

SENATE No. 2209

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 the Massachusetts teachers retirement system.

PETITION OF:

NAME:

Cindy F. Friedman

DISTRICT/ADDRESS:

Fourth Middlesex

SENATE No. 2209

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the Massachusetts teachers retirement system.

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. Clause (i) of paragraph (4) of section 5 of chapter 32 of the General Laws,
2 as appearing in the 2016 Official Edition, is hereby amended by striking, in lines 326-341, the
3 fourth through eighth sentences and inserting in place thereof the following sentences:-

4 Any member of a contributory retirement system who transfers into the teachers'
5 retirement system or transfers into the Boston retirement system as a teacher and begins
6 contributing to the teachers' retirement system or the Boston retirement system on or after
7 January 1, 2018 will be a mandatory participant in the alternative superannuation retirement
8 benefit program, unless the prior membership that is transferred includes service rendered before
9 January 1, 2018, in which case the member will have 180 days from the date that the teachers'
10 retirement system or Boston retirement system receives the transfer of the member's account
11 from the prior contributory retirement system to elect out of the alternative superannuation
12 retirement benefit program. Any member who participates in the alternative superannuation
13 retirement benefit program shall be required to make a minimum of five years of retirement
14 contributions at the rate of 11 per cent of regular compensation pursuant to section 22.

15 SECTION 2. Said clause (i) of said paragraph (4) of said section 5 of said chapter 32, as
16 so appearing, is hereby further amended by striking, in lines 365-372, the last sentence.

17 SECTION 3. Said section 5 of said chapter 32, as so appearing, is hereby further
18 amended by inserting after clause (i) of paragraph (4) the following clause:-

19 (ii) Notwithstanding the provisions of paragraph (i) of subdivision (4) of section 5 of
20 Chapter 32 of the General Law, any active or inactive member of the teachers' retirement system
21 or of the Boston retirement system who is a teacher who transferred to that system from another
22 contributory retirement system pursuant to section 3(8)(a) of chapter 32 and became eligible for
23 membership in and began contributing to the teachers' retirement system or the Boston
24 retirement system between July 1, 2001 and December 31, 2017, and who had not provided to
25 such retirement system before June 30, 2018 a written election to participate in the alternative
26 superannuation retirement benefit program will have a new, one-time opportunity to elect to
27 participate in the alternative superannuation retirement benefit program. Said election shall be
28 made on or after July 1, 2018 and before January 1, 2019, provided that a member who is
29 entitled to make an election under this section and who applies for retirement prior to the
30 foregoing election period shall be given a one-time opportunity to participate in the alternative
31 superannuation retirement benefit program prior to retirement; provided, further, that in any such
32 case where the teachers' retirement system or Boston retirement system receives the transfer of
33 the member's account on or after January 1, 2018, such member shall have 180 days from the
34 date that the teachers' retirement system or Boston retirement system receives the transfer of the
35 member's account from the prior retirement system to elect out of the alternative superannuation
36 retirement benefit program. Any member who participates in the alternative superannuation
37 retirement benefit program after having had the opportunity to elect to participate or not to

38 participate shall be required to contribute at the rate of 11 percent pursuant to section 22 and,
39 shall be required to pay make-up contributions to the rate of 11 percent, upon such terms and
40 conditions as the relevant retirement system may require, back to the date that such member
41 established membership in the teachers' retirement system or Boston retirement system.

42 SECTION 4. Said section 5 of said chapter 32, as so appearing, is hereby further
43 amended by striking the words "(ii)", in line 373, and inserting in place thereof the following
44 words:- (iii)

45 SECTION 5. Said section 5 of said chapter 32 is hereby further amended by inserting
46 after clause (iii) the following clause:-

47 (iv) Any election made pursuant to this subdivision 4 of section 5 shall be irrevocable.
48 Where the member has the opportunity to elect to participate in the alternative superannuation
49 retirement benefit program and fails to do so within the prescribed period, the member shall be
50 deemed to have elected not to participate in the alternative superannuation retirement benefit
51 program; where the member has the opportunity to elect not to participate in the alternative
52 superannuation retirement benefit program and fails to do so within the prescribed period, the
53 member shall be deemed to have elected to participate in the alternative superannuation
54 retirement benefit program. Any member who had the opportunity to elect to participate in the
55 alternative superannuation retirement benefit program and pays additional contributions, but
56 does not complete the creditable service or teaching service requirements set forth in paragraph
57 (iii) of subdivision 4 of this section 5, shall upon termination from membership in or retirement
58 from the system be reimbursed such additional contributions, plus regular interest, as determined
59 by the teachers' retirement board or the Boston retirement board.