

5546

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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

AN ACT authorizing and directing the New York City retirement system to redesignate former corrections officer John K. Filipowicz's retirement option

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

1     Section 1. The legislature hereby finds and determines that the tragic  
2 and unusual circumstances regarding the recent death of a former member  
3 of the New York city employees' retirement system warrant the extraor-  
4 dinary relief of a change in the retirement option designation made by  
5 such deceased former member. The purpose of this legislation is to  
6 provide compelling, equitable and remedial relief to the surviving  
7 spouse and children of a deceased member of the New York city employees'  
8 retirement system.

9     S 2. Notwithstanding any inconsistent provision of law, the New York  
10 city employees' retirement system, is hereby authorized and directed,  
11 subject to the provisions of section three of this act, to cancel the  
12 retirement option designated by a former member John K. Filipowicz of  
13 such system who retired from such system effective August 31, 2006, and  
14 died on October 30, 2012, from causes other than natural.

15     S 3. The retirement system, shall redesignate, the most favorable  
16 retirement option that the deceased member could have designated at the  
17 time of his original option designation for the purpose of protecting  
18 his spouse, from financial hardship in the event of his predeceasing  
19 her, if upon application to the system the surviving spouse provides  
20 proof of the following:

21     1. A legally valid and effective last will and testament of such  
22 deceased member which indicates the intention of the deceased member to  
23 leave to his spouse after his death, should she survive him, a share of

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

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1 his estate in excess of that to which she would be entitled under part 1  
2 of article 5 of the estates, powers and trusts law;

3 2. Evidence that at the time the deceased member designated his  
4 retirement option and up until the date of his death, the deceased  
5 member resided together with his spouse in a subsisting matrimonial  
6 relationship.

7 The retirement system, shall make such option redesignation upon the  
8 presentation or offer of the evidence or documentation provided for in  
9 this section.

10 S 4. This act shall take effect immediately and shall be deemed to  
11 have been in full force and effect on October 30, 2012.