

SENATE No. 1123

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to provide accountability, efficiency, and equity to retirement systems..

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 11 of Chapter 32 of the General Laws is hereby amended by
2 inserting the following subparagraph on paragraph (1):- (d) If a member is entitled to a return of
3 his accumulated total deductions and requests such a return from the board on the proscribed
4 form, prior to the return of such accumulated total deductions, the board shall contact such
5 member’s employer to determine whether such member owes an obligation to the employer
6 under the terms of any employee benefit plan, including a cafeteria plan established pursuant to
7 section 125 of Title 26 of the United States Code. If it is determined that the member owes the
8 employer under the terms of any such plan, the board shall not return the accumulated total
9 deductions until it has received notice from the employer that the obligation has been satisfied.

10 SECTION 2. Section 13 of chapter 32 of the general laws is hereby amended by inserting
11 after the second paragraph, the following: (c) A retirement board may require any member
12 entitled to receive a retirement allowance to designate a financial institution to which shall be
13 directly deposited any payments under any annuity, pension or retirement allowance.

14 SECTION 3. Section 19A of Chapter 32 is hereby amended by striking the first
15 paragraph thereof and inserting in its place the following: Section 19A. Any employee of the
16 commonwealth, a city, town, district or other member unit of a retirement system who is retired
17 under this chapter shall, upon the request of the retiring authority paying such pension or
18 retirement allowance, or otherwise may, by assignment made in writing authorize the retiring
19 authority paying such pension or retirement allowance to withhold each month such amount as
20 he may designate for the payment of subscriber premiums applicable to any hospitalization,
21 medical or surgical insurance in effect with a non-profit hospital and medical service corporation
22 or insurance company at the time of his retirement. In the event that the amount of a retiree's
23 pension check is insufficient to accommodate the entire deduction and upon notice from the
24 retirement board, the employer for whom the retiree last worked and from whom he is retired
25 shall bill the retiree for the employee share of the premiums.

26 SECTION 4. Paragraph (5) of Section 20 of Chapter 32 of the General Laws is hereby
27 amended by inserting at the end thereof the following: (m) A retirement board may create,
28 designate, or approve agencies or instrumentalities to provide members with information about
29 retirement planning and options and to provide retirees with information about benefits and to do
30 all other things necessary and desirable to support the purposes of the retirement system.

31 SECTION 5. Paragraph (6) of said section 20 of Chapter 32 of the General Laws is
32 hereby amended by striking, each time they appear, the words "three thousand" and inserting in
33 place thereof the following:- up to seven thousand five hundred.

34 SECTION 6. Said section 20 of Chapter 32 of the general laws is hereby amended by
35 inserting at the end thereof the following:- Notwithstanding the provisions of any general or

36 special law to the contrary, a member of a retirement board may participate in a meeting of the
37 board and may cast votes on matters considered at such meetings via telephone.

38 SECTION 7. Section 9 of Chapter 32B of the general laws is hereby amended by
39 inserting at the end thereof the following:- No municipality shall deny a retiree the right to enroll
40 in such municipality's group health insurance plan by reason of the fact that such retiree had not
41 enrolled in such plan prior to retirement.

42 SECTION 8. Section 9E of Chapter 32B is hereby amended by inserting at the end
43 thereof the following: No city, town, district, regional school district, veterans service district,
44 welfare district or health district shall reduce a subsidiary or additional rate paid for the group
45 life, hospital, surgical, medical, dental or other health insurance for employees retired from such,
46 city, town, district, regional school district, veterans service district, welfare district or health
47 district until a hearing has been held for the specific purpose of reducing the subsidiary or
48 additional rate and for which all retirees affected by such action have been notified in writing at
49 least 30 days in advance of said hearing.

50 Notwithstanding the provisions of any general or special law to the contrary a retiree or
51 spouse of a retiree shall qualify for health insurance benefits pursuant to this chapter at any time
52 said retiree or spouse continues to collect a pension or retirement benefit pursuant to chapter 32.

53 SECTION 9. Section 16 of Chapter 32B of the general laws is hereby amended by
54 inserting at the end thereof the following:- No municipality shall deny a retiree the right to enroll
55 in such municipality's group health insurance plan by reason of the fact that such retiree had not
56 enrolled in such plan prior to retirement.

57 SECTION 10. Chapter 32B of the general laws is hereby amended by inserting at the
58 end thereof a new section.

59 Section 17. Any rights provided pursuant to Chapter 32B to an employee retired from
60 service or the surviving spouse or dependant of such retired employee may be enforced by the
61 retirement board from which said retired employee, surviving spouse or dependant receives a
62 pension or retirement allowance. Any retirement board may vote, by a majority of its members,
63 to enforce the rights granted pursuant to Chapter 32B.

64 SECTION 11. Section 19 of Chapter 34B of the General laws is hereby amended by
65 striking in paragraph (6) (h) the word “five” each time it appears and inserting in place thereof
66 the following:- twenty-five

67 SECTION 12. Said section 19 of Chapter 34B of the general laws is hereby further
68 amended by inserting at the end thereof the following:- (m) Notwithstanding the provisions of
69 any general or special law to the contrary, a member of a regional retirement board may
70 participate in a meeting of the board and may cast votes on matters considered at such meetings
71 via telephone.

72 SECTION 13. Notwithstanding the provisions of any general or special law to the
73 contrary, no provisions of this act shall be applicable until they have been adopted by a majority
74 vote of a retirement board.