

STATE OF NEW YORK

9666

IN SENATE

May 16, 2024

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the administrative code of the city of New York, in relation to allowing for certain child beneficiaries to receive accidental death benefits for the duration of their lifetime

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

1 Section 1. The opening paragraphs of subdivisions a, b and c and
2 subdivision f of section 208-f of the general municipal law, the opening
3 paragraph of subdivision a as amended by chapter 720 of the laws of
4 2023, the opening paragraph of subdivision b as amended by section 1 of
5 part Y of chapter 55 of the laws of 2023, the opening paragraph of
6 subdivision c as amended by chapter 213 of the laws of 2023 and subdivi-
7 sion f as amended by chapter 782 of the laws of 2022, are amended to
8 read as follows:

9 Notwithstanding any other provision of law, the special accidental
10 death benefit provided by this section shall be paid to the [~~widow or~~
11 ~~widower~~] surviving spouse or the deceased member's children [~~under the~~
12 ~~age of eighteen, or, if a student under the age of twenty-three~~], if the
13 [~~widow or widower~~] surviving spouse has died, or to the deceased
14 member's parents if the member has no [~~widow, widower,~~] surviving spouse
15 or children [~~under the age of eighteen, or a student under the age of~~
16 ~~twenty-three~~], of: (i) a deceased member of a pension or retirement
17 system of a police department or paid fire department of a city, town or
18 village; (ii) a deceased paid member of the police force of the police
19 department of the New York city transit authority; (iii) a deceased paid
20 member of the police force of the police department of the New York city
21 housing authority; (iv) a deceased paid member of the uniformed
22 correction force of the New York city department of correction; (v) a
23 deceased paid uniformed member of a county sheriff's department (outside
24 the city of New York); (vi) a deceased employee of the city of New York
25 or the New York city health and hospitals corporation in a title whose
26 duties are those of an emergency medical technician or advanced emergen-

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

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1 cy medical technician (as those terms are defined in section three thou-
2 sand one of the public health law), or in a title whose duties require
3 the supervision of employees whose duties are those of an emergency
4 medical technician or advanced emergency medical technician (as those
5 terms are defined in section three thousand one of the public health
6 law); (vii) a deceased paid bridge and tunnel member of the New York
7 city employees' retirement system; (viii) a deceased paid member of the
8 uniformed force of the New York city department of sanitation; or (ix) a
9 deceased paid deputy sheriff member of the New York city sheriff's
10 department, providing the [~~widow or widower~~] surviving spouse is ineli-
11 gible to receive benefits pursuant to section three hundred sixty-one-a
12 of the retirement and social security law as amended by chapter seven
13 hundred thirty-three of the laws of nineteen hundred ninety and the
14 deceased member:

15 The special accidental death benefit shall be paid by the county,
16 city, town or village which employed the deceased member at the time of
17 death, and shall consist of a pension which is equal to the salary of
18 the deceased member, reduced by the sum of each of the following bene-
19 fits received by the [~~widow or widower~~] surviving spouse or the deceased
20 member's children [~~under the age of eighteen~~], if the [~~widow or widower~~]
21 surviving spouse has died, or to the deceased member's parents if the
22 member has no [~~widow, widower,~~] surviving spouse or children [~~under the~~
23 ~~age of eighteen, or a student under the age of twenty-three~~], on account
24 of the death of the deceased member:

25 Commencing July first, two thousand twenty-three the special acci-
26 dental death benefit paid to a [~~widow or widower~~] surviving spouse or
27 the deceased member's children [~~under the age of eighteen or, if a~~
28 ~~student, under the age of twenty-three~~], if the [~~widow or widower~~]
29 surviving spouse has died, or to the deceased member's parents if the
30 member has no [~~widow, widower,~~] surviving spouse or children [~~under the~~
31 ~~age of eighteen, or a student under the age of twenty-three~~], shall be
32 escalated by adding thereto an additional percentage of the salary of
33 the deceased member (as increased pursuant to subdivision b of this
34 section) in accordance with the following schedule:

