

STATE OF NEW YORK

11100

IN ASSEMBLY

June 5, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate) --
(at request of the State Comptroller) -- read once and referred to the
Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to
extending the period of time to file an application for an accidental
death benefit after the death of a member of the New York state and
local employees' retirement system or the New York state and local
police and fire retirement system

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The section heading and the opening paragraph of subdivi-
2 sion a of section 61 of the retirement and social security law, as
3 amended by chapter 336 of the laws of 1960, are amended to read as
4 follows:

5 [~~Accidental~~] Accidental death benefit.

6 An [~~accidental~~] accidental death benefit and the reserve-for-in-
7 creased-take-home-pay shall be payable upon the death of a member if,
8 upon application filed within [~~two~~] five years after the death of such
9 member, the comptroller shall determine, on the basis of the evidence,
10 that such member:

11 § 2. The opening paragraph of subdivision a of section 361 of the
12 retirement and social security law, as added by chapter 1000 of the laws
13 of 1966, is amended to read as follows:

14 An accidental death benefit and the reserve-for-increased-take-home-
15 pay shall be payable upon the death of a member if, upon application,
16 filed within [~~two~~] five years after the death of such member the comp-
17 troller shall determine, on the basis of the evidence, that such member:

18 § 3. The opening paragraph of subdivision a of section 509 of the
19 retirement and social security law, as amended by chapter 489 of the
20 laws of 2008, is amended to read as follows:

21 The eligible beneficiary of a member in service, or a vested member
22 that dies as a result of a qualifying World Trade Center condition as
23 defined in section two of this chapter, shall be entitled to an acci-
24 dental death benefit in the form of a pension equal to fifty percent of

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

LBD14308-02-8

1 such member's final average salary if, upon application filed within
2 [~~two~~] five years after the death of the member, the head of the retire-
3 ment system determines that such member:

4 § 4. Subdivision a of section 607 of the retirement and social securi-
5 ty law, as amended by chapter 582 of the laws of 2011, is amended to
6 read as follows:

7 a. The eligible beneficiary of a member in service, or of a vested
8 member who dies as a result of a qualifying World Trade Center condition
9 as defined in section two of this chapter, shall be entitled to an acci-
10 dental death benefit in the form of a pension equal to fifty percent of
11 such member's wages earned during his or her last year of actual service
12 or his or her annual wage rate if he or she was credited with less than
13 one year of service since last becoming a member, if, upon application
14 filed within [~~sixty days~~] five years after the death of the member, the
15 head of the retirement system determines that such member died before
16 the effective date of retirement, as the natural and proximate result of
17 an accident not caused by his or her own willful negligence sustained in
18 the performance of his or her duties in active service and while actual-
19 ly a member of the retirement system.

20 Notwithstanding the provisions of section two hundred forty-two, two
21 hundred forty-three or two hundred forty-four of the military law or the
22 provisions of any other law to the contrary and solely for the purpose
23 of determining eligibility for an accidental death benefit, a member
24 shall be considered to have died as the natural and proximate result of
25 an accident sustained in the performance of duty provided such member
26 was on the payroll in the service upon which membership is based at the
27 time he or she was ordered to active duty pursuant to Title 10 of the
28 United States Code, with the armed forces of the United States or to
29 service in the uniformed services pursuant to Chapter 43 of Title 38 of
30 the United States Code and died while on such active duty or service in
31 the uniformed services on or after June fourteenth, two thousand five.

32 Provided, however, the head of the retirement system in its sole
33 discretion may accept an application for an accidental death benefit
34 after the expiration of the [~~sixty day~~] applicable filing period, where,
35 but only where, an ordinary death benefit has not been previously paid.

36 § 5. This act shall take effect January 1, 2019 and shall apply to the
37 death of a member occurring on or after such date.