



The Commonwealth of Massachusetts

JOINT COMMITTEE ON PUBLIC SERVICE

STATE HOUSE, BOSTON 02133

Joint Committee on Public Service

Rep. Daniel J. Ryan
House Chair

Sen. Michael D. Brady
Senate Chair

PUBLIC HEARING NOTICE

Date of Hearing: Monday, April 14, 2025

Time: 1:00 PM-4:00 PM

Location: A-1 and Virtual

Agency Recommendations, Home Rules

Agency Recommendations, Home Rules

Please be advised that the schedule and agenda are subject to change at the agreement of the Chairs.

All matters filed in the House that are listed above are required to be reported on by [June 13, 2025], subject to extensions consistent with House Rule 27.

The public is invited to participate in this hybrid hearing, which will be livestreamed on the [General Court website](#). Hearings will be recorded and posted publicly on the [Joint Committee on Public Service page](#).

At the discretion of the Chairs and per committee rules, written testimony received by the committee will be made publicly available. The committee may limit availability or redact testimony that includes sensitive personal information, information about minors, or information that may jeopardize the health, wellness or safety of the testifier or others.

Written testimony can be submitted via email at Sean.Getchell@mahouse.gov or physically mailed to the House Chair. Please submit by Friday, April 25, 2025 at 5:00pm:

CHAIR DANIEL J. RYAN
JOINT COMMITTEE ON PUBLIC SERVICE
ATTN: SEAN GETCHELL
24 BEACON ST ROOM 156
BOSTON MA 02133

**In-person oral testimony and remote testimony sign-up via email to Sean Getchell
Sean.Getchell@mahouse.gov. Deadline to sign up is Friday, April 11, 2025 at 5:00pm.**

For in-person and remote testimony please include:

1. Name;
2. Organization you represent;
3. Whether on behalf of yourself or an organization;
4. Mailing address;
5. Email address;
6. Telephone number;
7. In-person or remote testimony;
8. Bills testifying on;
9. Whether support or oppose.

For those testifying remotely, you will receive a Microsoft Teams link with more information prior to the start of the hearing.

This hearing will be chaired by House Chair Daniel J. Ryan. If you have any questions regarding the hearing, legislation, format of the hearing or reasonable accommodations required to ensure people with disabilities can participate fully in the committee process, please email: Seda Korroch at (Seda.Korroch@mahouse.gov). House Chair Ryan's office can be reached via telephone: (617) 722-2240.

Bill No.	Sponsor	Title
H19	Public Employee Retirement Administration Commission	An Act relative to pension forfeiture
H20	Public Employee Retirement Administration Commission	An Act relative to post retirement earnings
H21	Public Employee Retirement Administration Commission	An Act relative to Chapter 32 Section 8 and modifications of retirement allowances
H22	Public Employee Retirement Administration Commission	An Act providing for statement of financial interests flexibility
H23	Public Employee Retirement Administration Commission	An Act to provide for payment of creditable service
H24	Public Employee Retirement Administration Commission	An Act clarifying the Chapter 32 definition of wages
H25	Public Employee Retirement Administration Commission	An Act relative to the enabling statute of the Public Employee Retirement Administration Commission
H27	Massachusetts Teachers' Retirement System	An Act establishing a special

Bill No.	Sponsor	Title
		commission on retirement credit purchases
H28	Massachusetts Teachers' Retirement System	An Act relative to pension forfeiture
H29	Massachusetts Teachers' Retirement System	An Act relative to the interest charged on refund buybacks
H30	Massachusetts Teachers' Retirement System	An Act clarifying creditable service buyback for publicly funded non-public schools
H31	Massachusetts Teachers' Retirement System	An Act relative to reducing delinquent pension reporting
H32	Massachusetts Teachers' Retirement System	An Act to extend the opportunity to purchase teaching service in all territories of the United States
H33	Massachusetts Teachers' Retirement System	An Act relative to the definition of wages for retirement calculations
H34	Massachusetts Teachers' Retirement System	An Act relative to parental and family leave equity for members of public retirement systems
H39	Office of the State Treasurer	An Act relative to the SMART Plan
H41	Office of the State Treasurer	An Act expanding access to retirement savings
H42	Office of the State Treasurer	An Act relative to the Massachusetts State Employees Retirement System
H44	Office of the State Treasurer	An Act relative to non-Commonwealth entities
H45	Office of the State Treasurer	An Act updating judicial retirement benefits
H49	Office of the State Treasurer	An Act requiring public pension fund divestment from ammunition and firearms
H2800	Day, Michael S. (HOU)	An Act enhancing public safety in the town of Stoneham
H2810	Doherty, Carol A. (HOU)	An Act authorizing the city of Taunton to continue the employment of police chief Edward J. Walsh
H2889	LaNatra, Kathleen R. (HOU)	An Act relative to regional planning

Bill No.	Sponsor	Title
		agencies
H2915	McMurtry, Paul (HOU)	An Act relative to updating judicial retirement benefits
S1805	Comerford, Joanne M. (SEN)	An Act relative to regional planning agencies
S1825	Dooner, Kelly A. (SEN)	An Act continuing the employment of police chief Edward Walsh in the city of Taunton until attaining the age of 70
S1872	Kennedy, Edward J. (SEN)	An Act updating judicial retirement benefits
S1878	Lovely, Joan B. (SEN)	An Act relative to the SMART plan
S1879	Lovely, Joan B. (SEN)	An Act expanding access to retirement savings

Please be advised that the schedule and agenda are subject to change at the discretion of the chair per committee rules.

