, shall be escalated by adding thereto an additional
13 percentage of the salary of the deceased member, as increased pursuant
14 to subdivision b of this section, in accordance with the following sche-
15 dule:

16 e. The special accidental death benefit shall be paid to:

17 1. The member's widow or widower OR DOMESTIC PARTNER to continue
18 during his or her lifetime. If he or she shall leave no widow or widow-
19 er OR DOMESTIC PARTNER, or if his or her widow or widower OR DOMESTIC
20 PARTNER shall die before all his or her children, INCLUDING THE DEPEND-
21 ENT CHILD OR CHILDREN OF HIS OR HER DOMESTIC PARTNER, shall have
22 attained age eighteen or, if a student, shall have attained the age of
23 twenty-three or sooner die, then to

24 2. His or her child or children, INCLUDING THE DEPENDENT CHILD OR
25 CHILDREN OF HIS OR HER DOMESTIC PARTNER, under age eighteen or, if a
26 student, under the age of twenty-three, divided in such manner as the
27 comptroller, in his OR HER discretion, shall determine. Such pension
28 shall continue in the same amount as received by the member's widow or
29 widower OR DOMESTIC PARTNER as a joint and survivor pension until every
30 such child shall have attained age eighteen or, if a student, attained
31 the age of twenty-three or sooner die.

32 G. FOR PURPOSES OF THIS SECTION ONLY, "DOMESTIC PARTNER" MEANS A
33 PERSON WHO, WITH RESPECT TO ANOTHER PERSON:

34 1. IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
35 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
36 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
37 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
38 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
39 OR FOREIGN JURISDICTION; OR

40 2. IS FORMALLY RECOGNIZED AS A BENEFICIARY OR COVERED PERSON UNDER THE
41 OTHER PERSON'S EMPLOYMENT BENEFITS OR HEALTH INSURANCE; OR

42 3. IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
43 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
44 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO:
45 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
46 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
47 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS UNDER PARAGRAPH ONE
48 OR TWO OF THIS SUBDIVISION; OR THE LENGTH OF THE PERSONAL RELATIONSHIP
49 OF THE PERSONS.

50 S 6. Paragraphs 1 and 2 of subdivision d of section 61 of the retire-
51 ment and social security law, as amended by chapter 141 of the laws of
52 1977, are amended and a new subdivision e is added to read as follows:

53 1. The member's widow or widower to continue during his or her widow-
54 hood. If he or she shall leave no widow or widower, or if his or her
55 widow or widower shall die or [remarry] ENTER INTO A MARRIAGE OR REMAR-
56 RIAGE, OR ENTER INTO ANOTHER DOMESTIC PARTNERSHIP RELATIONSHIP, before

1 all his or her children, INCLUDING THE DEPENDENT CHILD OR CHILDREN OF
2 HIS OR HER DOMESTIC PARTNER, shall have attained age eighteen or sooner
3 die, then to
4 2. His or her child or children, INCLUDING THE DEPENDENT CHILD OR
5 CHILDREN OF HIS OR HER DOMESTIC PARTNER, under age eighteen, divided in
6 such manner as the comptroller, in his discretion, shall determine. Such
7 pension shall continue as a joint and survivor pension until every such
8 child shall have attained age eighteen or sooner die. If no widow or
9 widower or child under age eighteen shall survive such member, at the
10 time of his or her death, then to

11 E. FOR PURPOSES OF THIS SECTION ONLY, THE TERM WIDOW OR WIDOWER SHALL
12 INCLUDE A SURVIVING DOMESTIC PARTNER AND THE PENSION ON ACCOUNT OF ACCI-
13 DENTAL DEATH AND THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY SHALL BE
14 PAY-ABLE TO SUCH SURVIVING DOMESTIC PARTNER IN THE SAME FORM AND MANNER.
15 THE TERM "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO, WITH RESPECT TO
16 ANOTHER PERSON:

17 1. IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
18 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
19 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
20 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
21 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
22 OR FOREIGN JURISDICTION; OR

23 2. IS FORMALLY RECOGNIZED AS A BENEFICIARY OR COVERED PERSON UNDER THE
24 OTHER PERSON'S EMPLOYMENT BENEFITS OR HEALTH INSURANCE; OR

25 3. IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
26 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
27 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO:
28 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
29 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
30 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS UNDER PARAGRAPH ONE
31 OR TWO OF THIS SUBDIVISION; OR THE LENGTH OF THE PERSONAL RELATIONSHIP
32 OF THE PERSONS.

