

# STATE OF NEW YORK

6035

2015-2016 Regular Sessions

## IN SENATE

August 21, 2015

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York

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

1 Section 1. Subdivision a of section 208-f of the general municipal  
 2 law, as separately amended by chapters 583 and 742 of the laws of 2004,  
 3 is amended to read as follows:  
 4 a. Notwithstanding any other provision of law, the special accidental  
 5 death benefit provided by this section shall be paid to the widow or  
 6 widower or the deceased member's children under the age of eighteen, or,  
 7 if a student under the age of twenty-three, if the widow or widower has  
 8 died of: (i) a deceased member of a pension or retirement system of a  
 9 police department or paid fire department of a city, town or village;  
 10 (ii) a deceased paid member of the police force of the police department  
 11 of the New York city transit authority; (iii) a deceased paid member of  
 12 the police force of the police department of the New York city housing  
 13 authority; (iv) a deceased paid member of the uniformed correction force  
 14 of the New York city department of correction; (v) a deceased paid  
 15 uniformed member of a county sheriff's department (outside the city of  
 16 New York); [~~vi~~] (vi) a deceased employee of the city of New York or the  
 17 New York city health and hospitals corporation in a title whose duties  
 18 are those of an emergency medical technician or advanced emergency  
 19 medical technician (as those terms are defined in section three thousand  
 20 one of the public health law), or in a title whose duties require the  
 21 supervision of employees whose duties are those of an emergency medical  
 22 technician or advanced emergency medical technician (as those terms are  
 23 defined in section three thousand one of the public health law); [~~vi~~  
 24 ~~(vi)~~] (vii) a deceased paid bridge and tunnel member of the New York

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

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S. 6035

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1 city employees' retirement system; or (viii) a deceased employee of the  
2 department of sanitation of the city of New York, providing the widow or  
3 widower is ineligible to receive benefits pursuant to section three  
4 hundred sixty-one-a of the retirement and social security law as added  
5 by chapter four hundred seventy-two of the laws of nineteen hundred  
6 seventy-eight and the deceased member:

7 1. Died before the effective date of his or her retirement, as the  
8 natural and proximate result of an accident sustained in the performance  
9 of duty in the service upon which his membership was based, and  
10 2. Did not cause such accident by his or her own willful negligence,  
11 and

12 3. At the time of such accident was actually a member of: (i) a  
13 pension or retirement system of a police department or paid fire depart-  
14 ment of a city, town or village; (ii) a pension or retirement system  
15 covering the police force of the police department of the New York city  
16 transit authority; (iii) a pension or retirement system covering the  
17 police force of the police department of the New York city housing  
18 authority; (iv) a pension or retirement system covering the uniformed  
19 correction force of the New York city department of correction; (v) a  
20 pension or retirement system covering uniformed members of a county  
21 sheriff's department (outside the city of New York); ~~(vi)~~ (vi) a pension  
22 or retirement system covering employees of the city of New York, or the  
23 New York city health and hospitals corporation in a title whose duties  
24 are those of an emergency medical technician or advanced emergency  
25 medical technician (as those terms are defined in section three thousand  
26 one of the public health law), or in a title whose duties require the  
27 supervision of employees whose duties are those of an emergency medical  
28 technician or advanced emergency medical technician (as those terms are  
29 defined in section three thousand one of the public health law); ~~(vi)~~  
30 ~~(vi)~~ (vii) a pension or retirement system covering paid bridge and  
31 tunnel members of the New York city employees' retirement system; or  
32 (viii) a pension or retirement system covering employees of the depart-  
33 ment of sanitation of the city of New York.

34 § 2. This act shall take effect immediately.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S6035

**SPONSOR:** GOLDEN

**TITLE OF BILL:** An act to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York

**PURPOSE:** Includes employees of the Department of Sanitation of the city of New York to receive a special accidental death benefit.

**SUMMARY OF PROVISIONS:**

Section 1 of the bill amends subdivision a of section 208-f of the General Municipal Law, as separately amended by chapters 583 and 742 of the laws of 2004, is amended to read as follows: a. 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 a deceased employee of the department of sanitation of the city of New York.

Section 2 of the bill provides that this act shall take effect immediately.

**JUSTIFICATION:** In the past several years employees of the department of sanitation of the city of New York have died by an accident sustained in the performance of their duty. The most recent incident was that of Steven Frosch who, while repairing his street sweeper was struck by a sweeper at a Sanitation Department garage in Queens. Family members should be entitled to a special death benefit under the circumstances of their loved one being killed in the performance of doing his/her job and has previously paid into a retirement system.

