

**SENATE . . . . . No. 1041**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Cynthia Stone Creem**

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*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 early retirement and the termination retirement allowance .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	First Middlesex and Norfolk
Patricia D. Jehlen	Second Middlesex
Sonia Chang-Díaz	Second Suffolk
Susan C. Tucker	Second Essex and Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO EARLY RETIREMENT AND THE TERMINATION RETIREMENT ALLOWANCE .

*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. Section 10 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is  
2 hereby amended by striking it in its entirety and inserting in place there of the following:-  
3 Section 10. (1) (a) Any member classified in Group 1, Group 2 or Group 4, who has completed  
4 six or more years of creditable service, and who fails of nomination or re-election, or fails to  
5 become a candidate for nomination, re-election or election, or fails of reappointment, or is  
6 removed or discharged from his office or position without moral turpitude on his part, or accepts  
7 during, or prior to the expiration of a term for which he was elected appointment to an office or  
8 position the acceptance of which requires under the constitution of the commonwealth  
9 resignation from the general court, or any such member whose office or position is abolished,  
10 who leaves his accumulated total deductions in the annuity savings fund of the system of which  
11 he is a member, shall have the right upon attaining age fifty-five, or at any time thereafter, to  
12 apply for a termination retirement allowance to become effective as provided for in subdivision  
13 (3) of this section. Such allowance shall be determined in accordance with the provisions of  
14 section five, or the provisions of any other section governing superannuation retirement

15 applicable to such member upon the basis of such member's age on the date when the retirement  
16 allowance becomes effective, with an amount of creditable service equal to that with which he  
17 was credited on the date of his termination of service.

18 (b) Any member classified in Group 1, Group 2 or Group 4, who has completed ten or more  
19 years of creditable service, and who resigns or voluntarily terminates his service and leaves his  
20 accumulated total deductions in the annuity savings fund of the system of which he is a member,  
21 shall have the right upon attaining age fifty-five, or at any time thereafter, to apply for a  
22 termination retirement allowance to become effective as provided for in subdivision (3) of this  
23 section. Such allowance shall be determined in accordance with the provisions of section five or  
24 the provisions of any other section governing superannuation retirement applicable to such  
25 member upon the basis of such member's age on the date when the retirement allowance  
26 becomes effective, with an amount of creditable service equal to that with which he was credited  
27 on the date of his termination of service.

28 (c) Any member who is removed or discharged for violation of the laws, rules and regulations  
29 applicable to his office or position, or any member whose removal or discharge was brought  
30 about by collusion or conspiracy, shall not be entitled to the retirement allowance provided for in  
31 this subdivision.

32 (2) *Right to Defer Receipt of Allowance.* — The retirement allowance of any member entitled  
33 thereto under the provisions of subdivision (1) of this section shall become effective on the date  
34 of his termination of service if his written application therefor is filed with the board not more  
35 than sixty days after such date; otherwise his retirement allowance shall be deferred. Any such  
36 member may, at any time thereafter and before attaining the maximum age for his group, file  
37 with the board his written application for such retirement allowance, and thereupon such

38 retirement allowance shall become effective on the date which shall be specified in such  
39 application and which shall be not less than fifteen days nor more than four months after the  
40 filing of such application but in no event later than the maximum age for his group. The  
41 retirement allowance of any such member who fails to file a written application therefor as  
42 provided for in this subdivision shall nevertheless become effective upon his attainment of the  
43 maximum age for his group unless prior to such age his accumulated total deductions have been  
44 returned as provided for in this section and in section eleven. Payments under such allowance  
45 shall be made as provided for in sections twelve and thirteen. The amount of such retirement  
46 allowance shall be based upon such member's creditable service only for the period prior to the  
47 actual date of his termination of service; provided, that if such member later becomes reinstated,  
48 re-employed or re-elected and restored to active membership in accordance with the provisions  
49 of section three, the amount of his retirement allowance shall also include credit for any  
50 subsequent period of his creditable service.

51 (3) *Right to a Return of Accumulated Total Deductions.* — Any retirement allowance granted to  
52 a member in accordance with the provisions of sections one to twenty-eight inclusive, except as  
53 otherwise provided for in subdivision (3) of section twenty-five, shall be in lieu of the payment  
54 to him of his accumulated total deductions. Any member not entitled to a retirement allowance in  
55 accordance with the provisions of sections one to twenty-eight inclusive, or any member entitled  
56 to a retirement allowance as provided for in this section whose allowance has not become  
57 effective, shall be paid the amount of his accumulated total deductions as provided for in  
58 subdivision (1) of section eleven upon his written request therefor on a prescribed form filed  
59 with the board on or after the date of his termination of service, except as provided for in section  
60 11 or section fifteen.

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