33 S 7. Subdivision 7 of section 501 of the retirement and social securi-
34 ty law, as amended by chapter 408 of the laws of 2000, is amended and a
35 new subdivision 25 is added to read as follows:

36 7. "Eligible beneficiary" for the purposes of section five hundred
37 nine of this article shall mean the following persons or classes of
38 persons in the order set forth: (a) a surviving spouse OR DOMESTIC PART-
39 NER who has not renounced survivorship rights in a separation agreement,
40 OR until MARRIAGE OR remarriage, OR UNTIL SUCH SURVIVING DOMESTIC PART-
41 NER ENTERS INTO ANOTHER DOMESTIC PARTNERSHIP RELATIONSHIP, (b) surviving
42 children until age twenty-five, INCLUDING THE DEPENDENT CHILD OR CHIL-
43 DREN OF HIS OR HER DOMESTIC PARTNER, (c) dependent parents, determined
44 under regulations promulgated by the comptroller, (d) any other person
45 who qualified as a dependent on the final federal income tax return of
46 the member or the return filed in the year immediately preceding the
47 year of death, until such person reaches twenty-one years of age and (e)
48 with respect to members of the New York city employees' retirement
49 system and the board of education retirement system of the city of New
50 York, a person whom the member shall have nominated in the form of a
51 written designation, duly acknowledged and filed with the head of the
52 retirement system for the purpose of section five hundred eight of this
53 article. In the event that a class of eligible beneficiaries consists of
54 more than one person, benefits shall be divided equally among the
55 persons in such class. For the purposes of section five hundred eight OF
56 THIS ARTICLE the term "eligible beneficiary" shall mean such person as

1 the member shall have nominated to receive the benefits provided in this
2 article. To be effective, such a nomination must be in the form of a
3 written designation, duly acknowledged and filed with the head of the
4 retirement system for this specific purpose. In the event such desig-
5 nated beneficiary does not survive him OR HER, or if he OR SHE shall not
6 have so designated a beneficiary, such benefits shall be payable to the
7 deceased member's estate or as provided in section one thousand three
8 hundred ten of the surrogate's court procedure act.

9 25. "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO, WITH RESPECT TO ANOTH-
10 ER PERSON, WHEN SUCH OTHER PERSON IS NOT A MEMBER OF A PUBLIC RETIREMENT
11 SYSTEM OR PENSION FUND IN A CITY OF ONE MILLION OR MORE UNDER PARAGRAPH
12 ONE OF SUBDIVISION B OF SECTION FIVE HUNDRED OF THIS ARTICLE:

13 (A) IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
14 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
15 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
16 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
17 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
18 OR FOREIGN JURISDICTION; OR

19 (B) IS FORMALLY RECOGNIZED AS A BENEFICIARY OR COVERED PERSON UNDER
20 THE OTHER PERSON'S EMPLOYMENT BENEFITS OR HEALTH INSURANCE; OR

21 (C) IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
22 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
23 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO:
24 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
25 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
26 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS UNDER PARAGRAPH (A)
27 OR (B) OF THIS SUBDIVISION; OR THE LENGTH OF THE PERSONAL RELATIONSHIP
28 OF THE PERSONS.

29 S 8. Subdivision d of section 601 of the retirement and social securi-
30 ty law, as amended by chapter 408 of the laws of 2000, is amended and a
31 new subdivision m is added to read as follows:

32 d. "Eligible beneficiary" for the purposes of section six hundred
33 seven of this article shall mean the following persons or classes of
34 persons in the order set forth:

35 1. A surviving spouse OR DOMESTIC PARTNER who has not renounced survi-
36 vorship rights in a separation agreement, OR until MARRIAGE OR remar-
37 riage, OR UNTIL SUCH SURVIVING DOMESTIC PARTNER ENTERS INTO ANOTHER
38 DOMESTIC PARTNERSHIP RELATIONSHIP;

