STATE OF NEW YORK

7017

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. ADDABBO -- 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, the retirement and social security law and the administrative code of the city of New York, in relation to allowing for child beneficiaries of deceased police officers and firefighters to receive accidental death benefits until age twenty-six

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

Section 1. Subdivisions 2 and 3 of section 208-b of the general municipal law, as added by chapter 882 of the laws of 1958, and paragraph b of subdivision 2 as amended by chapter 877 of the laws of 1981, are amended to read as follows:

2. The death benefit shall be paid by the municipality upon the allowance of the claim therefor, and shall consist of:

a. An amount equal to the salary received by such member either during the year immediately preceding his **or her** death, or during the year preceding such injuries, whichever is greater and

b. One thousand dollars, or ten percent of the deceased member's final salary, whichever is higher, payable for each child of such member under [~~eighteen~~] **twenty-six** on the date of the member's death.

3. The death benefit shall be paid to:

a. The member's widow **or widower**, or if he **or she** shall leave no widow **or widower**, or if his **or her** widow **or widower** shall die before receiving the total of the amounts provided in subdivision two hereof, then to

b. His **or her** child or children under age [~~eighteen~~] **twenty-six**, in equal amounts.

§ 2. The opening paragraphs of subdivisions a, b and c and subdivision f of section 208-f of the general municipal law, the opening paragraph of subdivision a and subdivision f as amended by chapter 782 of the laws of 2022, the opening paragraph of subdivision b as amended by section 1

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

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of part Y of chapter 55 of the laws of 2023, and the opening paragraph of subdivision c as separately amended by chapters 528 and 782 of the laws of 2022, are amended 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~~] twenty-six, if the widow or widower has died, or to the deceased member's parents if the member has no widow, widower[~~,~~] or children under the age of [~~eighteen, or a student under the age of twenty-three~~] twenty-six, 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 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 county, 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~~] twenty-six, if the widow or widower has died, or to the deceased member's parents if the member has no widow, widower[~~,~~] or children under the age of [~~eighteen, or a student under the age of twenty-three~~] twenty-six, on account of the death of the deceased member:

Commencing July first, two thousand twenty-two 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~~] twenty-six, if the widow or widower has died, or to the deceased member's parents if the member has no widow, widower[~~,~~] or children under the age of [~~eighteen, or a student under the age of twenty-three~~] twenty-six, 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:

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~~] twenty-six, or sooner die, then to

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

3. His or her parents if the member has no widow, widower[~~,~~] or children under the age of [~~eighteen, or a student under the age of twenty-three~~] twenty-six, 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~~] twenty-six or sooner die.

§ 3. Subdivision d of section 361 of the retirement and social security law, as amended by chapter 733 of the laws of 1990, is amended to read as follows:

d. The pension on account of accidental death and the reserve-for-increased-take-home-pay 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, before all of his or her children shall have attained age twenty-three, or sooner die~~] twenty-six, then to

2. His or her child or children under age [~~eighteen, or, if students, his or her children under age twenty-three~~] twenty-six, divided in such manner as the comptroller, in his or her discretion, shall determine. Such pension shall continue as a joint and survivor pension until every such child shall have attained age [~~eighteen, or, if a student, shall have attained age twenty-three~~] twenty-six, or sooner die. If no widow or widower or child under age [~~eighteen, or, if a student, under age twenty-three~~] twenty-six, shall survive such member, at the time of his or her death, then to

3. His or her dependent father or dependent mother, as he or she shall have nominated by written designation duly acknowledged and filed with the comptroller. Such pension shall continue for the life of the parent so designated. If there be no such designation, then to

4. His or her dependent father or dependent mother, as the comptroller, in his or her discretion, shall determine. Such pension shall continue for the life of the parent so elected.

[~~For purposes of this subdivision, student shall mean a person enrolled in an accredited institution of higher education for at least twelve semester hours for a semester of not less than fifteen weeks, inclusive of examination periods; or eight semester hours a quarter; or, in programs not organized on a semester or quarter basis, twenty-four semester hours for an academic year of not more than twelve months or the equivalent, as determined by the commissioner of education. A student shall be considered full-time for a program organized on an academic-year basis only if the student has filed a plan of study with the institution for the entire academic year.~~]

§ 4. The opening paragraphs of subdivisions a, b and c and subdivision e of section 361-a of the retirement and social security law, the opening paragraphs of subdivisions a and b and subdivision e as amended by chapter 733 of the laws of 1990, and the opening paragraph of subdivision c as amended by chapter 528 of the laws of 2022, are amended to read as follows:

Notwithstanding any other provision of law, 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~~] twenty-six, if the widow or widower has died who is or are receiving the accidental death benefit provided by section three hundred sixty-one of this chapter, shall also be paid the special accidental death benefit authorized by this section.

The special accidental death benefit shall be payable from the pension accumulation fund, 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 or, if a student, under the age of twenty-three~~] twenty-six, if the widow or widower has died, on account of the death of the deceased member:

Commencing July first, two thousand twenty-two 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~~] twenty-six, if the widow or widower has died, 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:

e. 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 a student, shall have attained the age of twenty-three or sooner die~~] twenty-six, then to

2. His or her child or children under age [~~eighteen or, if a student, under the age of twenty-three~~] twenty-six, divided in such manner as the comptroller, in his or her discretion, shall determine. 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, if a student, attained the age of twenty-three~~] twenty-six or sooner die.

§ 5. Subdivisions 2 and 3 of section 13-244 of the administrative code of the city of New York, as amended by chapter 733 of the laws of 1990, are amended to read as follows:

2. If there be no surviving spouse, or if the surviving spouse dies before any child of such deceased member shall have attained the age of [~~eighteen years, or if a student, before such child shall have attained the age of twenty-three~~] twenty-six years, then to his or her child or children under such age, divided in such manner as such board in its discretion shall determine, to continue as a joint and survivor pension of one-half of his or her final compensation until every such child dies or attains such age; or

3. If there be no surviving spouse or child under the age of [~~eighteen years, or if a student, under the age of twenty-three~~] twenty-six years[~~,~~] surviving such deceased member, then to his or her dependent father or mother, as the deceased member shall have nominated by written designation duly acknowledged and filed with such board; or, if there be no such nomination, then to his or her dependent father or to his or her dependent mother, as such board in its discretion shall direct, to continue for life.

§ 6. This act shall take effect immediately.