

7168

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 25, 2009

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Introduced by M. of A. ABBATE, DenDEKKER, TOWNSEND, PHEFFER, SALADINO --  
read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law and the education law, in relation to providing beneficiaries with the same allocation of retirement benefits if the member has the service retirement application, disability retirement applications or option election forms postmarked prior to his or her death

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 74-a to read as follows:  
3     S 74-A. APPLICATIONS AND ELECTIONS; ISSUES DUE TO DEATH.    WHENEVER A  
4     STATUTE REQUIRES THAT A DOCUMENT MUST BE FILED OR MONEYS DEPOSITED WITH  
5     THE SYSTEM WITHIN A PRESCRIBED PERIOD OF TIME OR BY A SPECIFIED DATE IN  
6     ORDER FOR A MEMBER TO BE ELIGIBLE FOR SERVICE CREDIT OR A BENEFIT FROM  
7     THE SYSTEM THE DOCUMENT SHALL BE DEEMED FILED OR THE MONEYS DEPOSITED  
8     WITH THE SYSTEM ON THE DAY THEY ARE CLEARLY POSTMARKED BY THE UNITED  
9     STATES POSTAL SERVICE AS THE RETIREMENT SYSTEM MAY SPECIFICALLY PERMIT  
10    BY RULE OR REGULATION. NOTWITHSTANDING THE PROVISIONS HEREOF, NO SUCH  
11    DOCUMENT SHALL BE DEEMED FILED OR MONEYS DEPOSITED WITH THE SYSTEM ON  
12    THE DAY OF MAILING UNLESS ACTUALLY RECEIVED BY THE RETIREMENT SYSTEM AS  
13    A RESULT OF SUCH MAILING.  
14    S 2. The retirement and social security law is amended by adding a new  
15    section 374-a to read as follows:  
16    S 374-A. APPLICATIONS AND ELECTIONS; ISSUES DUE TO DEATH.    WHENEVER A  
17    STATUTE REQUIRES THAT A DOCUMENT MUST BE FILED OR MONEYS DEPOSITED WITH  
18    THE SYSTEM WITHIN A PRESCRIBED PERIOD OF TIME OR BY A SPECIFIED DATE IN  
19    ORDER FOR A MEMBER TO BE ELIGIBLE FOR SERVICE CREDIT OR A BENEFIT FROM  
20    THE SYSTEM THE DOCUMENT SHALL BE DEEMED FILED OR THE MONEYS DEPOSITED  
21    WITH THE SYSTEM ON THE DAY THEY ARE CLEARLY POSTMARKED BY THE UNITED  
22    STATES POSTAL SERVICE AS THE RETIREMENT SYSTEM MAY SPECIFICALLY PERMIT

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

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1 BY RULE OR REGULATION. NOTWITHSTANDING THE PROVISIONS HEREOF, NO SUCH  
2 DOCUMENT SHALL BE DEEMED FILED OR MONEYS DEPOSITED WITH THE SYSTEM ON  
3 THE DAY OF MAILING UNLESS ACTUALLY RECEIVED BY THE RETIREMENT SYSTEM AS  
4 A RESULT OF SUCH MAILING.

5 S 3. Subdivision 19 of section 508 of the education law, as amended by  
6 chapter 248 of the laws of 2003, is amended to read as follows:

7 19. Whenever a statute requires that a document must be filed or  
8 moneys deposited with the system within a prescribed period of time or  
9 by a specified date in order for a member to be eligible for service  
10 credit or a benefit from the system the document shall be deemed filed  
11 or the moneys deposited with the system on the day they are [mailed  
12 through] CLEARLY POSTMARKED BY the United States postal service  
13 [provided the mailing is by registered or certified mail or such other  
14 equivalent service provided by the United States postal service] as the  
15 retirement board may specifically permit by rule or regulation. Notwith-  
16 standing the provisions hereof, no such document shall be deemed filed  
17 or moneys deposited with the system on the day of mailing unless actual-  
18 ly received by the retirement system as a result of such mailing.

19 S 4. This act shall take effect immediately.