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

36 1. The member's [~~widow or widower~~] surviving spouse to continue during
37 [~~his or her~~] the lifetime of such surviving spouse. If [~~he or she~~] the
38 deceased member shall leave no [~~widow or widower~~] surviving spouse, or
39 if [~~his or her widow or widower~~] such deceased member's surviving spouse
40 shall die before all [~~his or her~~] of the deceased member's children
41 [~~shall have attained age eighteen or, if students shall have attained~~
42 ~~the age of twenty-three~~], or sooner die, then to

43 2. [~~His or her~~] The child or children [~~under age eighteen, or, if~~
44 ~~students, under age twenty-three~~] of such deceased member for their
45 lifetimes, divided in such manner as the comptroller, in [~~his~~] their
46 discretion, shall determine, or sooner die, then to

47 3. [~~His or her~~] The parents of such deceased member if the member has
48 no [~~widow, widower,~~] surviving spouse or children [~~under the age of~~
49 ~~eighteen, or a student under the age of twenty-three~~], for their life-
50 times. Such pension shall continue in the same amount as received by the
51 member's [~~widow or widower~~] surviving spouse as a joint and survivor
52 pension until every such [~~child shall have attained age eighteen or~~
53 ~~sooner~~] parent shall die.

54 § 2. Paragraphs 2 and 3 of subdivision a and paragraph 2 of subdivi-
55 sion b of section 13-149 of the administrative code of the city of New
56 York, paragraph 3 of subdivision a as amended by chapter 408 of the laws

1 of 2000, and paragraph 2 of subdivision b as amended by chapter 290 of
2 the laws of 2001, are amended to read as follows:

3 2. If there be no surviving spouse, or if the surviving spouse dies or
4 remarries before any child [~~of such deceased member shall have attained~~
5 ~~the age of eighteen years~~] dies, then to [~~his or her~~] such deceased
6 member's child or children [~~under such age~~], divided in such manner as
7 such board in its discretion shall determine, to continue as a joint and
8 survivor pension [~~of one half of his or her final compensation~~] until
9 every such child dies [~~or attains such age~~]; or

10 3. If there be no surviving spouse or child [~~under the age of eighteen~~
11 ~~years~~] surviving such deceased member, then to [~~his or her~~] a dependent
12 [~~father or mother~~] parent of such deceased member, as the deceased
13 member shall have nominated by written designation duly acknowledged and
14 filed with such board; or, if there be no such nomination, then to [~~his~~
15 ~~or her dependent father or to his or her dependent mother~~] one of the
16 deceased member's dependent parents, as such board in its discretion
17 shall direct, to continue for life; or

18 (2) Notwithstanding the provisions of subdivision a of this section,
19 upon the accidental death before retirement of a member who is a sanitation
20 member provided that evidence shall be submitted to such board
21 proving that the death of such member was the natural and proximate
22 result of an accident sustained while a member and while in the perform-
23 ance of duty at some definite time and place and that such death was not
24 the result of wilful negligence on [~~his or her~~] the part of such
25 deceased member, [~~his or her~~] such deceased member's accumulated
26 deductions shall be paid to [~~his or her~~] their estate, or to such
27 persons as [~~he or she has~~] they have nominated or shall nominate by
28 written designation, duly acknowledged and filed with such board. Upon
29 application by or on behalf of the dependents of such deceased member,
30 such board shall grant a lump sum payment of the reserve-for-increased-
31 take-home-pay and a pension of one-half of such member's annual salary
32 or compensation on the date of [~~his or her~~] such deceased member's
33 death; provided that in no case shall such pension be in an amount which
34 is less than one-half of the maximum basic annual salary of sanitation
35 workers payable as of such date of death to sanitation workers employed
36 by the department of sanitation:

37 [~~(1)~~] (a) To [~~his or her~~] the surviving spouse of such deceased
38 member, to continue until the death of the surviving spouse; or

39 [~~(2)~~] (b) If there be no surviving spouse, or if the surviving spouse
40 dies before any child of such deceased member shall [~~have attained the~~
41 ~~age of eighteen years~~] die, then to [~~his or her~~] the child or children
42 [~~under such age~~] of such deceased member, divided in such manner as such
43 board in its discretion shall determine, to continue as a joint and
44 survivor pension [~~in the amount hereinabove specified~~] until every such
45 child dies [~~or attains such age~~]; or

