

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: |
|---------------------------|--------------------------------------|-------------------|
| <i>Liz Miranda</i> | <i>5th Suffolk</i> | <i>9/7/2021</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>9/23/2021</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>9/27/2021</i> |
| <i>Erika Uytterhoeven</i> | <i>27th Middlesex</i> | <i>9/27/2021</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>10/12/2021</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>10/19/2021</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>10/26/2021</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>10/28/2021</i> |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> | <i>11/8/2021</i> |

HOUSE No. 4111

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:

1 Section 1. Paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws,
2 as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:

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

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

11 (b) An active or inactive member of the teachers' retirement system or of the Boston
12 retirement system who: (i) is a teacher or school nurse; (ii) transferred from another contributory
13 retirement system pursuant to paragraph (a) of subdivision (8) of section 3 of said chapter 32 to
14 the Boston retirement system; (iii) became eligible for membership in the Boston retirement
15 system on or after July 1, 2001 and not later than June 30, 2019, inclusive; (iv) began
16 contributing to the Boston retirement system on or after July 1, 2001 and not later than June 30,
17 2019; and (v) did not provide a written election to participate in the alternative superannuation
18 retirement benefit program to such retirement system on or before December 31, 2019 shall have
19 a new, 1 time opportunity to elect to participate in the alternative superannuation retirement
20 benefit program.

21 (c) An active or inactive member of the Boston retirement system who: (1) is a teacher or
22 school nurse; (ii) became eligible for membership in the Boston retirement system before July 1,
23 2001; (iii) began contributing to the Boston retirement system before July 1, 2001; and (iv) did
24 not provide a written election to participate in the alternative superannuation retirement benefit
25 program to the Boston retirement system before July 1, 2001 nor at any other time prior to
26 December 31, 2019, shall have a new 1 time opportunity to elect to participate in the alternative
27 superannuation retirement benefit program.

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

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

37 (e) A member who participates in the alternative superannuation retirement benefit
38 program under this section shall make contributions at the rate of 11 per cent pursuant to section
39 22 of chapter 32 of the General Laws and may be required to provide makeup contributions at
40 the rate of 11 per cent plus simple interest, upon such other terms and conditions as the
41 retirement system may require, from the date that such member established membership in the
42 teachers' retirement system or the Boston retirement system.

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

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

66 Section 3. This act shall take effect upon passage.