

HOUSE No. 3749

The Commonwealth of Massachusetts

PRESENTED BY:

Paul F. Tucker and Joan B. Lovely

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 authorizing the retirement board of the City of Salem to retire Brian Benson, a police officer of the City of Salem.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>4/26/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/26/2019</i>

HOUSE No. 3749

By Representative Tucker of Salem and Senator Lovely, a joint petition (accompanied by bill, House, No. 3749) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and the city council) that the retirement board of the city of Salem be authorized to retire Brian Benson, a police officer of said city. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the retirement board of the City of Salem to retire Brian Benson, a police officer of the City of Salem.

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. (a) Notwithstanding any general or special law to the contrary, the Salem
2 retirement board shall retire Brian Benson, a police officer of the city of Salem, who as a result
3 of injuries sustained while in the performance of his duties in October, 2014, is totally and
4 permanently incapacitated from performing the essential duties of a police officer.

5 (b) The annual amount of pension payable to Brian Benson shall be equal to the regular
6 rate of compensation which would have been paid had he continued in service as a police officer
7 of the city of Salem at the grade held by him at the time of his retirement until his death or
8 reaching mandatory retirement age whichever comes first. The additional benefits granted in this
9 act shall be funded and administered by the Salem retirement board, consistent with and subject
10 to chapter 32 of the General Laws, except sections 8 and said 91A of said chapter 32 shall not
11 apply. All amounts paid under this act shall be non-taxable.

12 (c) Upon attaining the mandatory retirement age for a police officer in the city of Salem,
13 Brian Benson shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of
14 pension equal to 80 per cent of the annual rate of the compensation he was receiving on the day
15 before he reaches the mandatory retirement age for a police officer in the city of Salem.

16 SECTION 2. Brian Benson shall be entitled to receive indemnification for all hospital,
17 medical and related expenses that have been or may be incurred after the date of his retirement as
18 a result of the injuries sustained by him while in the performance of his duties in October, 2014,
19 in accordance with sections 100 and 100B of chapter 41 of the General Laws.

20 SECTION 3. In addition to the benefits granted herein and upon retirement, Brian
21 Benson shall receive a lump sum from the Salem retirement board equal to his total accumulated
22 retirement deductions.

23 SECTION 4. If Brian Benson is married at the time of retirement, then upon his death,
24 should his wife, Shannon, survive him, the Salem retirement board shall pay to her an annuity in
25 the amount of 75 per cent of the amount of the pension which otherwise would have been
26 payable to him until her death. The pension shall be subject to section 103 of chapter 32.

27 SECTION 5. In the event that both Brian Benson and his wife, Shannon, die before their
28 children reach the age of 18 or 22, as provided in this act, the payments that would otherwise
29 have been made to Shannon shall be payable, in equal shares, to each surviving child under the
30 age of 18; provided, however, that payments shall continue for the benefit of a surviving child 18
31 years or older who, on or before the date of death of Shannon or Brian, whichever is later, had
32 been medically determined to be permanently physically or mentally incapacitated from earning
33 or for the benefit of a child under the age of 22 who is enrolled as a full-time student.

SECTION 6. This act shall take effect upon its passage.