SENATE DOCKET, NO. 1003 FILED ON: 1/20/2011

SENATE . . . . . No. 1283

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:

An Act relative to pension reform.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	☐ *[District]* ☐
Carolyn C. Dykema	*8th Middlesex*
Kay Khan	*11th Middlesex*

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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

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:

SECTION 1. Paragraph (a) of subdivision (2) of said section 5 of chapter 32, as so appearing, is hereby amended by adding the following sentence:- The retirement allowance for members who have served in more than one group shall be prorated by applying the percentage for each group to the number of years of service in that group.

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

(1) Any member classified in Group 1, Group 2 or Group 4, who has completed 10 or more years of creditable service, and who fails of nomination or re-election, or fails to become a candidate for nomination, re-election or election, or fails of reappointment, or is removed or discharged from his office or position without moral turpitude on his part, or accepts, during or prior to the expiration of a term for which he was elected, appointment to an office or position the acceptance of which requires under the constitution of the commonwealth resignation from the general court, or any such member whose office or position is abolished, or who resigns or voluntarily terminates his service, who leaves his accumulated total deductions in the annuity savings fund of the system of which he is a member, shall have the right upon attaining the minimum retirement age for his Group, or at any time thereafter, to apply for a superannuation retirement allowance to become effective as provided for in subdivision (3) of this section. Such allowance shall be determined in accordance with section 5 or any other section governing superannuation retirement applicable to such member upon the basis of the member's age on the date when the retirement allowance becomes effective, with an amount of creditable service 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
24 made to 3 years of creditable service or 3 consecutive years of creditable service, the number 3
25 shall be taken to mean 5.

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

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

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