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

7709--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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, 2012 she shall submit a request therefor to the state comptroller. In addition, his application for disability retirement 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 addition any other death benefits paid.

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

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

LBD08973-05-2

because no option election form was filed. By filing the disability application and an option election form, an additional benefit will be 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 $186,000 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 November 21, 2011 and intended for use only during the 2012 Legislative Session, if Fiscal Note No. 2012-7, prepared by the Actuary for the New York State and Local Employees' Retirement System.