STATE OF NEW YORK

7159

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the estates, powers and trusts law, in relation to establishing what transactions constitute a testamentary substitute

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

Section 1. Clause (G) of subparagraph 1 of paragraph (b) of section 5-1.1-A of the estates, powers and trusts law, as amended by chapter 515 of the laws of 1993, is amended to read as follows:

(G) Any money, securities or other property payable under a thrift, savings, retirement, pension, deferred compensation, death benefit, stock bonus or profit-sharing plan, account, arrangement, system or trust, except that with respect to a plan to which subsection (a) (11) of section four hundred one of the United States Internal Revenue Code applies or a defined contribution plan to which such subsection does not apply pursuant to paragraph (B) (iii) thereof, only to the extent of fifty percent of the capital value thereof. Notwithstanding the foregoing, a transaction described herein shall not constitute a testamentary substitute if the decedent designated the beneficiary or beneficiaries of the plan benefits on or before September first, nineteen hundred ninety-two and did not change such beneficiary designation thereafter or, when such plan benefits are provided by a governmental plan, as defined by subsection (d) of section four hundred fourteen of the United States Internal Revenue code, if the decedent designated the beneficiary of such plan benefits in accordance with either a separation agreement relating to marital property or domestic relations order.

§ 2. This act shall take effect immediately and shall apply to estates of decedents dying on and after such date.

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

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