You may contact committee staff with any questions at (617) 722-2240 or (617) 722-1200.

Joint Committee on Public Service

Bill Summary

BILL NUMBER House, No. 19

TITLE An Act relative to pension forfeiture

SPONSORS

HEARING DATE Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This bill would remove misdemeanors from crimes that trigger forfeiture bringing Massachusetts in line with most other jurisdictions. It would also provide that a member's benefit may be forfeited by one-third, two-thirds or to a minimum allowance which is equal to that of a group 1 member with 10 years of service at the minimum retirement age. Full forfeiture would be an option when the prosecuting attorney's office recommends it to the retirement board. The legislation also provides a specific list of criminal actions that trigger forfeiture when a member's primary job responsibilities involve contact with children, such as possession of child pornography, a sexually violent offense against a minor, or a sexual offense involving a child the member has contact with as part of his or her job duties.

HOUSE No. 19

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to pension forfeiture

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to pension forfeiture.

*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 (m) of subdivision 1 of section 5 of chapter 32 of the general
2 laws, as appearing in the 2022 Official Edition, is hereby amended in line 76 by adding after the
3 word "contrary", the following: "except as provided in section 15 of this chapter,".

4
5 SECTION 2. Section 10 of chapter 32 of the general laws, as appearing in the 2022
6 Official Edition, is hereby amended by striking the phrase "without moral turpitude on his part"
7 in lines 6, 9, 84 and 126.

8
9 SECTION 3. Section 15 of chapter 32 of the general laws is hereby amended by striking
10 everything after the title and inserting in place thereof the following new section 15.

Section 15.

(1) Initiation of Forfeiture Proceedings. Proceedings under this section may be initiated by the board or the commission. The board shall notify the member by certified mail when proceedings are initiated. If the member refuses the delivery of the mail, it shall be deemed to have been received. Unless otherwise agreed to by the parties, a hearing shall be held no less than ten days nor more than ninety days after the member has received notification. The board shall conduct the hearing pursuant to the provisions of 840 CMR 10.12. The board shall prepare and file with its clerk or secretary a certificate containing its findings and decision, copies of which shall be sent to the proper parties within fifteen days after completion of such hearing.

(2) Forfeiture of a retirement allowance upon conviction. Upon final conviction of a felony criminal offense involving violation of the laws applicable to a member's office or position or arising out of and in the course of their employment, a member shall be subject to the forfeiture provisions of this section. A retirement board, upon notification of such conviction of a member, must hold a hearing to determine whether the crimes for which a member was convicted involved the laws applicable to the member's office or position or if said criminal offenses were committed while the member was in the course of his or her employment, the total value of the member's potential retirement benefits, and the amount of said benefits which shall be forfeited. For the purposes of this section, 'criminal offense involving violation of the laws applicable to a member's office or position,' shall also include, but not be limited to, in the case of a member whose primary job responsibilities involve contact with children or any member of

the Massachusetts Teachers' Retirement System or a teacher who is a member of the Boston Retirement System, a conviction for knowing purchase or possession of visual material of a child depicted in sexual conduct under section 29C of chapter 272 of the general laws, or a conviction of a sex offense involving a child as defined in section 178C of chapter 6 of the general laws whom the member has contact with as part of his or her official duties, or a conviction of any other sex offense or sexually violent offense, as those terms are defined in said section 178C, in which the victim was any person under the age of 18 whom the member had contact with as part of his or her official duties.

(3) Forfeiture amount. Any member with ten or more years of creditable service on the date of the offense who is subject to forfeiture under the foregoing paragraph (2) shall forfeit their retirement allowance as determined by the board. A member's allowance shall be reduced by either one-third, two-thirds, to a minimum allowance or their right to an allowance shall be forfeited entirely. Such minimum allowance shall be equal to the amount a member would receive in group 1 having ten years of creditable service and at the minimum age for a group 1 employee; provided that in no event shall a member whose pension has been reduced to the minimum allowance be eligible for any retirement benefit prior to reaching the minimum age for a group 1 employee; and provided further that, except in cases of total forfeiture, a reduced retirement allowance shall not be reduced below the amount of the annual annuity portion. Such reduced allowance shall be payable for the life of the member; provided that, if the member retires having elected option (c) the beneficiary shall receive, upon the death of the member, the option (c) benefit as if forfeiture had not occurred, based on the age and actual creditable service at the time of the member's retirement, if the board determines that the beneficiary (i) had no role

in the illegal conduct for which the member was convicted, (ii) did not have knowledge of the illegal conduct, and (iii) did not commit nor conspire to commit the murder or voluntary manslaughter of the member upon whom the retirement allowance is based. In the event the entire allowance is forfeited, the member shall not be entitled to receive a retirement allowance under the provisions of section one to 28, nor shall any beneficiary be entitled to receive a retirement allowance under such provisions on account of such member. Further, in the event of total forfeiture, unless otherwise prohibited by law, a member or beneficiary shall receive only a return of their accumulated total deductions; provided, however, that the rate of regular interest for the purpose of calculating accumulated total deductions shall be zero. Any retirement allowance received by a member up to the decision of total forfeiture by a board shall be offset against and reduce the accumulated total deductions otherwise due the member. In determining the amount of the forfeiture the board must consider and make findings of fact relative to the following factors:

the severity of the crime for which the member was convicted including the sentence imposed as well as the maximum sentence provided for by law;

