

# STATE OF NEW YORK

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5763

2019-2020 Regular Sessions

## IN SENATE

May 14, 2019

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

AN ACT to amend the retirement and social security law, in relation to authorizing the beneficiaries of a member of the state and local employees' retirement system who die after filing a retirement application to choose pension benefits rather than a death benefit

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

1 Section 1. Subdivision a of section 70 of the retirement and social  
2 security law, as amended by chapter 375 of the laws of 2011, is amended  
3 to read as follows:

4 a. Any member may retire if he or she shall have attained at least the  
5 minimum retirement age while in service as a member, or while in federal  
6 service, or in the service of the United Nations or other international  
7 organizations of which the United States is a member, as a member  
8 continued pursuant to paragraph one of subdivision f of section forty of  
9 this article, or while entitled to make application for a vested retire-  
10 ment allowance pursuant to section seventy-six of this title. Any such  
11 member desiring to retire shall execute and file with the comptroller an  
12 application for retirement, which shall specify the effective date of  
13 his or her retirement, which shall be not less than fifteen nor more  
14 than ninety days subsequent to such date of filing. An application for  
15 service retirement, filed hereunder in accordance with the provisions of  
16 subdivision c of section sixty-two or subdivision f of section sixty-  
17 three of this article, shall be processed in the regular manner,  
18 provided that if the application filed simultaneously therewith under  
19 either of such subdivisions is granted, then and in that event the  
20 retirement allowance granted in accordance with the provisions of this  
21 section shall be appropriately adjusted. Notwithstanding any other  
22 provision of law, any member who is eligible to retire and who has died  
23 while in active service, and who has filed an application for service

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

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1 retirement less than thirty days prior to death, shall be deemed to have  
2 retired and the member's designated beneficiary shall have the option to  
3 choose the benefit provided by service retirement rather than the death  
4 benefit, provided, however that if the designated beneficiary elects the  
5 service retirement benefit such person shall be required to choose an  
6 option under section ninety of this article.

7 § 2. This act shall take effect immediately and shall be deemed to  
8 have been in full force and effect on and after January 1, 2017.