

**HOUSE . . . . . No. 2378**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*John C. Velis and Sean Garballey*

*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 Parkinson's disease disability and death in firefighters.

PETITION OF:

| NAME:                            | DISTRICT/ADDRESS:     | DATE ADDED:      |
|----------------------------------|-----------------------|------------------|
| <i>John C. Velis</i>             | <i>4th Hampden</i>    | <i>1/16/2019</i> |
| <i>Sean Garballey</i>            | <i>23rd Middlesex</i> | <i>1/17/2019</i> |
| <i>James Arciero</i>             | <i>2nd Middlesex</i>  | <i>1/31/2019</i> |
| <i>Bruce J. Ayers</i>            | <i>1st Norfolk</i>    | <i>2/1/2019</i>  |
| <i>John Barrett, III</i>         | <i>1st Berkshire</i>  | <i>1/31/2019</i> |
| <i>Jennifer E. Benson</i>        | <i>37th Middlesex</i> | <i>1/29/2019</i> |
| <i>Donald R. Berthiaume, Jr.</i> | <i>5th Worcester</i>  | <i>1/31/2019</i> |
| <i>David Biele</i>               | <i>4th Suffolk</i>    | <i>1/30/2019</i> |
| <i>Daniel Cahill</i>             | <i>10th Essex</i>     | <i>1/23/2019</i> |
| <i>Linda Dean Campbell</i>       | <i>15th Essex</i>     | <i>2/1/2019</i>  |
| <i>Gerard J. Cassidy</i>         | <i>9th Plymouth</i>   | <i>1/30/2019</i> |
| <i>Michelle L. Ciccolo</i>       | <i>15th Middlesex</i> | <i>2/1/2019</i>  |
| <i>Mike Connolly</i>             | <i>26th Middlesex</i> | <i>2/1/2019</i>  |
| <i>Angelo L. D'Emilia</i>        | <i>8th Plymouth</i>   | <i>1/30/2019</i> |
| <i>Marjorie C. Decker</i>        | <i>25th Middlesex</i> | <i>2/1/2019</i>  |
| <i>Diana DiZoglio</i>            | <i>First Essex</i>    | <i>1/31/2019</i> |
| <i>Shawn Dooley</i>              | <i>9th Norfolk</i>    | <i>1/22/2019</i> |
| <i>Michelle M. DuBois</i>        | <i>10th Plymouth</i>  | <i>1/31/2019</i> |