(2) the amount of monetary loss suffered by the state, municipality, political subdivision, or by any other person as a result of the crime for which the member was convicted or the financial gain realized by the member;

(3) the degree of public trust reposed in the member by virtue of the member's office or position and the degree to which it was violated;

(4) if the crime was part of a fraudulent scheme against the state or political subdivision, the role of the member in the fraudulent scheme;

(5) any recommendation by the prosecuting attorney or their office to the degree of forfeiture; provided further that, any decision by a board to entirely forfeit a member's benefit shall be consistent with the recommendation of the prosecuting attorney or their office; and

(6) any such other factors as, in the judgment of the board, justice may require.

Any member who has had their retirement allowance forfeited entirely or has had a portion of their retirement allowance forfeited under this paragraph shall be ineligible to become a member of a different retirement system and is also prohibited from increasing their allowance from the forfeited amount except by cost of living increases granted pursuant to sections 102 and 103.

Any member who has had their retirement allowance forfeited entirely or has had a portion of their retirement allowance forfeited under this paragraph shall cease to be an active

member of the retirement system and shall be ineligible for membership in any retirement system.

(4) Forfeiture for members having less than ten years of creditable service. Any member, having less than ten years of creditable service on the date the offense is committed, who upon conviction is subject to the provisions of this section shall forfeit all rights to a retirement allowance based upon any creditable service prior to and after the date of the offense and shall receive a return of his accumulated total deductions; provided, however, that the rate of regular interest for the purpose of calculating accumulated total deductions shall be zero. The member shall thereupon cease to be a member in the retirement system and shall be ineligible to become a member of any retirement system.

(5) Notification. If a current employer, last employer, the attorney general or a district attorney becomes aware of a final conviction of a member of a retirement system under circumstances which may require forfeiture of the member's rights to a pension, or retirement allowance pursuant to this chapter, section 59 of chapter 30 or section 25 of chapter 268A, they shall immediately notify the retirement board and the commission of such conviction.

(6) Repayment of allowance. If a member's final conviction of an offense results in a forfeiture of rights under this chapter, the member shall forfeit, and the board shall require the member to repay all benefits in excess of the allowable amount received after the date of the

offense of which the member was convicted. Following a member's conviction and partial forfeiture, the member's retirement allowance will be reduced, upon such terms and conditions as the board may determine, until all excess payment amounts are recovered.

(7) Misreported Salary. In no event shall any member be entitled to receive a retirement allowance under this chapter, which is based upon a salary that was intentionally concealed from or intentionally misreported to the commonwealth, or any political subdivision, district or authority of the commonwealth. If a member intentionally concealed compensation from or intentionally misreported compensation to an entity to which the member was required to report the compensation, even if the reporting was not required for purposes of calculating the member's retirement allowance, the member's retirement allowance shall be based only upon the regular compensation actually reported to that entity or the amount reported to the board, whichever is lower. Unless otherwise prohibited by law, such member shall receive a return of any accumulated total deductions paid on amounts in excess of the compensation actually reported, but no interest shall be payable on the accumulated deductions returned to the member.

The board shall notify the commission of any proceedings commenced pursuant to this subdivision and shall provide any and all documents relating to said proceedings upon request of the commission. Notwithstanding the waiver provisions of paragraph (a) of subdivision 3 of section 21 of chapter 32 of the general laws any calculations performed pursuant to this section will be submitted to the commission for approval.

(8) Appeal of Forfeiture. Any person who is aggrieved by a decision made pursuant to this section regarding the forfeiture of all or any portion of a member's retirement allowance under this section may, within thirty days after the certification of the decision bring a petition in the superior court. This action shall be commenced in the superior court in which a member was convicted, or in Suffolk Superior Court, or in the Massachusetts Superior Court covering the geographic area in which a member resides. The court shall review all legal issues under a de novo standard, but may base its determination either on the administrative record below, or may, in its discretion, request additional evidence.

(9) Restitution. If a member has been found to have misappropriated funds or property of their employer, restitution may be made using all or a portion of the total deductions of the member on account with a retirement system. If restitution is made using the accumulated total deductions of the member on account with a retirement system then the annuity portion of any retirement allowance will be reduced when a retirement allowance becomes effective or when a retirement allowance is resumed, as the case may be. The pension portion of the retirement allowance shall remain unchanged from the allowance determined using the accumulated total deductions in the member's account prior to restitution.

SECTION 4. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line 63 by striking the phrase: "or any member who is aggrieved by any action taken or decision of a board or the public employee retirement administration commission rendered with reference to his dereliction of duty as set forth in section 15,".

162

163 SECTION 5. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line
164 113 by adding after the word "rendered": , except decisions made or actions taken pursuant to
165 section 15 of this chapter,.