46 [~~(3)~~] (c) If there be no surviving spouse or child [~~under the age of~~
47 ~~eighteen years~~] surviving such deceased member, then to [~~his or her~~] a
48 dependent [~~father or mother~~] parent of such deceased member, as the
49 deceased member shall have nominated by written designation duly
50 acknowledged and filed with such board; or, if there be no such nomi-
51 nation, then to [~~his or her dependent father or to his or her dependent~~
52 ~~mother~~] one of the deceased member's dependent parents, as such board in
53 its discretion shall direct, to continue for life.

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

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

9 3. If there be no surviving spouse or child [~~under the age of eighteen~~
10 ~~years, or if a student, under the age of twenty-three years~~], surviving
11 such deceased member, then to [~~his or her~~] a dependent [~~father or moth-~~
12 ~~er~~] parent of such deceased member, as the deceased member shall have
13 nominated by written designation duly acknowledged and filed with such
14 board; or, if there be no such nomination, then to [~~his or her dependent~~
15 ~~father or to his or her dependent mother~~] one of the deceased member's
16 dependent parents, as such board in its discretion shall direct, to
17 continue for life.

18 § 4. Paragraphs 2 and 3 of subdivision c of section 13-347 of the
19 administrative code of the city of New York, as amended by chapter 733
20 of the laws of 1990, are amended to read as follows:

21 (2) If there be no surviving spouse, or if the surviving spouse dies
22 before any child of such deceased member [~~shall have attained the age of~~
23 ~~eighteen years or if a student under the age of twenty three years~~],
24 then to [~~his or her~~] the child or children [~~under such age~~] of such
25 deceased member, divided in such manner as such board in its discretion
26 shall determine, to continue, if such deceased member was an original
27 plan member not subject to article eleven at the time of [~~his or her~~]
28 their death, as a joint and survivor pension [~~of one half of his or her~~
29 ~~final compensation~~] until every such child dies [~~or attains such age~~],
30 and to continue, if such deceased member was an improved benefits plan
31 member not subject to article eleven at the time of [~~his or her~~] their
32 death, as a joint and survivor pension [~~of one half of his or her five-~~
33 ~~year average compensation~~] until every such child dies [~~or attains such~~
34 ~~age~~]; or

35 (3) If there be no surviving spouse or child [~~under the age of eigh-~~
36 ~~teen years or if a student under the age of twenty three years~~] surviv-
37 ing such deceased member, then to [~~his or her~~] a dependent [~~father or~~
38 ~~mother~~] parent of such deceased member, as such deceased member shall
39 have nominated by written designation duly acknowledged and filed with
40 such board; or, if there be no such nomination, then to [~~his or her~~]
41 ~~dependent father or to his or her dependent mother~~] one of the deceased
42 member's dependent parents, as such board in its discretion shall
43 direct, to continue for life.

44 § 5. Paragraphs 2 and 3 of subdivision b of section 13-544 of the
45 administrative code of the city of New York are amended to read as
46 follows:

47 2. if there be no spouse, or if the spouse dies or remarries before
48 any child of such deceased shall [~~have attained the age of eighteen~~
49 ~~years~~] die, then to the child or children [~~under said age~~], divided in
50 such manner as the retirement board in its discretion shall determine,
51 to continue as a joint and survivor pension [~~of one half his or her~~
52 ~~final compensation~~] until every such child dies [~~or attains said age~~];
53 or

54 3. if there be no spouse or child [~~under the age of eighteen years~~]
55 surviving such deceased, then to [~~the~~] a dependent [~~father or mother~~]
56 parent of the deceased member, as the deceased shall have nominated by

1 written designation filed with the retirement board; or, if there be no
2 such nomination, then to [~~the dependent father or to the dependent moth-~~
3 ~~er~~] one of the deceased member's dependent parents, as the retirement
4 board in its discretion shall direct, to continue for life.

5 § 6. No individual whose benefits shall be reduced pursuant to the
6 provisions of this act shall be required to repay any such benefits
7 already received.

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