

**HOUSE . . . . . No. 2258**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Tackey Chan*

*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 ordinary disability retirement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/17/2013</i>

**HOUSE . . . . . No. 2258**

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 2258) of Tackey Chan relative to ordinary disability public employee retirement. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2428 OF 2011-2012.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

An Act relative to ordinary disability retirement.

*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. Subdivision (2) of section 6 of chapter 32 of the General Laws, as  
2 appearing in the 2008 Official Edition, is hereby amended in lines 56, 57 and 59 by inserting  
3 after the word “fifty-five” the following words:- or upon acceptance by a retirement system, age  
4 sixty.

5  
6 SECTION 2. Said subdivision (2) of section 6 of chapter 32, as so appearing, is hereby  
7 further amended in paragraph (a) by inserting in Line 69 at the end thereof the following  
8 sentences:- Acceptance of the age sixty option provided for by this paragraph shall be by a  
9 majority vote of the board of each such system, subject to the approval of the legislative body.  
10 For the purposes herein, “legislative body” shall mean, in the case of a city, the city council in  
11 accordance with its charter, in the case of a town, the town meeting, in the case of a county, the  
12 county retirement board advisory council, in the case of a region, the regional retirement board  
13 advisory council, in the case of a district, the district members, and, in the case of an authority,  
14 the governing body. Acceptance shall be deemed to have occurred upon the filing of a  
15 certification of such votes with the commission. For purposes herein, the state teachers’ and  
16 state employees’ retirement systems shall be deemed to have accepted the age sixty option..

17 SECTION 3. Said subdivision (2) of section 6 of chapter 32, as so appearing, is hereby  
18 further amended in paragraph (b) by deleting subparagraph (ii) and inserting in place thereof the  
19 following subparagraph:-

20 (ii) A yearly amount of pension equal to one-half of the average annual rate of his regular  
21 compensation for the twelve-month period for which he last received regular compensation  
22 immediately preceding the date his retirement allowance becomes effective; provided, that if he  
23 has not attained the age fifty-five or, upon acceptance by a retirement system as provided for by  
24 this subdivision, age sixty on or before such date, the normal yearly amount of such allowance  
25 shall in no event be less than that to which he would be entitled if he were retired under the  
26 provisions of paragraph (a) of this subdivision, and provided, that if he has attained age fifty-five  
27 or upon acceptance by a retirement system as provided for by this subdivision, age sixty on or  
28 before such date, the normal yearly amount of such allowance shall in no event be less than that  
29 to which he would be entitled if he were to be retired for superannuation under the provisions of  
30 section five as prescribed for a member of his group; and provided, that the normal yearly  
31 amount of such allowance shall not exceed four-fifths of the average annual rate of his regular  
32 compensation during the five-year period of his creditable service subsequent to June thirtieth,  
33 nineteen hundred and thirty-two, for which such rate was the highest, anything in this section to  
34 the contrary notwithstanding.

35 Acceptance of this provision by a retirement system shall be by a majority vote of the  
36 board of each such system, subject to the approval of the legislative body. For the purposes  
37 herein, "legislative body" shall mean, in the case of a city, the city council in accordance with its  
38 charter, in the case of a town, the town meeting, in the case of a county, the county retirement  
39 board advisory council, in the case of a region, the regional retirement board advisory council, in  
40 the case of a district, the district members, and, in the case of an authority, the governing body.  
41 Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with  
42 the commission. For purposes herein, the state teachers' and state employees' retirement  
43 systems shall be deemed to have accepted this provision.