SENATE DOCKET, NO. 961 FILED ON: 1/15/2015

SENATE . . . . . No. 1337

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo

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 adoption of the accompanying bill:

An Act relative to the conversion of certain disability retirements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato M. deMacedo	*Plymouth and Barnstable*

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SENATE . . . . . No. 1337

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 1337) of Viriato M. deMacedo relative to the conversion of certain disability retirements of public employees. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2286* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the conversion of certain 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. Section 8 of Chapter 32 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting, at the end thereof, the following new section:-

Section 8A. A member retired under the provisions of sections 6 or 7 of this chapter, may, in place of the benefit provided thereunder, upon written application in a form prescribed by the commission and filed with the board, elect to receive a benefit pursuant to the provisions of this section.

The normal yearly retirement allowance for a member who so elects shall be computed by multiplying two and one-half percent of the regular compensation upon which the benefit under section 6 or 7 was based, by the number of years and full months of creditable service in effect for the member at the time of the member's retirement plus the number of years and full

11 months between the date of retirement and the date of election, plus the accrued amount of any
12 cost of living adjustments granted under section 102 or 103 of this chapter. Such total normal
13 yearly amount of retirement allowance, as determined in accordance with the provisions of this
14 section, shall not exceed the total yearly retirement allowance paid to the member at the time of
15 application for conversion under this section, provided however, that any reduction resulting
16 from a modification made under clause (3) of section 8 or section 91A of this chapter shall not be
17 considered in the calculation of the total normal yearly amount of retirement allowance.

18 Upon making the election provided herein, the member and the retirement allowance
19 shall, for purposes of this chapter, be treated as if retirement had taken place pursuant to section
20 5, provided, however, that the member shall be subject to the provisions of clause (3) of section 8
21 or section 91A of this chapter for periods prior to the election under this section.

22 A member electing a benefit under this section may elect to have the allowance paid in
23 accordance with the terms of option (a), option (b) or option (c) of subdivision (2) of section 12,
24 provided, however, that in no event shall benefits be paid to the same beneficiary or to separate
25 beneficiaries, pursuant to the provisions of both said option (b) or option (c) and section 9 of this
26 chapter. In the event that a member elects not to receive benefits pursuant to this section and was
27 unable to provide any annual allowance to be paid his widow at the time of his death, such
28 widow will be entitled to receive benefits under section 9 or 101 of this chapter.