166

167 SECTION 6. Section 105 of said chapter 32 is hereby amended by adding the following
168 paragraph;

169

170 (d) Any member having had their retirement allowance forfeited entirely or having had
171 any portion of their retirement allowance forfeited pursuant to section 15 of this chapter shall be
172 ineligible for reinstatement to service under the provisions of this section.

173

174 SECTION 7. Paragraph (b) of subdivision (2) of section (8) of chapter 32 is hereby
175 amended by inserting in line 105 after the word "compensation": ; provided, however, that any
176 member who has had their retirement allowance forfeited entirely or had any portion of their
177 retirement allowance forfeited pursuant to section 15 shall not become an active member of the
178 retirement system upon reinstatement but shall contribute to the deferred compensation fund
179 established by section 64D of chapter 29.

HOUSE No. 19

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to pension forfeiture

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Paragraph (m) of subdivision 1 of section 5 of chapter 32 of the general
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9 SECTION 3. Section 15 of chapter 32 of the general laws is hereby amended by striking
10 everything after the title and inserting in place thereof the following new section 15.

11
12 Section 15.
13

(1) Initiation of Forfeiture Proceedings. Proceedings under this section may be initiated by the board or the commission. The board shall notify the member by certified mail when proceedings are initiated. If the member refuses the delivery of the mail, it shall be deemed to have been received. Unless otherwise agreed to by the parties, a hearing shall be held no less than ten days nor more than ninety days after the member has received notification. The board shall conduct the hearing pursuant to the provisions of 840 CMR 10.12. The board shall prepare and file with its clerk or secretary a certificate containing its findings and decision, copies of which shall be sent to the proper parties within fifteen days after completion of such hearing.

(2) Forfeiture of a retirement allowance upon conviction. Upon final conviction of a felony criminal offense involving violation of the laws applicable to a member's office or position or arising out of and in the course of their employment, a member shall be subject to the forfeiture provisions of this section. A retirement board, upon notification of such conviction of a member, must hold a hearing to determine whether the crimes for which a member was convicted involved the laws applicable to the member's office or position or if said criminal offenses were committed while the member was in the course of his or her employment, the total value of the member's potential retirement benefits, and the amount of said benefits which shall be forfeited. For the purposes of this section, 'criminal offense involving violation of the laws applicable to a member's office or position,' shall also include, but not be limited to, in the case of a member whose primary job responsibilities involve contact with children or any member of the Massachusetts Teachers' Retirement System or a teacher who is a member of the Boston Retirement System, a conviction for knowing purchase or possession of visual material of a child depicted in sexual conduct under section 29C of chapter 272 of the general laws, or a conviction

of a sex offense involving a child as defined in section 178C of chapter 6 of the general laws whom the member has contact with as part of his or her official duties, or a conviction of any other sex offense or sexually violent offense, as those terms are defined in said section 178C, in which the victim was any person under the age of 18 whom the member had contact with as part of his or her official duties.

(3) Forfeiture amount. Any member with ten or more years of creditable service on the date of the offense who is subject to forfeiture under the foregoing paragraph (2) shall forfeit their retirement allowance as determined by the board. A member's allowance shall be reduced by either one-third, two-thirds, to a minimum allowance or their right to an allowance shall be forfeited entirely. Such minimum allowance shall be equal to the amount a member would receive in group 1 having ten years of creditable service and at the minimum age for a group 1 employee; provided that in no event shall a member whose pension has been reduced to the minimum allowance be eligible for any retirement benefit prior to reaching the minimum age for a group 1 employee; and provided further that, except in cases of total forfeiture, a reduced retirement allowance shall not be reduced below the amount of the annual annuity portion. Such reduced allowance shall be payable for the life of the member; provided that, if the member retires having elected option (c) the beneficiary shall receive, upon the death of the member, the option (c) benefit as if forfeiture had not occurred, based on the age and actual creditable service at the time of the member's retirement, if the board determines that the beneficiary (i) had no role in the illegal conduct for which the member was convicted, (ii) did not have knowledge of the illegal conduct, and (iii) did not commit nor conspire to commit the murder or voluntary manslaughter of the member upon whom the retirement allowance is based. In the event the

entire allowance is forfeited, the member shall not be entitled to receive a retirement allowance under the provisions of section one to 28, nor shall any beneficiary be entitled to receive a retirement allowance under such provisions on account of such member. Further, in the event of total forfeiture, unless otherwise prohibited by law, a member or beneficiary shall receive only a return of their accumulated total deductions; provided, however, that the rate of regular interest for the purpose of calculating accumulated total deductions shall be zero. Any retirement allowance received by a member up to the decision of total forfeiture by a board shall be offset against and reduce the accumulated total deductions otherwise due the member. In determining the amount of the forfeiture the board must consider and make findings of fact relative to the following factors:

the severity of the crime for which the member was convicted including the sentence imposed as well as the maximum sentence provided for by law;

(2) the amount of monetary loss suffered by the state, municipality, political subdivision, or by any other person as a result of the crime for which the member was convicted or the financial gain realized by the member;

(3) the degree of public trust reposed in the member by virtue of the member's office or position and the degree to which it was violated;

81 (4) if the crime was part of a fraudulent scheme against the state or political subdivision,
82 the role of the member in the fraudulent scheme;

83
84 (5) any recommendation by the prosecuting attorney or their office to the degree of
85 forfeiture; provided further that, any decision by a board to entirely forfeit a member's benefit
86 shall be consistent with the recommendation of the prosecuting attorney or their office; and

87
88 (6) any such other factors as, in the judgment of the board, justice may require.

