

**SENATE . . . . . No. 1283**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Cynthia S. Creem*

*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 pension reform.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>

**SENATE . . . . . No. 1283**

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By Ms. Creem, petition (accompanied by bill, Senate, No. 1283) of Khan, Dykema and Creem for legislation relative to pension reform [Joint Committee on Public Service].

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to pension reform.

*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. Paragraph (a) of subdivision (2) of said section 5 of chapter 32,  
2 as so appearing, is hereby amended by adding the following sentence:- The retirement allowance  
3 for members who have served in more than one group shall be prorated by applying the  
4 percentage for each group to the number of years of service in that group.

5                   SECTION 2. Section 10 of said chapter 32, as amended by sections 9 to 13 of  
6 chapter 21 of the acts of 2009, is hereby further amended by striking out subdivisions (1) and (2)  
7 and inserting in place thereof the following subdivision:-

8                   (1) Any member classified in Group 1, Group 2 or Group 4, who has completed 10 or  
9 more years of creditable service, and who fails of nomination or re-election, or fails to become a  
10 candidate for nomination, re-election or election, or fails of reappointment, or is removed or  
11 discharged from his office or position without moral turpitude on his part, or accepts, during or  
12 prior to the expiration of a term for which he was elected, appointment to an office or position  
13 the acceptance of which requires under the constitution of the commonwealth resignation from

14 the general court, or any such member whose office or position is abolished, or who resigns or  
15 voluntarily terminates his service, who leaves his accumulated total deductions in the annuity  
16 savings fund of the system of which he is a member, shall have the right upon attaining the  
17 minimum retirement age for his Group, or at any time thereafter, to apply for a superannuation  
18 retirement allowance to become effective as provided for in subdivision (3) of this section. Such  
19 allowance shall be determined in accordance with section 5 or any other section governing  
20 superannuation retirement applicable to such member upon the basis of the member's age on the  
21 date when the retirement allowance becomes effective, with an amount of creditable service  
22 equal to that with which he was credited on the date of his termination of service.

23 SECTION 3. Whenever, in chapter 32 of the General Laws, a reference is  
24 made to 3 years of creditable service or 3 consecutive years of creditable service, the number 3  
25 shall be taken to mean 5.

26 SECTION 4. Paragraph (a) subsection (2) of Section 5 of Chapter 32 of the  
27 General Laws, as appearing in the 2008 Official Edition is hereby amended by adding the  
28 following:- Provided, however, that such retirement allowance shall not exceed by more than  
29 eighty percent a retirement allowance based on the average rate of regular annual compensation  
30 received by such member during any period of ten years of creditable service, whether  
31 consecutive or not, for which such rate of compensation was the highest, or on the average  
32 annual rate of compensation received by such member during the period or periods whether  
33 consecutive or not, constituting his last ten years of creditable service preceding retirement,  
34 whichever is greater, and shall be computed according to the following table based on the age of  
35 such member and his number of years and full months of creditable service at the time of his  
36 retirement.

37                   SECTION 5. Paragraph (a) of section 91 of chapter 32 of the General Laws, as  
38 appearing in the 2008 Official Edition, is hereby amended in line 85 by adding after the words  
39 “of the people” the following:- “provided however that such election is not to the same office  
40 from which such person had served in the term, or any portion of such term, immediately prior to  
41 such election,”

42                   SECTION 6. Notwithstanding any general or special law to the contrary and  
43 except as expressly provided otherwise, sections 2 and 3 shall apply only to employees who  
44 become members of a retirement system after July 1, 2011.