# STATE OF NEW YORK

9085

# IN SENATE

May 9, 2022

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 to amend the general municipal law, in relation to providing a special accidental death benefit to the parents of certain deceased members

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

Section 1. The opening paragraph of subdivision a, the opening paragraph of subdivision b, subdivision c and subdivision f of section 208-f of the general municipal law, the opening paragraph of subdivision a as amended by chapter 457 of the laws of 2017, the opening paragraph of subdivision b as amended by chapter 634 of the laws of 1984, subdivision c as amended by chapter 327 of the laws of 2021 and subdivision f as amended by chapter 733 of the laws of 1990, are amended and a new subdivision j is added to read as follows:

Notwithstanding any other provision of law, the special accidental death benefit provided by this section shall be paid to the widow or widower or the deceased member's children under the age of eighteen, or, if a student under the age of twenty-three, if the widow or widower has died**, or to the deceased member's parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three,** of: (i) a deceased member of a pension or retirement system of a police department or paid fire department of a city, town or village; (ii) a deceased paid member of the police force of the police department of the New York city transit authority; (iii) a deceased paid member of the police force of the police department of the New York city housing authority; (iv) a deceased paid member of the uniformed correction force of the New York city department of correction; (v) a deceased paid uniformed member of a county sheriff's department (outside the city of New York); (vi) a deceased employee of the city of New York or the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or in a title whose duties require

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

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the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law); (vii) a deceased paid bridge and tunnel member of the New York city employees' retirement system; or (viii) a deceased paid member of the uniformed force of the New York city department of sanitation, providing the widow or widower is ineligible to receive benefits pursuant to section three hundred sixty-one-a of the retirement and social security law as amended by chapter seven hundred thirty-three of the laws of nineteen hundred ninety and the deceased member:

The special accidental death benefit shall be paid by the city, town or village which employed the deceased member at the time of death, and shall consist of a pension which is equal to the salary of the deceased member, reduced by the sum of each of the following benefits received by the widow or widower or the deceased member's children under the age of eighteen, if the widow or widower has died, **or to the deceased member's parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three,** on account of the death of the deceased member:

c. Commencing July first, two thousand twenty-one the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, **or to the deceased member's parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three,** shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

| calendar year of death of the deceased member | per centum |
|---|---|
| 1977 or prior | 267.1% |
| 1978 | 256.5% |
| 1979 | 246.1% |
| 1980 | 236% |
| 1981 | 226.2% |
| 1982 | 216.7% |
| 1983 | 207.5% |
| 1984 | 198.5% |
| 1985 | 189.8% |
| 1986 | 181.4% |
| 1987 | 173.2% |
| 1988 | 165.2% |
| 1989 | 157.5% |
| 1990 | 150.0% |
| 1991 | 142.7% |
| 1992 | 135.7% |
| 1993 | 128.8% |
| 1994 | 122.1% |
| 1995 | 115.7% |
| 1996 | 109.4% |
| 1997 | 103.3% |
| 1998 | 97.4% |
| 1999 | 91.6% |
| 2000 | 86.0% |
| 2001 | 80.6% |
| 2002 | 75.4% |

| | |
|---|---|
| 2003 | 70.2% |
| 2004 | 65.3% |
| 2005 | 60.5% |
| 2006 | 55.8% |
| 2007 | 51.3% |
| 2008 | 46.9% |
| 2009 | 42.6% |
| 2010 | 38.4% |
| 2011 | 34.4% |
| 2012 | 30.5% |
| 2013 | 26.7% |
| 2014 | 23.0% |
| 2015 | 19.4% |
| 2016 | 15.9% |
| 2017 | 12.6% |
| 2018 | 9.3% |
| 2019 | 6.1% |
| 2020 | 3.0% |
| 2021 | 0.0% |

f. The special accidental death benefit shall be paid to:

1. The member's widow or widower to continue during his or her lifetime. If he or she shall leave no widow or widower, or if his or her widow or widower shall die before all his or her children shall have attained age eighteen or, if students shall have attained the age of twenty-three, or sooner die, then to

2. His or her child or children under age eighteen, or, if students, under age twenty-three, divided in such manner as the comptroller, in his discretion, shall determine[~~.~~]**, or sooner die, then to**

**3. His or her parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three, for their lifetimes.** Such pension shall continue in the same amount as received by the member's widow or widower as a joint and survivor pension until every such child shall have attained age eighteen or sooner die.

**j. In the case of a deceased member who died prior to the effective date of this subdivision, the payment of the benefit to the deceased member's parents shall commence on the effective date of this subdivision, provided, however that the benefit amount shall be deemed to have been subject to annual increases pursuant to subdivision b of this section and escalation pursuant to subdivision c of this section, from the date of such member's death.**

§ 2. This act shall take effect immediately.