89
90 Any member who has had their retirement allowance forfeited entirely or has had a
91 portion of their retirement allowance forfeited under this paragraph shall be ineligible to become
92 a member of a different retirement system and is also prohibited from increasing their allowance
93 from the forfeited amount except by cost of living increases granted pursuant to sections 102 and
94 103.

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96 Any member who has had their retirement allowance forfeited entirely or has had a
97 portion of their retirement allowance forfeited under this paragraph shall cease to be an active
98 member of the retirement system and shall be ineligible for membership in any retirement
99 system.

101 (4) Forfeiture for members having less than ten years of creditable service. Any member,
102 having less than ten years of creditable service on the date the offense is committed, who upon
103 conviction is subject to the provisions of this section shall forfeit all rights to a retirement
104 allowance based upon any creditable service prior to and after the date of the offense and shall
105 receive a return of his accumulated total deductions; provided, however, that the rate of regular
106 interest for the purpose of calculating accumulated total deductions shall be zero. The member
107 shall thereupon cease to be a member in the retirement system and shall be ineligible to become
108 a member of any retirement system.

109
110 (5) Notification. If a current employer, last employer, the attorney general or a district
111 attorney becomes aware of a final conviction of a member of a retirement system under
112 circumstances which may require forfeiture of the member's rights to a pension, or retirement
113 allowance pursuant to this chapter, section 59 of chapter 30 or section 25 of chapter 268A, they
114 shall immediately notify the retirement board and the commission of such conviction.

115
116 (6) Repayment of allowance. If a member's final conviction of an offense results in a
117 forfeiture of rights under this chapter, the member shall forfeit, and the board shall require the
118 member to repay all benefits in excess of the allowable amount received after the date of the
119 offense of which the member was convicted. Following a member's conviction and partial
120 forfeiture, the member's retirement allowance will be reduced, upon such terms and conditions as
121 the board may determine, until all excess payment amounts are recovered.

(7) Misreported Salary. In no event shall any member be entitled to receive a retirement allowance under this chapter, which is based upon a salary that was intentionally concealed from or intentionally misreported to the commonwealth, or any political subdivision, district or authority of the commonwealth. If a member intentionally concealed compensation from or intentionally misreported compensation to an entity to which the member was required to report the compensation, even if the reporting was not required for purposes of calculating the member's retirement allowance, the member's retirement allowance shall be based only upon the regular compensation actually reported to that entity or the amount reported to the board, whichever is lower. Unless otherwise prohibited by law, such member shall receive a return of any accumulated total deductions paid on amounts in excess of the compensation actually reported, but no interest shall be payable on the accumulated deductions returned to the member.

The board shall notify the commission of any proceedings commenced pursuant to this subdivision and shall provide any and all documents relating to said proceedings upon request of the commission. Notwithstanding the waiver provisions of paragraph (a) of subdivision 3 of section 21 of chapter 32 of the general laws any calculations performed pursuant to this section will be submitted to the commission for approval.

(8) Appeal of Forfeiture. Any person who is aggrieved by a decision made pursuant to this section regarding the forfeiture of all or any portion of a member's retirement allowance under this section may, within thirty days after the certification of the decision bring a petition in the superior court. This action shall be commenced in the superior court in which a member was convicted, or in Suffolk Superior Court, or in the Massachusetts Superior Court covering the

geographic area in which a member resides. The court shall review all legal issues under a de novo standard, but may base its determination either on the administrative record below, or may, in its discretion, request additional evidence.

(9) Restitution. If a member has been found to have misappropriated funds or property of their employer, restitution may be made using all or a portion of the total deductions of the member on account with a retirement system. If restitution is made using the accumulated total deductions of the member on account with a retirement system then the annuity portion of any retirement allowance will be reduced when a retirement allowance becomes effective or when a retirement allowance is resumed, as the case may be. The pension portion of the retirement allowance shall remain unchanged from the allowance determined using the accumulated total deductions in the member's account prior to restitution.

SECTION 4. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line 63 by striking the phrase: "or any member who is aggrieved by any action taken or decision of a board or the public employee retirement administration commission rendered with reference to his dereliction of duty as set forth in section 15,".

SECTION 5. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line 113 by adding after the word "rendered": , except decisions made or actions taken pursuant to section 15 of this chapter,.

166

167 SECTION 6. Section 105 of said chapter 32 is hereby amended by adding the following
168 paragraph;

169

170 (d) Any member having had their retirement allowance forfeited entirely or having had
171 any portion of their retirement allowance forfeited pursuant to section 15 of this chapter shall be
172 ineligible for reinstatement to service under the provisions of this section.

