

**HOUSE . . . . . No. 3640**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kip A. Diggs and Steven George Xiarhos***

*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 to enhance recreational opportunities.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>1/19/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>1/20/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>4/3/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>10/13/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>11/7/2023</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>1/19/2024</i>

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By Representatives Diggs of Barnstable and Xiarhos of Barnstable, a petition (accompanied by bill, House, No. 3640) of Kip A. Diggs and Steven George Xiarhos for legislation to impose a surcharge on certain retirement earnings to be used for recreational opportunities. Public Service.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act to enhance recreational opportunities.

*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 91 of chapter 32 of the General Laws, as appearing in the 2020 Official Edition,  
2 is hereby amended by striking out subsections (b) and (c) and inserting in place thereof the  
3 following subsection:-

4           (b)(1) In addition to and notwithstanding the foregoing provisions of this section or  
5 similar provisions of any general or special laws, any person who has been retired and who is  
6 receiving a pension or retirement allowance, under the provisions of this chapter or any other  
7 general or special law, from the commonwealth, county, city, town, district or authority, or any  
8 person whose employment, in the service of the commonwealth, county, city, town, district or  
9 authority, has been terminated, under the provisions of this chapter or any other general or  
10 special law, including as a consultant or independent contractor or a person whose regular duties  
11 require that their time be devoted to the service of the commonwealth, county, city, town, district  
12 or authority shall certify to their employer and the treasurer or other person responsible for the

13 payment of the for the position in which they are to be employed, the number of days or hours  
14 that they have been employed in any such calendar year and the amount of earnings therefrom.

15 (2) If the number of hours exceeds 1,200, in the aggregate, in any calendar year or if the  
16 earnings therefrom exceed when added to any pension or retirement allowance they are receiving  
17 shall not exceed the salary that is being paid for the position from which they were retired or  
18 employment was terminated plus \$15,000.

19 (3) A person earning more than the amount, in paragraph 2, shall pay a 5 per cent  
20 surcharge on any additional earnings. The surcharge shall be paid to the county, city, town or  
21 retirement board. The surcharge will be returned to the city, town, municipality or governmental  
22 entity that is paying the person and will be earmarked for recreational opportunities as deemed  
23 appropriate by the head of that government entity. The city, town, municipality or government  
24 entity shall establish a separate account for the sole purpose of recreational opportunities  
25 including, but not limited to programs, equipment, repairs, land and structure purchases.