|                                    |  |                  |
|------------------------------------|--|------------------|
| <i>Kimberly N. Ferguson</i>        | <i>1st Worcester</i>                               | <i>2/1/2019</i>  |
| <i>William C. Galvin</i>           | <i>6th Norfolk</i>                                 | <i>1/31/2019</i> |
| <i>Denise C. Garlick</i>           | <i>13th Norfolk</i>                                | <i>2/1/2019</i>  |
| <i>Colleen M. Garry</i>            | <i>36th Middlesex</i>                              | <i>1/18/2019</i> |
| <i>Carmine Lawrence Gentile</i>    | <i>13th Middlesex</i>                              | <i>1/30/2019</i> |
| <i>Anne M. Gobi</i>                | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>1/24/2019</i> |
| <i>Carlos González</i>             | <i>10th Hampden</i>                                | <i>1/25/2019</i> |
| <i>Kenneth I. Gordon</i>           | <i>21st Middlesex</i>                              | <i>1/30/2019</i> |
| <i>Danielle W. Gregoire</i>        | <i>4th Middlesex</i>                               | <i>1/28/2019</i> |
| <i>James K. Hawkins</i>            | <i>2nd Bristol</i>                                 | <i>1/28/2019</i> |
| <i>Stephan Hay</i>                 | <i>3rd Worcester</i>                               | <i>1/22/2019</i> |
| <i>Natalie M. Higgins</i>          | <i>4th Worcester</i>                               | <i>2/1/2019</i>  |
| <i>Steven S. Howitt</i>            | <i>4th Bristol</i>                                 | <i>1/30/2019</i> |
| <i>Donald F. Humason, Jr.</i>      | <i>Second Hampden and Hampshire</i>                | <i>1/17/2019</i> |
| <i>Randy Hunt</i>                  | <i>5th Barnstable</i>                              | <i>1/21/2019</i> |
| <i>Patrick Joseph Kearney</i>      | <i>4th Plymouth</i>                                | <i>2/1/2019</i>  |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i>                              | <i>1/31/2019</i> |
| <i>Eric P. Lesser</i>              | <i>First Hampden and Hampshire</i>                 | <i>2/1/2019</i>  |
| <i>Jack Patrick Lewis</i>          | <i>7th Middlesex</i>                               | <i>1/24/2019</i> |
| <i>David Paul Linsky</i>           | <i>5th Middlesex</i>                               | <i>1/24/2019</i> |
| <i>Adrian C. Madaro</i>            | <i>1st Suffolk</i>                                 | <i>1/28/2019</i> |
| <i>Paul W. Mark</i>                | <i>2nd Berkshire</i>                               | <i>2/1/2019</i>  |
| <i>Joseph W. McGonagle, Jr.</i>    | <i>28th Middlesex</i>                              | <i>1/26/2019</i> |
| <i>Paul McMurtry</i>               | <i>11th Norfolk</i>                                | <i>1/30/2019</i> |
| <i>Christina A. Minicucci</i>      | <i>14th Essex</i>                                  | <i>1/31/2019</i> |
| <i>Mathew J. Muratore</i>          | <i>1st Plymouth</i>                                | <i>1/30/2019</i> |
| <i>Brian W. Murray</i>             | <i>10th Worcester</i>                              | <i>1/30/2019</i> |
| <i>Harold P. Naughton, Jr.</i>     | <i>12th Worcester</i>                              | <i>1/31/2019</i> |
| <i>Tram T. Nguyen</i>              | <i>18th Essex</i>                                  | <i>1/28/2019</i> |
| <i>Jerald A. Parisella</i>         | <i>6th Essex</i>                                   | <i>2/1/2019</i>  |
| <i>Angelo J. Puppolo, Jr.</i>      | <i>12th Hampden</i>                                | <i>1/23/2019</i> |
| <i>David Allen Robertson</i>       | <i>19th Middlesex</i>                              | <i>2/1/2019</i>  |
| <i>David M. Rogers</i>             | <i>24th Middlesex</i>                              | <i>2/1/2019</i>  |
| <i>John H. Rogers</i>              | <i>12th Norfolk</i>                                | <i>2/1/2019</i>  |
| <i>Daniel J. Ryan</i>              | <i>2nd Suffolk</i>                                 | <i>1/28/2019</i> |
| <i>Lindsay N. Sabadosa</i>         | <i>1st Hampshire</i>                               | <i>2/1/2019</i>  |
| <i>Thomas M. Stanley</i>           | <i>9th Middlesex</i>                               | <i>2/1/2019</i>  |
| <i>Bruce E. Tarr</i>               | <i>First Essex and Middlesex</i>                   | <i>1/31/2019</i> |

|                            |                                      |                  |
|----------------------------|--------------------------------------|------------------|
| <i>Walter F. Timilty</i>   | <i>Norfolk, Bristol and Plymouth</i> | <i>1/30/2019</i> |
| <i>José F. Tosado</i>      | <i>9th Hampden</i>                   | <i>1/31/2019</i> |
| <i>Paul F. Tucker</i>      | <i>7th Essex</i>                     | <i>2/1/2019</i>  |
| <i>Steven Ultrino</i>      | <i>33rd Middlesex</i>                | <i>1/22/2019</i> |
| <i>Aaron Vega</i>          | <i>5th Hampden</i>                   | <i>1/22/2019</i> |
| <i>RoseLee Vincent</i>     | <i>16th Suffolk</i>                  | <i>1/28/2019</i> |
| <i>Tommy Vitolo</i>        | <i>15th Norfolk</i>                  | <i>2/1/2019</i>  |
| <i>Susannah M. Whipps</i>  | <i>2nd Franklin</i>                  | <i>1/29/2019</i> |
| <i>Bud L. Williams</i>     | <i>11th Hampden</i>                  | <i>1/18/2019</i> |
| <i>Donald H. Wong</i>      | <i>9th Essex</i>                     | <i>1/31/2019</i> |
| <i>Jonathan D. Zlotnik</i> | <i>2nd Worcester</i>                 | <i>2/1/2019</i>  |

**HOUSE . . . . . No. 2378**

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By Messrs. Velis of Westfield and Garballey of Arlington, a petition (accompanied by bill, House, No. 2378) of John C. Velis, Sean Garballey and others relative to Parkinson's disease disability and death of certain firefighters and other public safety officers in the contributory retirement plan for public employees. Public Service.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1455 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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

An Act relative to Parkinson's disease disability and death in firefighters.