173

174 SECTION 7. Paragraph (b) of subdivision (2) of section (8) of chapter 32 is hereby
175 amended by inserting in line 105 after the word "compensation": ; provided, however, that any
176 member who has had their retirement allowance forfeited entirely or had any portion of their
177 retirement allowance forfeited pursuant to section 15 shall not become an active member of the
178 retirement system upon reinstatement but shall contribute to the deferred compensation fund
179 established by section 64D of chapter 29.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 20

TITLE

An Act relative to post retirement earnings

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This bill increases the amount a public retiree can earn from post-retirement work by an additional \$15,000 after one full calendar year. It also clarifies how excess earnings can be recovered, limiting the amount recoverable to no more than the retiree's annual pension for that year.

HOUSE No. 20

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to post retirement earnings

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to post retirement earnings.

*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 (b) of Section 91 of Chapter 32 as most recently amended by
2 chapter 141 of the Acts of 2024 is hereby amended by striking everything after the phrase
3 “whichever is greater” and inserting “provided however that after one entire calendar year has
4 elapsed, such earnings, in any calendar year, when added to any pension or retirement allowance
5 he is receiving, may include an additional \$15,000.”

6 Section 2. Paragraph (c) of Section 91 of chapter 32 of the general laws, as appearing in
7 the 2022 Official edition, is hereby amended in line 118 by adding:

8 In the event that any excess is not recovered by the appropriate treasurer or other person
9 responsible for the payment of the compensation, the retirement board of which the member is a
10 retiree may recover an amount equal to the overearnings, but in no event shall such amount
11 exceed the amount of the retirement allowance paid in the year in which the overearnings
12 occurred.

HOUSE No. 20

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to post retirement earnings

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

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4 elapsed, such earnings, in any calendar year, when added to any pension or retirement allowance
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8 In the event that any excess is not recovered by the appropriate treasurer or other person
9 responsible for the payment of the compensation, the retirement board of which the member is a
10 retiree may recover an amount equal to the overearnings, but in no event shall such amount
11 exceed the amount of the retirement allowance paid in the year in which the overearnings
12 occurred.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 21

TITLE

An Act relative to Chapter 32 Section 8 and modifications of retirement allowances

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This bill amends paragraph (a) of subdivision (1) of section 8 of chapter 32, most recently amended by section 69 of the acts of chapter 140 of the acts of 2024 by striking a phrase related to rehabilitation programs. The evaluation to return to service would not account for whether the member's return would be impacted by their participation in a medical or vocational rehabilitation program. Additionally, paragraphs 3 and 4 would be struck.

This bill amends subdivision (2) of section 8 of chapter 32 by removing a phrase that references the rehabilitation phrase struck in paragraph (a) of subdivision (2).

Subdivision (3) of section 8 of chapter 32 is struck and replaced. If the commission finds that a member receiving accidental disability retirement is engaged in gainful occupation and has excess earnings for three or more consecutive years which results in them repaying their entire allowance pursuant to section 91A, their retirement allowance will be modified prospectively. When that determination is made, the retiree will be given an opportunity to be heard by the commission. Any modification that is imposed will be in affect for at least one year unless the mental or physical condition of the member has deteriorated. The member can appeal the commission's decision through the contributory retirement appeal board. The applicable retirement board may pay over to a health insurance carrier the portion of the allowance to maintain the member's health coverage. The member will still be considered a disability retiree under this process for purposes on chapters 32A, 32B, 34B, and section 100B of chapter 41. The public employee retirement administration commission will create regulations establishing and providing a system for annually adjusting for inflation and other equitable factors they deem relevant, the fair amount of outside income that may be earned by a retired member pursuant to section 6 or 7. They will also create regulations to determine the potential earnings of any such retired member based upon their functional capacity, age, education, and experience.

HOUSE No. 21

So much of the recommendations of the Public Employee Retirement Administration Commission (House, No. 18) as relates to Chapter 32 Section 8 and modifications of retirement allowances

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to Chapter 32 Section 8 and modifications of retirement allowances.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Paragraph (a) of Subdivision (1) of Section 8 of Chapter 32, as most recently amended by
2 Section 69 of Chapter 140 of the Acts of 2024, is hereby amended by striking “ without a
3 medical or vocational rehabilitation program, or whether such member's return to his former or
4 similar job within the same department would likely be expedited by participation in a medical
5 or vocational rehabilitation program”.

6 Said Paragraph (a) is further amended by striking the 3rd and 4th paragraphs.

7 Paragraph (a) of Subdivision 2 of Section 8 is hereby amended by striking “if following
8 the completion of a rehabilitation program required under subdivision (1), a regional medical
9 pane so finds,”

10 Subdivision (3) of Section 8 of Chapter 32, is hereby amended by striking subdivision (3)
11 and inserting in its place:

(3) Modifications of retirement allowances. If as a result of such medical report by a regional medical panel, as a result of the submission of earnings information under section ninety-one A, the commission finds that such retired member is engaged in gainful occupation and has excess earnings, for three or more consecutive years, which result in the repayment of his or her entire retirement allowance pursuant to section 91A, said member's retirement allowance shall be modified prospectively.

