§ 657. Survivor's benefit for retired state employees. 1. a. The term "retired state employee" as used in this section shall mean a former employee or officer of the state (1) who while in state service retired for any cause from any retirement system or pension plan supported by funds of the state other than the state university optional retirement program of article eight-B of the education law or the education department optional retirement program of article three, part V, of the education law, or (2) who while in state service retired for any cause from either or both such optional retirement programs provided he or she had thereupon attained age fifty-five, or (3) who terminated state service for any cause on or after the attainment of age sixty-two; and who, at the time he or she retired pursuant to subparagraph one or two of this paragraph or terminated service pursuant to subparagraph three of this paragraph, had ten or more years of full time service as a state employee, provided that the ten years' full time service were within the last fifteen years prior to such retirement or termination. For purposes of this section, no person shall be deemed to be or have been an employee or officer of the state or in the state service for any period during which his or her salary was not paid directly by the state, except a person employed in an institution specified in paragraph b of this subdivision or a person employed in an authority or commission specified in paragraph c of this subdivision.

b. For all purposes of this section alone, the state colleges of agriculture, home economics, industrial and labor relations, and veterinary medicine, the state agricultural experiment station at Geneva, and any other institution or agency under the management and control of Cornell university, as the representative of the board of trustees of the state university of New York, and the state college of ceramics under the management and control of Alfred university, as the representative of the board of trustees of the state university of New York shall be deemed to be the state.

c. For the purpose of determining eligibility for benefits under this section, previous service rendered as an employee of an authority or commission established under the public authorities law shall be credited to a retired state employee as state service, provided such

authority or commission has in effect, at the time of retirement of such retired employee, a provision for a survivor's benefit which is substantially equivalent to that provided in this section and in which previous state service is credited to retired authority or retired commission employees toward eligibility for such survivor's benefit.

d. For the purpose of determining eligibility for benefits under this section, no retired state employee who retired prior to October first, nineteen hundred sixty-six shall be eligible for benefits hereunder unless such retiree is a pensioner of the New York state and local employees' retirement system or the New York state and local police and fire retirement system.

2. The amount of a survivor's benefit under this section shall be a lump sum of two thousand dollars, except that where a retired state employee dies while reemployed as provided in subdivision four of this section or dies within thirty days following retirement pursuant to subdivision one of this section, the amount of the survivor's benefit under this section, if any, shall be two thousand dollars less any ordinary death benefit, exclusive of any ordinary death benefit attributable to the reserve-for-increased-take-home-pay, payable on account of the death of such employee under a retirement system or pension plan supported by funds of the state.

3. In addition to the benefit provided pursuant to subdivision two of this section an additional benefit shall be provided on behalf of retired state employees who retire or terminate their services, as defined by subdivision one of this section, on or after April first, nineteen hundred seventy, except, however, such additional benefits shall be provided on behalf of retired state employees who were members of the state police in a collective negotiating unit consisting of commissioned officers established pursuant to article fourteen of the civil service law who retire or terminate their services, as defined by subdivision one of this section, on or after April first, nineteen hundred seventy-one, and on behalf of retired state employees who were members of the state police in a collective negotiating unit defined in the certification of the public employment relations board dated

December twenty-ninth, nineteen hundred seventy in case numbers C-0570 and C-0575 established pursuant to article fourteen of the civil service law who retire or terminate their services, as defined by subdivision one of this section, on or after April first, nineteen hundred seventy-two, of one thousand dollars, except that where such retired state employee dies while reemployed as provided in subdivision five of this section or dies within thirty days following retirement pursuant to subdivision one of this section, the amount of the survivor's benefit under this section, if any, shall be three thousand dollars less any ordinary death benefit, exclusive of any ordinary death benefit attributable to the reserve-for-increased-take-home-pay, payable on account of the death of such employee under a retirement system or pension plan supported by funds of the state in lieu of the survivor's benefits specified in subdivision two of this section.

4. A survivor's benefit under this section shall not be payable in any case in which a survivor's benefit is payable pursuant to section six hundred fifty-five of this chapter.

5. The eligibility for survivor's benefit protection provided by this section of a retired state employee who subsequently reenters state service, or enters the service of a participating employer of a retirement system or pension plan supported by funds of the state, shall continue but only until such employee attains eligibility either for coverage under the survivor's benefit program provided by section six hundred fifty-five of this article or for payment of an ordinary death benefit of two thousand dollars or more, exclusive of any ordinary death benefit attributable to the reserve-for-increased-take-home-pay, payable on account of the death of such employee under such a retirement system or pension plan. Each time such employee leaves state service, or the service of such a participating employer, and loses the eligibility attained following such entry or reentry, such employee shall again become eligible for payment of a survivor's benefit provided by this section.

6. The survivor's benefit payable under this section shall be paid to such person or persons as the retired state employee shall have last

nominated to receive benefits under a retirement option of the retirement system or pension plan supported by funds of the state of which such employee last became a member, or if such employee did not nominate such a beneficiary, or if such beneficiary has died, or if the employee was not a member of such a retirement system or pension plan, to the person last specifically designated by such employee to receive the survivor's benefit under this section on a form prescribed by and filed with the state comptroller. In the event such a designated beneficiary does not survive such employee, or if a beneficiary was not designated, the survivor's benefit shall be payable to the estate of the retired state employee or as provided in section thirteen hundred ten of the surrogate's court procedure act.

7. The survivor's benefit fund provided for by subdivision seven of section six hundred fifty-five of this article shall be the fund from which survivor's benefit payments pursuant to this section shall be paid.

8. The state comptroller shall prescribe such regulations as may be required for the effective administration and implementation of the provisions of this section including the establishment of criteria for determining eligibility for payment under this section. The state comptroller may enter into agreement with other agencies to perform such duties as may be necessary to implement the provisions of this section.

9. a. Every state department or agency shall promptly inform the state comptroller of the retirement or termination, as defined by subdivision one of this section, of any employee on whose behalf a survivor's benefit under this section may be payable. Such employer shall set forth the relevant state employment record of the employee and such other information as is required by the form to be prescribed by the state comptroller.

b. Every public retirement system or pension plan within the state shall promptly inform the state comptroller of the death of any member on whose behalf a survivor's benefit under this section may be payable. Such system or plan shall set forth the name or names of the beneficiary

or beneficiaries, if any, last designated by the member under any retirement option selected and such other information as is required by the form to be prescribed by the state comptroller.

10. A designated beneficiary of every retired state employee who filed a designation of beneficiary form with the state comptroller must file an application with the state comptroller for a survivor's benefit under this section within six months after the death of such employee in order to qualify for the survivor's benefit provided by this section. For good cause shown, the state comptroller may waive this time requirement.

11. The provisions of this section shall apply to retired state employees who retire or terminate their service, as defined by subdivision one of this section, on or before June thirtieth, nineteen hundred seventy-four, provided, however, that nothing herein shall be deemed to apply to any employee who retired on or before September thirtieth, nineteen hundred sixty-six and who died prior to the effective date of this subdivision.