STATE OF NEW YORK

5633--A

2023-2024 Regular Sessions

IN SENATE

March 10, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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 with a joint allowance full option, if on or before December 31, 2024 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 to any other death benefits paid.

§ 2. This act shall take effect immediately.

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

This bill would authorize Janice Middlebrooks to file an option election form with a joint allowance full option on behalf of their deceased husband William James Middlebrooks. In addition, the deceased's

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

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application for disability retirement shall be deemed to have become effective on November 1, 2004. The deceased was paid a disability retirement benefit beginning on March 28, 2005. All payments ceased upon death because no option election form had been filed. If this bill is enacted, and a new option election form is filed, an additional benefit will be paid to Janice Middlebrooks for the period beginning on November 1, 2004 and ending on March 28, 2005 and a benefit continuance will begin to be paid to them for their lifetime.

If this bill is enacted during the 2024 Legislative Session, and Janice Middlebrooks timely files the required option election form, there will be an immediate past service cost of approximately $456,000 which will be shared by the State of New York and all local participating employers in the New York State and Local Employees' Retirement System.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 4, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-130, prepared by the Actuary for the New York State and Local Retirement System.