When a determination is made that a retirement allowance shall be modified, the retiree and the appropriate Retirement Board will be notified, and the retiree will be given the opportunity to be heard by the Commission or its designee. When the determination is final, the retiree and the appropriate Retirement Board will be advised. The retiree may appeal the Commission's determination to the Contributory Retirement Appeal Board pursuant to section 16. Such modification shall remain in effect, for at least one year, unless such medical report finds that the mental or physical condition of such member has deteriorated. If the annual rate of his earnings should later be changed, the yearly amount of his pension shall be further modified by reinstating, increasing, reducing, or suspending it, as the case may be.

The applicable Retirement Board may pay over to a health insurance carrier that portion of the allowance to maintain the disability retiree's health insurance coverage. A retiree whose allowance is modified pursuant to this process will continue to be considered as a disability retiree for purposes of chapter 32A, chapter 32B, chapter 34B, and section 100B of chapter 41.

The public employee retirement administration commission shall, subject to the provisions of section fifty of chapter seven, promulgate regulations establishing, and providing a system for annually adjusting for inflation and such other equitable factors as the commission

34 deems relevant, the fair amount of outside income that may be earned by a member retired
35 pursuant to section six or seven, and shall promulgate regulations for the determination of the
36 potential earnings of any such retired member based upon such member's functional capacity,
37 age, education, and experience.

HOUSE No. 21

So much of the recommendations of the Public Employee Retirement Administration Commission (House, No. 18) as relates to Chapter 32 Section 8 and modifications of retirement allowances

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 Paragraph (a) of Subdivision (1) of Section 8 of Chapter 32, as most recently amended by
2 Section 69 of Chapter 140 of the Acts of 2024, is hereby amended by striking “ without a
3 medical or vocational rehabilitation program, or whether such member's return to his former or
4 similar job within the same department would likely be expedited by participation in a medical
5 or vocational rehabilitation program”.

6 Said Paragraph (a) is further amended by striking the 3rd and 4th paragraphs.

7 Paragraph (a) of Subdivision 2 of Section 8 is hereby amended by striking “if following
8 the completion of a rehabilitation program required under subdivision (1), a regional medical
9 pane so finds,”

10 Subdivision (3) of Section 8 of Chapter 32, is hereby amended by striking subdivision (3)
11 and inserting in its place:

12 (3) Modifications of retirement allowances. If as a result of such medical report by a
13 regional medical panel, as a result of the submission of earnings information under section

ninety-one A, the commission finds that such retired member is engaged in gainful occupation and has excess earnings, for three or more consecutive years, which result in the repayment of his or her entire retirement allowance pursuant to section 91A, said member's retirement allowance shall be modified prospectively.

When a determination is made that a retirement allowance shall be modified, the retiree and the appropriate Retirement Board will be notified, and the retiree will be given the opportunity to be heard by the Commission or its designee. When the determination is final, the retiree and the appropriate Retirement Board will be advised. The retiree may appeal the Commission's determination to the Contributory Retirement Appeal Board pursuant to section 16. Such modification shall remain in effect, for at least one year, unless such medical report finds that the mental or physical condition of such member has deteriorated. If the annual rate of his earnings should later be changed, the yearly amount of his pension shall be further modified by reinstating, increasing, reducing, or suspending it, as the case may be.

The applicable Retirement Board may pay over to a health insurance carrier that portion of the allowance to maintain the disability retiree's health insurance coverage. A retiree whose allowance is modified pursuant to this process will continue to be considered as a disability retiree for purposes of chapter 32A, chapter 32B, chapter 34B, and section 100B of chapter 41.

The public employee retirement administration commission shall, subject to the provisions of section fifty of chapter seven, promulgate regulations establishing, and providing a system for annually adjusting for inflation and such other equitable factors as the commission deems relevant, the fair amount of outside income that may be earned by a member retired pursuant to section six or seven, and shall promulgate regulations for the determination of the

36 potential earnings of any such retired member based upon such member's functional capacity,
37 age, education, and experience.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 22

TITLE

An Act providing for statement of financial interests flexibility

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

Currently, under Ch. 32 Section 20C, every member of a retirement board must file a statement of financial interests with PERAC or be removed from such retirement board. This bill would allow for a board member to petition PERAC for a waiver of their removal from the board and from future exclusion from board service if their failure to file the statement of financial interests was due to extenuating circumstances. They must however file their statement by a date then set by PERAC.

HOUSE No. 22

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to providing for statement of financial interests flexibility

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act providing for statement of financial interests flexibility.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for state financial interests flexibility, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 (a) of section 20C of chapter 32 of the general laws, as appearing
2 in the 2022 official edition, is hereby amended by inserting, in line 7, after the fourth “retirement
3 board” the following: “,provided, however, that no retirement board member shall be required to
4 file a statement of financial interests for the year in which he or she ceased to be a retirement
5 board member if he or she served for less than thirty days in such year.”

6 SECTION 2. Section 20C of chapter 32 of the general laws, as appearing in the 2022
7 official edition, is hereby amended in line 78 by inserting after the words “section 16.”, the
8 following: “A board member may petition the commission for a waiver of their removal from the
9 board and their exclusion from future board service due to extenuating circumstances, provided
10 that the member files their statement of financial interest by a date set by the commission.”

