

HOUSE No. 4983

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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KARYN POLITO
LIEUTENANT GOVERNOR

November 27, 2018

To the Honorable Senate and House of Representatives,

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as appearing in Article LXXXIX of said Amendments, I am filing for your consideration the attached legislation entitled, "An Act Relative to the Disability Retirement of Christopher Van Ness, a Police Officer in the Town of Yarmouth."

I am filing this special legislation on behalf of the Yarmouth Board of Selectmen and its Town Administrator.

Officer Christopher Van Ness is one of the brave first responders who face the potential of life-threatening circumstances every day in order to serve and protect our communities. On April 12, 2018, he suffered an injury in the line of duty that permanently incapacitated him from performing his duties as a police officer. While no monetary measure will ever properly compensate for the sacrifice that he has made, the town of Yarmouth seeks to grant certain retirement benefits to him. This legislation would direct the Barnstable County Retirement Board to retire Officer Van Ness and provide him a pension that reflects the extent of his injuries and additional benefits, including indemnification for costs associated with related medical treatment not otherwise covered by health insurance.

I urge your early and favorable consideration of this bill.

Respectfully submitted,

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the disability retirement of Christopher Van Ness, a police officer in the town of Yarmouth.

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. (a) Notwithstanding any general or special law to the contrary and in order
2 to promote the public good, the retirement board of Barnstable county shall retire Christopher
3 Van Ness, a police officer in the Yarmouth Police Department, who was injured in the line of
4 duty and, as a result, is permanently incapacitated from performing the essential duties of a
5 police officer. The retirement benefits shall be paid and administered in accordance with section
6 7 of chapter 32 of the General Laws. Upon retirement, Christopher Van Ness shall receive a
7 lump sum payment from said retirement board equal to his total accumulated retirement
8 deductions.

9 (b) The annual amount of pension payable to Christopher Van Ness shall be equal to the
10 regular rate of compensation which would have been payable to him had he continued in service
11 as a police officer at the grade held by him at the time of his retirement until his death or until
12 reaching age 65, whichever first occurs. The retirement shall become effective commencing on
13 the date immediately following the final day for which Christopher Van Ness received regular

14 compensation for such employment. The additional benefits granted in this act shall be funded
15 and administered by said retirement board, consistent with and subject to said chapter 32, except
16 that sections 8, 91 and 91A of said chapter 32 shall not apply. All amounts paid under this act
17 shall be nontaxable.

18 (c) Upon attaining age 65, Christopher Van Ness shall receive a pension pursuant to
19 section 7 of said chapter 32, the yearly amount of which shall be equal to 80 per cent of the
20 average annual rate of compensation paid to him in the previous 12 months.

21 (d) If Christopher Van Ness shall be married at the time of his retirement, then, upon his
22 death, said retirement board shall pay his surviving spouse if then living, a pension, payable in
23 monthly installments in the amount of 75 per cent of the annualized amount of the pension
24 payable to Christopher Van Ness on the date of his death. The pension shall be subject to section
25 103 of said chapter 32.

26 (e) Christopher Van Ness shall be indemnified for hospital, medical and other healthcare
27 expenses related to treatment of injuries sustained while in the line of duty on April 12, 2018 not
28 otherwise covered by health insurance.

29 SECTION 2. This act shall take effect upon its passage.