

SENATE No. 01283

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to pension reform.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>

SENATE No. 01283

By Ms. Creem, petition (accompanied by bill, Senate, No. 1283) of Khan, Dykema and Creem for legislation relative to pension reform [Joint Committee on Public Service].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to pension reform.

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. Paragraph (a) of subdivision (2) of said section 5 of chapter 32, as so
2 appearing, is hereby amended by adding the following sentence:- The retirement allowance for
3 members who have served in more than one group shall be prorated by applying the percentage
4 for each group to the number of years of service in that group.

5 SECTION 2. Section 10 of said chapter 32, as amended by sections 9 to 13 of chapter
6 21 of the acts of 2009, is hereby further amended by striking out subdivisions (1) and (2) and
7 inserting in place thereof the following subdivision:-

8 (1) Any member classified in Group 1, Group 2 or Group 4, who has completed 10 or more years
9 of creditable service, and who fails of nomination or re-election, or fails to become a candidate
10 for nomination, re-election or election, or fails of reappointment, or is removed or discharged
11 from his office or position without moral turpitude on his part, or accepts, during or prior to the

12 expiration of a term for which he was elected, appointment to an office or position the
13 acceptance of which requires under the constitution of the commonwealth resignation from the
14 general court, or any such member whose office or position is abolished, or who resigns or
15 voluntarily terminates his service, who leaves his accumulated total deductions in the annuity
16 savings fund of the system of which he is a member, shall have the right upon attaining the
17 minimum retirement age for his Group, or at any time thereafter, to apply for a superannuation
18 retirement allowance to become effective as provided for in subdivision (3) of this section. Such
19 allowance shall be determined in accordance with section 5 or any other section governing
20 superannuation retirement applicable to such member upon the basis of the member's age on the
21 date when the retirement allowance becomes effective, with an amount of creditable service
22 equal to that with which he was credited on the date of his termination of service.

23 SECTION 3. Whenever, in chapter 32 of the General Laws, a reference is made to 3
24 years of creditable service or 3 consecutive years of creditable service, the number 3 shall be
25 taken to mean 5.

26 SECTION 4. Paragraph (a) subsection (2) of Section 5 of Chapter 32 of the General
27 Laws, as appearing in the 2008 Official Edition is hereby amended by adding the following:-
28 Provided, however, that such retirement allowance shall not exceed by more than eighty percent
29 a retirement allowance based on the average rate of regular annual compensation received by
30 such member during any period of ten years of creditable service, whether consecutive or not, for
31 which such rate of compensation was the highest, or on the average annual rate of compensation
32 received by such member during the period or periods whether consecutive or not, constituting
33 his last ten years of creditable service preceding retirement, whichever is greater, and shall be

34 computed according to the following table based on the age of such member and his number of
35 years and full months of creditable service at the time of his retirement.

36 SECTION 5. Paragraph (a) of section 91 of chapter 32 of the General Laws, as
37 appearing in the 2008 Official Edition, is hereby amended in line 85 by adding after the words
38 “of the people” the following:- “provided however that such election is not to the same office
39 from which such person had served in the term, or any portion of such term, immediately prior to
40 such election,”

41 SECTION 6. Notwithstanding any general or special law to the contrary and except as
42 expressly provided otherwise, sections 2 and 3 shall apply only to employees who become
43 members of a retirement system after July 1, 2011.