

SENATE No. 2332

Senate, September 9, 2019 -- Substituted by amendment by the Senate (Senator DiDomenico) as a new draft for Senate, No. 1508.

The Commonwealth of Massachusetts

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

An Act authorizing the city of Everett to provide certain death, retirement and medical benefits to the widow and children of deceased firefighter Thaddeus M Baxter, Jr..

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 section 7 of chapter 32 of the General Laws or any
2 general or special law to the contrary and in order to promote the public good, the retirement
3 board of the city of Everett shall pay an accidental death benefit to Nicole Baxter, the widow of
4 Thaddeus M. Baxter, Jr., a deceased firefighter of the city, who died on November 9, 2018 as a
5 result of certain health conditions, including post-traumatic stress disorder, suffered in the line of
6 duty. The benefits shall be paid and administered in accordance with section 9 of said chapter 32.
7 Nicole Baxter shall receive a lump sum payment from the retirement board equal to the amount
8 of total accumulated retirement deductions credited to the account of Thaddeus M. Baxter, Jr. in
9 the annuity savings fund. The accidental death benefit payable to Nicole Baxter shall consist of
10 a yearly amount of pension equal to 72 per cent of the annual rate of regular compensation that
11 was being paid to Thaddeus M. Baxter, Jr. on the date of his death. The accidental death benefit
12 shall become effective commencing on the date immediately following the final day for which
13 Thaddeus M. Baxter, Jr. received regular compensation for his employment as a firefighter.

14 (b) Nicole Baxter shall be eligible for health insurance with the city of Everett on the
15 same basis as other retirees and survivors and shall be responsible for the retirees' share of
16 premiums.

17 If Nicole Baxter dies or otherwise becomes ineligible to receive the pension authorized in
18 this section, the pension shall be paid to a legal guardian for the benefit of any surviving
19 unmarried children of Thaddeus M. Baxter, Jr. who are under the age of 18, or are over that age
20 and under age 22 and full time students at accredited educational institutions, or who were over
21 said age and physically or mentally incapacitated from earning on the date of such member's
22 death. Such pension shall be divided, by the board, equally for the benefit of the children so long
23 eligible under this paragraph.

24 SECTION 2. Before taking any action pursuant to this act, the retirement board of the
25 city of Everett shall request that the public employee retirement administration commission
26 appoint a medical panel consisting of 3 independent physicians who shall examine the medical
27 records of Thaddeus M. Baxter, Jr. The retirement board of the city of Everett shall approve
28 payment of the pension to the spouse of Thaddeus M. Baxter, Jr. upon receipt of the medical
29 panel report in which a majority has concluded that Thaddeus M. Baxter, Jr. died from a
30 condition that was sustained in the performance of his duties as a firefighter.

31 SECTION 3. This act shall take effect upon its passage.