

HOUSE No. 3452

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the investment of other post employment benefits trust funds established by municipalities and certain other governmental units.

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 24 of Chapter 32A is hereby amended by amending subsection (d) as follows,
2 renumbering subsection (e) as subsection (g) and inserting the following new subsections (e) and
3 (f):

4 (d) Upon authorization by the board, any retirement system of the commonwealth, with
5 the exception of any district or regional system and any county, city or town contributory
6 retirement system, may participate in the fund using the same procedures required for
7 participation in the PRIT Fund pursuant to section 22 of Chapter 32.

8 (e) Municipalities and other governmental units that establish trusts pursuant to Chapter
9 479 of the Acts of 2008 or any other legislation for the purpose of funding their liabilities for
10 retired employees' health care and other non-pension benefits shall transfer ownership and
11 control of all the assets of the trust, as well as any subsequent appropriations or contributions
12 made thereto, to the State Retiree Benefits Trust if during any three consecutive years the annual
13 investment performance of a municipal or other governmental unit OPEB trust does not exceed

14 the annual investment performance of the SRBT, or if over any five year period the investment
15 performance of a municipal or other governmental unit OPEB trust does not exceed the five year
16 investment performance of the SRBT. The board shall hold such assets in trust for the
17 participating municipalities and other governmental units. The board shall credit assets and
18 earnings on such assets to the individual municipalities and other governmental units. The board
19 shall transfer monies to the various trusts of the participating municipalities and other
20 governmental units to allow them to meet their obligations to fund retired employees' health care
21 and other non-pension benefits. The chief executive officer or chief administrator of each
22 participating municipality or other governmental unit shall notify the board of the amounts
23 needed to meet such obligations for the next fiscal year no later than ninety days before the start
24 of said fiscal year. The board shall develop a schedule of transfers to be made during said fiscal
25 year and notify the participating municipalities and other governmental units of that schedule no
26 later than thirty days prior to the start of said fiscal year. The board shall transfer such amounts
27 in accordance with said schedule during the course of said fiscal year.

28 (f) No city, town, district, county or municipal lighting plant may transfer ownership or
29 control of any assets dedicated toward funding their future liabilities for retired employees'
30 health care and other non-pension benefits to any entity other than the State Retiree Benefits
31 Trust, with the exception of those funds that are to be used within 60 days to pay for retired
32 employees' health care or other non-pension benefits.