**LEGISLATIVE HISTORY:** New Bill

**FISCAL IMPLICATIONS:** To be determined.

**EFFECTIVE DATE:** This act shall take effect immediately.



## STATE OF NEW YORK

6083

2015-2016 Regular Sessions

## IN ASSEMBLY

March 13, 2015

Introduced by M. of A. MARKEY, DenDEKKER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York

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

1 Section 1. Subdivision a of section 208-f of the general municipal  
2 law, as separately amended by chapters 583 and 742 of the laws of 2004,  
3 is amended to read as follows:  
4 a. Notwithstanding any other provision of law, the special accidental  
5 death benefit provided by this section shall be paid to the widow or  
6 widower or the deceased member's children under the age of eighteen, or,  
7 if a student under the age of twenty-three, if the widow or widower has  
8 died of: (i) a deceased member of a pension or retirement system of a  
9 police department or paid fire department of a city, town or village;  
10 (ii) a deceased paid member of the police force of the police department  
11 of the New York city transit authority; (iii) a deceased paid member of  
12 the police force of the police department of the New York city housing  
13 authority; (iv) a deceased paid member of the uniformed correction force  
14 of the New York city department of correction; (v) a deceased paid  
15 uniformed member of a county sheriff's department (outside the city of  
16 New York); [~~ex~~] (vi) a deceased employee of the city of New York or the  
17 New York city health and hospitals corporation in a title whose duties  
18 are those of an emergency medical technician or advanced emergency  
19 medical technician (as those terms are defined in section three thousand  
20 one of the public health law), or in a title whose duties require the  
21 supervision of employees whose duties are those of an emergency medical  
22 technician or advanced emergency medical technician (as those terms are  
23 defined in section three thousand one of the public health law); [~~ex~~  
24 ~~(vi)~~] (vii) a deceased paid bridge and tunnel member of the New York

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

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1 city employees' retirement system; or (viii) a deceased employee of the  
2 department of sanitation of the city of New York, providing the widow or  
3 widower is ineligible to receive benefits pursuant to section three  
4 hundred sixty-one-a of the retirement and social security law as added  
5 by chapter four hundred seventy-two of the laws of nineteen hundred  
6 seventy-eight and the deceased member:

7 1. Died before the effective date of his or her retirement, as the  
8 natural and proximate result of an accident sustained in the performance  
9 of duty in the service upon which his membership was based, and  
10 2. Did not cause such accident by his or her own willful negligence,  
11 and  
12 3. At the time of such accident was actually a member of: (i) a  
13 pension or retirement system of a police department or paid fire depart-  
14 ment of a city, town or village; (ii) a pension or retirement system  
15 covering the police force of the police department of the New York city  
16 transit authority; (iii) a pension or retirement system covering the  
17 police force of the police department of the New York city housing  
18 authority; (iv) a pension or retirement system covering the uniformed  
19 correction force of the New York city department of correction; (v) a  
20 pension or retirement system covering uniformed members of a county  
21 sheriff's department (outside the city of New York); ~~(vi)~~ (vi) a pension  
22 or retirement system covering employees of the city of New York, or the  
23 New York city health and hospitals corporation in a title whose duties  
24 are those of an emergency medical technician or advanced emergency  
25 medical technician (as those terms are defined in section three thousand  
26 one of the public health law), or in a title whose duties require the  
27 supervision of employees whose duties are those of an emergency medical  
28 technician or advanced emergency medical technician (as those terms are  
29 defined in section three thousand one of the public health law); ~~(vi)~~  
30 ~~(vi)~~ (vii) a pension or retirement system covering paid bridge and  
31 tunnel members of the New York city employees' retirement system; or  
32 (viii) a pension or retirement system covering employees of the depart-  
33 ment of sanitation of the city of New York.

34 § 2. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A6083

**SPONSOR:** Markey (MS)

**TITLE OF BILL:** An act to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York

**PURPOSE OR GENERAL IDEA OF BILL:** Includes employees of the Department of Sanitation of the city of New York to receive a special accidental death benefit.

**SUMMARY OF PROVISIONS:**

Section 1. Subdivision a of section 208-f of the general municipal law, as separately amended by chapters 583 and 742 of the laws of 2004, is amended to read as follows: a. 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 a deceased employee of the department of sanitation of the city of New York.

**JUSTIFICATION:** In the past several years employees of the department of sanitation of the city of New York have died by an accident sustained in the performance of their duty. The most recent incident was that of Steven Frosch who, while repairing his street sweeper was struck by a sweeper at a Sanitation Department garage in Queens. Family members should be entitled to a special death benefit under the circumstances of their loved one being killed in the performance of doing his/her job and has previously paid into a retirement system.

**PRIOR LEGISLATIVE HISTORY:** New Legislation

**FISCAL IMPLICATIONS:** To be determined

**EFFECTIVE DATE:** This act shall take effect immediately.

