S T A T E O F N E W Y O R K

5072

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize the widow of William James Middlebrooks to file a retirement option election form

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Notwithstanding any other provision of law to the contrary, Janice Middlebrooks, the widow of William James Middlebrooks who was employed by the Albion Correctional Facility, was a member of the New York state and local employees' retirement system, was diagnosed with cancer in January of 2004, was advised on October 31, 2004 that he would be unable to return to employment as the result of his malignancy and the treatment therefor, and died on December 3, 2006 prior to filing a retirement election form with the New York state and local employees' retirement system, shall be authorized to file such option election form on behalf of her deceased husband, if on or before December 31, 2009 she shall submit a request therefor to the state comptroller. Such application for retirement option election shall be deemed to have become effective on November 1, 2004. All retirement benefits payable pursuant to the provisions of this act shall be paid to Janice Middlebrooks and shall be in lieu of any other death benefits payable.

S 2. This act shall take effect immediately.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

This bill would authorize Janice Middlebrooks to file an ordinary disability application with a date of retirement of November 1, 2004 and an option election form on behalf of her deceased husband William James Middlebrooks. Mr. Middlebrooks received a disability retirement which was paid beginning on 3/28/2005. Upon his death all payments ceased because no option election form was filed. By filing the disability application and an option election form, an additional benefit will be

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

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paid for the period 11/1/04-3/28/05 and a benefit will continue to Janice Middlebrooks for her lifetime.

If this bill is enacted, there will be an immediate past service cost of approximately $153,000 which will be shared by the State of New York and all the participating employers in the New York State and Local Employees' Retirement System.

This estimate, dated April 24, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-160, prepared by the Actuary for the New York State and Local Employees' Retirement System.