

HOUSE No. 3971

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 25, 2016.

The committee on Ways and Means, to whom was referred the Bill relative to a technical correction of the pension statute (House, No. 3566), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3971).

For the committee,

BRIAN S. DEMPSEY

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to a technical correction of the pension statute.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subdivision (2) of Section 9 of chapter 32 of the General Laws, as appearing
2 in the 2014 Official Edition, is hereby amended by inserting, in line 46, after the word “thirteen”,
3 the following:-

4 , provided, however, that if a beneficiary is eligible for benefits under this section, and is
5 also eligible for benefits under the provisions of option (c) of section 12, the beneficiary shall
6 elect to receive either a benefit pursuant to said option (c) or a benefit pursuant to this section,
7 but in no event shall the beneficiary be eligible for both benefits, and provided further, that in no
8 event shall both a full benefit provided under this section and a full option (c) benefit be paid
9 concurrently to two different beneficiaries on account of one member.

10 SECTION 2. Paragraph (a) of said subdivision (2) of said section 9 of said chapter 32, is
11 hereby amended by striking said paragraph and inserting in place thereof the following
12 paragraph:-

13 (a) To the surviving spouse of such member so long as such spouse survives;
14 provided, that they had been living together at the time of such member's death or the board
15 finds that they had been living apart at such time for justifiable cause or because of the desertion
16 of such spouse by such member; provided further that if there is an ex-spouse named as an
17 option (c) beneficiary pursuant to a qualified domestic relations order, on file with the retirement
18 board, said option (c) benefit shall be paid and any amount so paid shall be deducted from the
19 benefit calculated pursuant to subdivision (2) of this section.

20 SECTION 3. Subdivision (1) of Section 12 of chapter 32 of the General Laws, as so
21 appearing, is hereby amended by inserting, in line 14, by inserting after the word "benefits", the
22 following:-

23 , and provided further, that in no event shall both a full benefit provided under section 9
24 and a full option (c) benefit be paid to two different beneficiaries on account of one member.

25 SECTION 4. This act shall only apply to benefits first granted on or after July 1, 2016,
26 including benefits pursuant to option (c) of subdivision (2) of section 12 of chapter 32 of the
27 General Laws.