§ 610. Options. a. Until the effective date of retirement a member may elect to receive the actuarial equivalent of the retirement allowance at the time of retirement, in the form of a smaller retirement allowance payable to such member for life and one of the following optional settlements;

Option one. Upon the member's death, a retirement allowance in an amount equal to that paid to the member shall be paid for life to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of retirement.

Option two. Upon the member's death, a retirement allowance of seventy-five percent or less (measured in increments of twenty-five percent) of the amount paid to such member shall be paid for life to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of retirement.

Option three. A five-year certain option under which payment is made to the member for life but is guaranteed for a minimum of five years following retirement. Such payments shall continue to a person as he shall nominate by written designation, duly acknowledged and filed with the retirement system, for the unexpired balance of the five-year guaranteed period. If said beneficiary should predecease him, the commuted value of any installments due during the unexpired balance of the five-year guaranteed period shall be paid in a single sum to a duly designated contingent beneficiary or if none exists to the legal representative of the member. Should a beneficiary who has commenced receipt of the payments die before the said guaranteed minimum period, the commuted value of any installments due during the unexpired balance of the five-year guaranteed period shall be paid in a single sum to a duly designated contingent beneficiary or if none exists, to the legal representative of said deceased primary beneficiary.

Option four. A ten-year certain option under which payment is made to the member for life but is guaranteed for a minimum of ten years following retirement. Such payments shall continue to a person as he

shall nominate by written designation, duly acknowledged and filed with the retirement system, for the unexpired balance of the ten-year guaranteed period. If said beneficiary should predecease him, the commuted value of any installments due during the unexpired balance of the ten-year guaranteed period shall be paid in a single sum to a duly designated contingent beneficiary or if none exists to the legal representative of the member. Should a beneficiary who has commenced receipt of the payments die before the said guaranteed minimum period, the commuted value of any installments due during the unexpired balance of the ten-year guaranteed period shall be paid in a single sum to a duly designated contingent beneficiary or if none exists to the legal representative of said deceased primary beneficiary.

Option five. Upon the member's death, a retirement allowance in an amount equal to fifty percent or one hundred percent of that paid to the member shall be paid for life to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of retirement. Upon the death, prior to the death of the member, of said person so nominated, the member shall begin receiving, in lieu of the allowance then payable, an allowance equal in amount to that which would have been payable if no optional modification of the retirement allowance were in effect.

a-1. A member of the New York state teachers' retirement system or the New York state and local employees' retirement system who retires pursuant to the provisions of this article, may elect, in lieu of the options set forth in subdivision a of this section, the following optional settlement:

Alternative Option. The actuarial equivalent of the member's retirement allowance at the time of retirement, in the form of a smaller retirement allowance payable to such member for life and some other benefit or benefits paid either to the member or to such person or persons as he shall nominate, provided such other benefit or benefits, together with such smaller allowance, shall be certified by the actuary of the appropriate retirement system to be of equivalent actuarial value to his retirement allowance and shall be approved by the head of such

retirement system and provided further that nothing herein shall require such retirement system to pay a benefit in violation of paragraph nine of subsection a of section four hundred one of the Internal Revenue Code of 1986, as amended, 26 U.S.C. §401(a)(9).

b. No option hereunder shall be permitted whereby the member would receive less than fifty percent of the actuarial equivalent of the retirement allowance without optional modification during such member's life expectancy. Provided, however, the preceding sentence shall not apply if the surviving beneficiary is the member's spouse.

c. The mortality and interest rates used in determining options under this article shall be those in effect for the public retirement system on the date of retirement.

d. Notwithstanding any other provision of this section, with respect to the New York state employees' retirement system:

1. The comptroller, for reasonable cause, shall have power to extend the time for the election of an option, for a period or periods which shall expire not later than sixty days immediately after the effective date of a member's retirement; and

2. If the member is incompetent, his spouse or the committee of his property, or if he is a conservatee, his spouse or the conservator of his property, may elect on the member's behalf a retirement option as provided for in subdivision a of this section.

e. Notwithstanding any other provision of this section, a member of the New York state teachers' retirement system at the time of retirement may elect an option until the first payment on account of any benefit becomes normally due.

* f. Notwithstanding any other provision of this article, an option selection previously filed by a member or retired member subject to the provisions of this section may be changed no later than thirty days following the date of payability of his or her retirement allowance. A retired member who has been retired for disability may change an option

selection previously filed no later than (1) thirty days following the date on which such member's application for disability retirement was approved by the retirement board or (2) thirty days following the date on which such retiree was retired for disability, whichever is later.

* NB There are 2 sb f's

* f. Notwithstanding any other provision of this article, an option selection previously filed by a member or retired member of the New York city teachers' retirement system or the New York city board of education retirement system subject to the provisions of this section may be changed no later than thirty days following the date of payability of his or her retirement allowance. A retired member who has been retired for disability may change an option selection previously filed no later than (1) thirty days following the date on which such member's application for disability retirement was approved by the retirement board or (2) thirty days following the date on which such retiree was retired for disability, whichever date is later.

* NB There are 2 sb f's