

HOUSE No. 2787

By Mr. Walsh of Boston, petition of Martin J. Walsh relative to disability retirement benefits of certain public employees. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO DISABILITY RETIREMENT BENEFITS.

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. Notwithstanding any general or special law or rule
2 or regulation to the contrary, any member of a system, as defined
3 under section 1 of chapter 32 of the General Laws, that has accepted
4 the provisions of this act, who retired under section 7 of said
5 chapter 32 prior to November 7, 1996 who had elected to have his
6 retirement allowance paid in accordance with the terms of option (b)
7 of subdivision (2) of section 12 of said chapter 32 or, if said retiree
8 is deceased, his beneficiary named in accordance with said option
9 (b) of said subdivision (2) may make a new election to have said
10 retirement allowance paid to the same beneficiary in accordance
11 with the terms of option (c) of said subdivision (2); provided, how-
12 ever, that said retiree or beneficiary shall repay into the appropriate
13 retirement system, on such terms as the retirement board of said
14 system deems appropriate, but in no case shall said repayment be
15 required to be paid in full in less than one year, an amount equal to
16 the difference between the retirement allowance that said retiree and
17 beneficiary actually received and said allowance that said retiree and
18 beneficiary would have received had said allowance been paid in
19 accordance with the terms of said option (c), plus regular interest as
20 defined in section 1 of said chapter 32; and provided further, that
21 such election shall be filed not more than 180 days following the
22 notification of said retiree or beneficiary by the appropriate retire-
23 ment system having accepted the provisions of this act; and pro-
24 vided, further, that any beneficiary so named pursuant to the

25 provisions of this act shall be ineligible to receive benefits pursuant
26 to the provisions of section 101 of said chapter 32.

27 For any such retiree who is married, a new election made pur-
28 suant to the provisions of this act shall not be valid unless it is
29 accompanied by the signature of the retiree's spouse indicating the
30 retiree's spouse's knowledge and understanding of the terms of said
31 option (c). The retirement board shall provide the retiree and spouse
32 with detailed information regarding said option (c) in order for the
33 retiree and spouse to make an informed decision regarding said
34 option. If any retiree who is married files an election pursuant to the
35 provisions of this act which is not so accompanied, the board shall
36 within 15 days notify the retiree's spouse by registered mail of the
37 option (c) election and of the spouse's right to sign and return an
38 acknowledgment of receipt and understanding of such information
39 within 30 days after receipt of the acknowledgment. Such election
40 shall not take effect until it is accompanied by the signature of the
41 retiree's spouse; provided, however, that no such signature shall be
42 required if the spouse fails to submit such signed acknowledgment
43 on or before the thirtieth day from receipt of the information from
44 the retirement board. Such election made prior to the spousal notifi-
45 cation may be changed in accordance with the spouses under-
46 standing of said option (c). Nothing in this act shall be deemed to
47 affect the effective date of any retirement allowance. The provisions
48 of this paragraph shall not apply in the case of a member who is
49 divorced and who has previously filed with the retirement board a
50 domestic relations order which has been entered by the probate court
51 and provides for the option to be elected by the member.

1 SECTION 2. Any system may accept the provisions of section 2
2 by majority vote of the board of each such system, subject to the
3 approval of the legislative body. For purposes of this paragraph,
4 "legislative body" shall mean a town meeting in a town, the city
5 council in a city, the county retirement board advisory council in a
6 county, and the district members in a district. Acceptance shall be
7 deemed to have occurred upon the filing of a certification of such
8 votes with the commission. The state employees' and state teachers'
9 retirement systems shall be deemed to have accepted the provisions
10 of this act.