39 2. Surviving children until age twenty-five, INCLUDING THE DEPENDENT
40 CHILD OR CHILDREN OF HIS OR HER DOMESTIC PARTNER;

41 3. Dependent parents, determined under regulations promulgated by the
42 head of the retirement system;

43 4. Any other person who qualified as a dependent on the final federal
44 income tax return of the member or the return filed in the year imme-
45 diately preceding the year of death, until such person reaches twenty-
46 one years of age. In the event that a class of eligible beneficiaries
47 consists of more than one person, benefits shall be divided equally
48 among the persons in such class; and

49 5. With respect to members of the New York city employees' retirement
50 system or the board of education employees' retirement system of the
51 city of New York only, a person or persons whom the member shall have
52 nominated in the form of a written designation, duly acknowledged and
53 filed with the head of the retirement system for the purpose of section
54 six hundred six of this article.

1 M. "DOMESTIC PARTNER" SHALL MEAN A PERSON WHO, WITH RESPECT TO ANOTHER
2 PERSON, WHEN SUCH OTHER PERSON IS NOT A MEMBER OF A PUBLIC RETIREMENT
3 SYSTEM OR PENSION FUND IN A CITY OF ONE MILLION OR MORE:

4 1. IS FORMALLY A PARTY IN A DOMESTIC PARTNERSHIP OR SIMILAR RELATION-
5 SHIP WITH THE OTHER PERSON, ENTERED INTO PURSUANT TO THE LAWS OF THE
6 UNITED STATES OR OF ANY STATE, LOCAL OR FOREIGN JURISDICTION, OR REGIS-
7 TERED AS THE DOMESTIC PARTNER OF THE OTHER PERSON WITH ANY REGISTRY
8 MAINTAINED BY THE EMPLOYER OF EITHER PARTY OR ANY STATE, MUNICIPALITY,
9 OR FOREIGN JURISDICTION; OR

10 2. IS FORMALLY RECOGNIZED AS A BENEFICIARY OR COVERED PERSON UNDER THE
11 OTHER PERSON'S EMPLOYMENT BENEFITS OR HEALTH INSURANCE; OR

12 3. IS DEPENDENT OR MUTUALLY INTERDEPENDENT ON THE OTHER PERSON FOR
13 SUPPORT, AS EVIDENCED BY THE TOTALITY OF THE CIRCUMSTANCES INDICATING A
14 MUTUAL INTENT TO BE DOMESTIC PARTNERS INCLUDING BUT NOT LIMITED TO:
15 COMMON OWNERSHIP OR JOINT LEASING OF REAL OR PERSONAL PROPERTY; COMMON
16 HOUSEHOLDING, SHARED INCOME OR SHARED EXPENSES; CHILDREN IN COMMON;
17 SIGNS OF INTENT TO MARRY OR BECOME DOMESTIC PARTNERS UNDER PARAGRAPH ONE
18 OR TWO OF THIS SUBDIVISION; OR THE LENGTH OF THE PERSONAL RELATIONSHIP
19 OF THE PERSONS.

20 S 9. This act shall take effect immediately and shall apply only to
21 members who become deceased on or after the effective date of this act;
22 provided, however, that the amendments to sections 501 and 601 of the
23 retirement and social security law made by sections seven and eight of
24 this act shall expire on the same date as such sections expire pursuant
25 to section 615 of such law.

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

This bill would amend the retirement and social security law and the general municipal law in relation to accidental death benefits for members of certain public retirement systems in New York State. It would grant accidental death benefits to domestic partners and dependent children of domestic partners.

If this bill is enacted, insofar as it affects the New York State and Local Employees Retirement System and the New York State and Local Police and Fire Retirement System, it could lead to more deaths being classified as "accidental", since it expands the definition of beneficiaries eligible for accidental deaths. For each death newly classified as accidental due to this bill, the cost would depend on the age, service, salary and plan of the affected member. It is estimated that there could be per person one-time costs of approximately three (3) times salary for members in the New York State and Local Employees' Retirement System (ERS), and twelve (12) times salary for members in the New York State and Local Police and Fire Retirement System (PFRS). These costs would be borne by the State of New York and all the participating employers in the ERS and the PFRS.

This estimate, dated January 29, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-110 prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.