HOUSE DOCKET, NO. 3852 FILED ON: 5/13/2015

HOUSE . . . . . No. 3566

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 a technical correction of the pension statute.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. O'Day	*14th Worcester*

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HOUSE . . . . . No. 3566

By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day relative to accidental death benefits. Public Service.

The Commonwealth of Massachusetts

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

An Act relative to a technical correction of the pension statute.

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

Subdivision 2 of Section 9 of chapter 32 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended in line 43 by inserting the following after the word "thirteen";

, provided, however, that if a beneficiary is eligible for benefits under this section, and is also eligible for benefits under the provisions of option (c) of section 12, the beneficiary shall elect to receive either a benefit pursuant to said option (c) or a benefit pursuant to this section, but in no event shall the beneficiary be eligible for both benefits, and provided further, that in no event shall both a full section 9 benefit and a full option (c) benefit be paid concurrently to two different beneficiaries on account of one member.

Section 2

12 Paragraph (a) of subdivision (2) of section 9 of Chapter 32 of the General Laws, as
13 appearing in the 2012 Official Edition, is hereby amended by striking said paragraph and
14 inserting in place thereof the following:

15 (a) To the surviving spouse of such member so long as such spouse survives;
16 provided, that they had been living together at the time of such member's death or the board
17 finds that they had been living apart at such time for justifiable cause or because of the desertion
18 of such spouse by such member; provided further that if there is an ex-spouse named as an
19 option c beneficiary pursuant to a qualified domestic relations order, on file with the retirement
20 board, said option c benefit shall be paid and any amount so paid shall be deducted from the
21 benefit calculated pursuant to subdivision 2 of this section.

22 Section 3

23 Subdivision (1) of Section 12 of chapter 32 of the General Laws, as appearing in the 2012
24 official edition, is hereby amended in line 14 by adding the following after the word "benefits"

25 , and provided further, that in no event shall both a full section 9 and a full option (c)
26 benefit be paid to two different beneficiaries on account of one member.

27 Section 4

28 This act shall only apply to benefits first granted on or after July 1, 2015, including
29 benefits pursuant to section 12(2)(c).