SENATE DOCKET, NO. 1797 FILED ON: 1/21/2011

SENATE . . . . . No. 1315

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 ordinary disability retirements..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John F. Keenan	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 1797 FILED ON: 1/21/2011

SENATE . . . . . No. 1315

By Mr. Keenan, petition (accompanied by bill, Senate, No. 1315) of Keenan for legislation relative to ordinary disability retirements [Joint Committee on Public Service].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1154* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to ordinary disability retirements..

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. Subdivision (2) of section 6 of chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in lines 57 and 59 by inserting after the word "fifty-five" the following words:- or upon acceptance by a retirement system, age sixty.

SECTION 2. Said subdivision (2) of section 6 of chapter 32, as so appearing, is hereby further amended in paragraph (a) by inserting at the end thereof the following sentences:- Acceptance of the age sixty option provided for by this paragraph shall be by a majority vote of the board of each such system, subject to the approval of the legislative body. For the purposes herein, "legislative body" shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commission. For purposes herein, the state teachers' and state employees' retirement systems shall be deemed to have accepted the age sixty option.

SECTION 3. Said subdivision (2) of section 6 of chapter 32, as so appearing, is hereby further amended in paragraph (b) by deleting subparagraph (ii) and inserting in place thereof the following subparagraph:-

(ii) A yearly amount of pension equal to one-half of the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective; provided, that if he has not attained the age fifty-five or, upon acceptance by a retirement system as provided for by this subdivision, age sixty on or before such date, the normal yearly amount of such allowance shall in no event be less than that to which he would be entitled if he were retired under the provisions of paragraph (a) of this subdivision, and provided, that if he has attained age fifty-five or upon acceptance by a retirement system as provided for by this subdivision, age sixty on or before such date, the normal yearly amount of such allowance shall in no event be less than that to which he would be entitled if he were to be retired for superannuation under the provisions of section five as prescribed for a member of his group; and provided, that the normal yearly amount of such allowance shall not exceed four-fifths of the average annual rate of his regular compensation during the five-year period of his creditable service subsequent to June thirtieth, nineteen hundred and thirty-two, for which such rate was the highest, anything in this section to the contrary notwithstanding.

Acceptance of this provision by a retirement system shall be by a majority vote of the board of each such system, subject to the approval of the legislative body. For the purposes herein, “legislative body” shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commission. For purposes herein, the state teachers’ and state employees’ retirement systems shall be deemed to have accepted this provision.