HOUSE DOCKET, NO. 4453 FILED ON: 9/7/2021

HOUSE . . . . . No. 4111

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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 city of Boston to establish an alternative superannuation retirement benefit program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Liz Miranda	*5th Suffolk*	*9/7/2021*
Thomas M. Stanley	*9th Middlesex*	*9/23/2021*
Brian W. Murray	*10th Worcester*	*9/27/2021*
Erika Uyterhoeven	*27th Middlesex*	*9/27/2021*
Nika C. Elugardo	*15th Suffolk*	*10/12/2021*
Paul McMurtry	*11th Norfolk*	*10/19/2021*
Russell E. Holmes	*6th Suffolk*	*10/26/2021*
Peter Capano	*11th Essex*	*10/28/2021*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*11/8/2021*
Jon Santiago	*9th Suffolk*	*12/20/2021*
Sonia Chang-Diaz	*Second Suffolk*	*12/21/2021*
Sal N. DiDomenico	*Middlesex and Suffolk*	*12/22/2021*
Tram T. Nguyen	*18th Essex*	*1/2/2022*
Jessica Ann Giannino	*16th Suffolk*	*1/3/2022*
Jack Patrick Lewis	*7th Middlesex*	*1/4/2022*
Kay Khan	*11th Middlesex*	*1/10/2022*
Adrian C. Madaro	*1st Suffolk*	*1/12/2022*

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By Ms. Miranda of Boston, a petition (accompanied by bill, House, No. 4111) of Liz Miranda (with the approval of the mayor and city council) that the Boston Retirement System be authorized to establish an alternative superannuation retirement benefit program for certain educators and nurses. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the city of Boston to establish an alternative superannuation retirement benefit program.

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. Paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:

Notwithstanding any provision of this chapter to the contrary, the following paragraphs shall apply to the Boston Retirement System only.

(a) A member of a contributory retirement system who transfers as a teacher or school nurse into the Boston retirement system on or after July 1, 2019 and begins contributing to the Boston retirement system shall be a mandatory participant in the alternative superannuation retirement benefit program. A member who participates in the alternative superannuation retirement benefit program shall contribute not less than 5 years of retirement contributions at the rate of 11 per cent of regular compensation pursuant to section 22.

(b) An active or inactive member of the teachers' retirement system or of the Boston retirement system who: (i) is a teacher or school nurse; (ii) transferred from another contributory retirement system pursuant to paragraph (a) of subdivision (8) of section 3 of said chapter 32 to the Boston retirement system; (iii) became eligible for membership in the Boston retirement system on or after July 1, 2001 and not later than June 30, 2019, inclusive; (iv) began contributing to the Boston retirement system on or after July 1, 2001 and not later than June 30, 2019; and (v) did not provide a written election to participate in the alternative superannuation retirement benefit program to such retirement system on or before December 31, 2019 shall have a new, 1 time opportunity to elect to participate in the alternative superannuation retirement benefit program.

(c) An active or inactive member of the Boston retirement system who: (1) is a teacher or school nurse; (ii) became eligible for membership in the Boston retirement system before July 1, 2001; (iii) began contributing to the Boston retirement system before July 1, 2001; and (iv) did not provide a written election to participate in the alternative superannuation retirement benefit program to the Boston retirement system before July 1, 2001 nor at any other time prior to December 31, 2019, shall have a new 1 time opportunity to elect to participate in the alternative superannuation retirement benefit program.

(d) A qualifying member shall make the election provided under subsections (b) or (c) on or after January 1, 2020 but not later than 180 days after the passage of this Act; provided, however, that a member entitled to make an election under this section who applies for retirement prior to the foregoing election period shall be given a 1 time opportunity to participate in the alternative superannuation retirement benefit program prior to retirement; provided further, that if the Boston retirement system receives the transfer of the member's account on or after

July 1, 2019, the member shall have 180 days from the date that the Boston retirement system receives the transfer of the member’s account from the prior retirement system to elect out of the alternative superannuation retirement benefit program.

(e) A member who participates in the alternative superannuation retirement benefit program under this section shall make contributions at the rate of 11 per cent pursuant to section 22 of chapter 32 of the General Laws and may be required to provide makeup contributions at the rate of 11 per cent plus simple interest, upon such other terms and conditions as the retirement system may require, from the date that such member established membership in the teachers’ retirement system or the Boston retirement system.

(f) An election made pursuant to this section shall be irrevocable. If the member has the opportunity to elect to participate in the alternative superannuation retirement benefit program and does not elect to participate within the prescribed period, the member shall be considered to have affirmatively elected not to participate in the alternative superannuation retirement benefit program. If the member has the opportunity to elect not to participate in the alternative superannuation retirement benefit program and does not elect not to participate within the prescribed period, the member shall be deemed to have affirmatively elected to participate in the alternative superannuation retirement benefit program. A member who participates in the alternative superannuation retirement benefit program after having had the opportunity to elect to participate or not to participate in the alternative superannuation retirement benefit program and who pays additional contributions, but does not complete the creditable service or teaching service requirements of this subdivision, shall, upon termination from membership in or retirement from the system, be reimbursed for any additional contributions, plus regular interest, as determined by the teachers' retirement board or the Boston retirement board.

Section 2. Notwithstanding any general or special law to the contrary, the fourth and fifth sentences of paragraph (i) of subdivision (4) of section 5 of the General Laws, as appearing in section 1, shall apply to a member of a contributory retirement system who transfers as a teacher or school nurse into the Boston retirement system and begins contributing to the Boston retirement system on or after July 1, 2019; provided, however, that if the prior membership transferred includes service rendered prior to July 1, 2019, the member shall have 180 days from the date that the Boston retirement system receives the transfer of the member's account from the prior contributory retirement system to elect out of the alternative superannuation retirement benefit program.

Section 3. This act shall take effect upon passage.