*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. Section 26 of chapter 31 of the General Laws as appearing in the 2014  
2 Official Edition, is hereby amended by striking out, in line 106, the words "and ninety-four B"  
3 and inserting in place thereof the following words:

4           ",ninety-four B and ninety-four C."

5           SECTION 2. Chapter 32 of the General Laws are hereby amended by inserting after  
6 section 94B the following section:-

7           Section 94C. (1) Notwithstanding the provisions of any general or special law to the  
8 contrary affecting the non-contributory or contributory retirement system, any condition of

9 impairment of health caused by Parkinson's Disease, resulting in total or partial disability or  
10 death to a uniformed member of a paid fire department, or a member of the state police assigned  
11 to the fire investigation unit of the department of fire services, or a member of the state police K9  
12 unit, or to any permanent crash crewman, crash boatman, fire controlman or assistant fire  
13 controlman employed at the General Edward Lawrence Logan International Airport, members of  
14 the 104th fighter wing fire department or members of the Joint Base Cape Cod fire department,  
15 shall, if he successfully passed a physical examination on entry into such service or subsequent  
16 to such entry, which examination failed to reveal any evidence of such condition, be presumed to  
17 have been suffered in the line of duty, unless it is shown by a preponderance of the evidence that  
18 non-service connected risk factors or non-service connected accidents or hazards undergone, or  
19 any combination thereof, caused such incapacity.

20 (2) The provisions of this section shall not apply to any person serving in such positions  
21 for fewer than five years at the time that such condition is first discovered, or should have been  
22 discovered. Any person first discovering any such condition prior to or within five years from the  
23 date on which such person has reached the maximum retirement age shall be eligible to apply for  
24 benefits hereunder, and such benefits, if granted, shall be payable as of the date on which the  
25 employee last received regular compensation. The provisions of this section shall not apply to  
26 any person serving in such position unless such person shall first establish that he has regularly  
27 responded to calls of fire or their investigation at the scene during some portion of the period of  
28 his service in such position.

29 (3) Nothing herein shall preclude a member from applying for and receiving benefits  
30 under section seven or section nine, subject to the provisions of said sections.

31 SECTION 3. Section 100 of chapter 32 of the General Laws as appearing in the 2014  
32 Official Edition, is hereby amended by striking out, in line 79, the words "and ninety-four B" and  
33 inserting in place thereof the following words:

34 ",ninety-four B and ninety-four C."

35 SECTION 4. Section 100A of chapter 32 of the General Laws as appearing in the 2014  
36 Official Edition, is hereby amended by striking out, in line 34, the words "and 94B" and inserting  
37 in place thereof the following words:

38 ",94B and 94C."

39 SECTION 5. The provisions of section two shall not be construed to affect the  
40 interpretation of the provisions of sections ninety-four, ninety-four A or ninety-four B of chapter  
41 thirty-two of the General Laws.

42 SECTION 6. The provisions of this act shall be effective in every retirement system  
43 established by or operating under the provisions of chapter thirty-two of the General Laws or  
44 under the similar provisions of any other general or special law, and for every governmental unit  
45 which is a member of such retirement system, notwithstanding the provisions of section twenty-  
46 seven C of chapter twenty-nine of the General Laws.

47 SECTION 7. The provisions of this act shall apply only to a person actively employed as  
48 a uniformed member of a paid fire department, or a member of the state police assigned to the  
49 fire investigation unit of the department of fire services, or a member of the state police K9 unit,  
50 or to any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman  
51 employed at the General Edward Lawrence Logan International Airport, members of the 104th

52 fighter wing fire department or members of the Joint Base Cape Cod fire department on or after  
53 the date exactly 5 years prior to the date this law becomes effective.