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:

Section 1. 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 as amended by chapter 720 of the laws of 2023, the opening paragraph of subdivision b as amended by section 1 of part Y of chapter 55 of the laws of 2023, the opening paragraph of subdivision c as amended by chapter 213 of the laws of 2023 and subdivision f as amended by chapter 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~~] *surviving spouse* 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~~] *surviving spouse* has died, or to the deceased member's parents if the member has no [~~widow, widower,~~] *surviving spouse or* 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 emergen-

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

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cy 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; (viii) a deceased paid member of the uniformed force of the New York city department of sanitation; or (ix) a deceased paid deputy sheriff member of the New York city sheriff's department, providing the [~~widow or widower~~] surviving spouse 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~~] surviving spouse or the deceased member's children [~~under the age of eighteen~~], if the [~~widow or widower~~] surviving spouse has died, or to the deceased member's parents if the member has no [~~widow, widower,~~] surviving spouse or children [~~under the age of eighteen, or a student under the age of twenty-three~~], on account of the death of the deceased member:

Commencing July first, two thousand twenty-three the special accidental death benefit paid to a [~~widow or widower~~] surviving spouse 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~~] surviving spouse has died, or to the deceased member's parents if the member has no [~~widow, widower,~~] surviving spouse or 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:

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

1. The member's [~~widow or widower~~] surviving spouse to continue during [~~his or her~~] the lifetime of such surviving spouse. If [~~he or she~~] the deceased member shall leave no [~~widow or widower~~] surviving spouse, or if [~~his or her widow or widower~~] such deceased member's surviving spouse shall die before all [~~his or her~~] of the deceased member's 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~~] The child or children [~~under age eighteen, or, if students, under age twenty-three~~] of such deceased member for their lifetimes, divided in such manner as the comptroller, in [~~his~~] their discretion, shall determine, or sooner die, then to

3. [~~His or her~~] The parents of such deceased member if the member has no [~~widow, widower,~~] surviving spouse or 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~~] surviving spouse as a joint and survivor pension until every such [~~child shall have attained age eighteen or sooner~~] parent shall die.

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

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

2. If there be no surviving spouse, or if the surviving spouse dies or remarries before any child [~~of such deceased member shall have attained the age of eighteen years~~] dies, then to [~~his or her~~] such deceased member's 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~~] surviving such deceased member, then to [~~his or her~~] a dependent [~~father or mother~~] parent of such deceased member, 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~~] one of the deceased member's dependent parents, as such board in its discretion shall direct, to continue for life; or

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

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

[~~(2)~~] (b) 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~~] die, then to [~~his or her~~] the child or children [~~under such age~~] of such deceased member, divided in such manner as such board in its discretion shall determine, to continue as a joint and survivor pension [~~in the amount hereinabove specified~~] until every such child dies [~~or attains such age~~]; or

[~~(3)~~] (c) If there be no surviving spouse or child [~~under the age of eighteen years~~] surviving such deceased member, then to [~~his or her~~] a dependent [~~father or mother~~] parent of such deceased member, 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~~] one of the deceased member's dependent parents, as such board in its discretion shall direct, to continue for life.

§ 3. 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 years~~], then to [~~his or her~~] **such deceased member's** 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 years~~], surviving such deceased member, then to [~~his or her~~] **a** dependent [~~father or mother~~] **parent of such deceased member**, 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~~] **one of the deceased member's dependent parents**, as such board in its discretion shall direct, to continue for life.

§ 4. Paragraphs 2 and 3 of subdivision c of section 13-347 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 under the age of twenty-three years~~], then to [~~his or her~~] **the** child or children [~~under such age~~] **of such deceased member**, divided in such manner as such board in its discretion shall determine, to continue, if such deceased member was an original plan member not subject to article eleven at the time of [~~his or her~~] **their** death, as a joint and survivor pension [~~of one-half of his or her final compensation~~] until every such child dies [~~or attains such age~~], and to continue, if such deceased member was an improved benefits plan member not subject to article eleven at the time of [~~his or her~~] **their** death, as a joint and survivor pension [~~of one-half of his or her five-year average 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 years~~] surviving such deceased member, then to [~~his or her~~] **a** dependent [~~father or mother~~] **parent of such deceased member**, as such 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~~] **one of the deceased member's dependent parents**, as such board in its discretion shall direct, to continue for life.

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

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

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

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

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

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