HOUSE No. 22

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to providing for statement of financial interests flexibility

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Paragraph (a) of section 20C of chapter 32 of the general laws, as appearing
2 in the 2022 official edition, is hereby amended by inserting, in line 7, after the fourth “retirement
3 board” the following: “,provided, however, that no retirement board member shall be required to
4 file a statement of financial interests for the year in which he or she ceased to be a retirement
5 board member if he or she served for less than thirty days in such year.”

6 SECTION 2. Section 20C of chapter 32 of the general laws, as appearing in the 2022
7 official edition, is hereby amended in line 78 by inserting after the words “section 16.”, the
8 following: “A board member may petition the commission for a waiver of their removal from the
9 board and their exclusion from future board service due to extenuating circumstances, provided
10 that the member files their statement of financial interest by a date set by the commission.”

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 23

TITLE

An Act to provide for payment of creditable service

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This bill would include in the qualifications for creditable service, that before the date any retirement allowance becomes effective for a member, said member pays into the annuity savings fund of the system in one sum, or in installments, upon such terms and conditions as the board may prescribe, make-up payments of an amount equal to that which would have been withheld as regular deductions from their regular compensation had they been eligible for membership and been a member of such system during such previous period, together with buyback interest.

HOUSE No. 23

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to providing for payment of creditable service

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to provide for payment of creditable service.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 Paragraph (b) of subdivision (1) of section 4 of chapter 32 of the general laws, as
2 appearing in the 2022 official edition, is hereby amended in line 15 by inserting after
3 “provided,;”:

4 that before the date any retirement allowance becomes effective for him, he pays into the
5 annuity savings fund of the system in one sum, or in installments, upon such terms and
6 conditions as the board may prescribe, make-up payments of an amount equal to that which
7 would have been withheld as regular deductions from his regular compensation had he been
8 eligible for membership and been a member of such system during such previous period,
9 together with buyback interest; provided further,

HOUSE No. 23

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to providing for payment of creditable service

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 Paragraph (b) of subdivision (1) of section 4 of chapter 32 of the general laws, as
2 appearing in the 2022 official edition, is hereby amended in line 15 by inserting after
3 “provided,;”:

4 that before the date any retirement allowance becomes effective for him, he pays into the
5 annuity savings fund of the system in one sum, or in installments, upon such terms and
6 conditions as the board may prescribe, make-up payments of an amount equal to that which
7 would have been withheld as regular deductions from his regular compensation had he been
8 eligible for membership and been a member of such system during such previous period,
9 together with buyback interest; provided further,

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 24

TITLE

An Act clarifying the Chapter 32 definition of wages

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This legislation would amend Section 1 of Chapter 32, whose subject matter is definitions regarding retirement systems and pensions. Specifically, this bill would amend the definition of “wages” in Chapter 32 Section 1 to state that payments of accrued leave taken in conjunction with the receipt of workers’ compensation will be considered wages and part of an employee’s base compensation for retirement purposes. The legislation will treat sick and vacation time the same whether a member simply takes vacation time or because they are supplementing their workers’ compensation.

HOUSE No. 24

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to clarifying the Chapter 32 definition of wages

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act clarifying the Chapter 32 definition of wages.

*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 of Chapter 32 of the general laws, as appearing in the 2022 official edition, is
2 hereby amended in line 602 by inserting after the word “employer”:

3 , including any accrued sick, personal or vacation leave except when paid as a
4 supplement to the receipt of weekly workers’ compensation benefits pursuant to section 69 of
5 chapter 152;

HOUSE No. 24

So much of the recommendations of the Public Employee Retirement Administration
Commission (House, No. 18) as relates to clarifying the Chapter 32 definition of wages

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

- 1 Section 1 of Chapter 32 of the general laws, as appearing in the 2022 official edition, is
2 hereby amended in line 602 by inserting after the word “employer”:

3 , including any accrued sick, personal or vacation leave except when paid as a
4 supplement to the receipt of weekly workers’ compensation benefits pursuant to section 69 of
5 chapter 152;

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 25

TITLE

An Act relative to the enabling statute of the Public Employee Retirement Administration Commission

SPONSORS**HEARING DATE**

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

CURRENT LAW

Section 50 of chapter 7 sets out the duties of the commissioner of the public employee retirement administration commission. Paragraph (i) states that they must develop and maintain a list of facilities that are qualified to recommend or furnish rehabilitation services to injured or disabled workers. Paragraph (j) states that they must develop an effective program and procedures for the reemployment of injured or disabled workers and these must be available to any employee seeking reemployment. Paragraph (p) states that they must develop provisions for voluntary fitness programs with listed representatives and these programs will not affect similar ones in collective bargaining agreements.

SUMMARY

The bill amends section 50 of chapter 7 by striking paragraphs (i), (j), and (p).

HOUSE No. 25

So much of the recommendations of the Public Employee Retirement Administration Commission (House, No. 18) as relates to the enabling statute of the Public Employee Retirement Administration Commission

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the enabling statute of the Public Employee Retirement Administration Commission.

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 50 of Chapter 7 is hereby amended by striking paragraphs (i), (j) and (p).

HOUSE No. 25

So much of the recommendations of the Public Employee Retirement Administration Commission (House, No. 18) as relates to the enabling statute of the Public Employee Retirement Administration Commission

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 Section 50 of Chapter 7 is hereby amended by striking paragraphs (i), (j) and (p).

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 27

TITLE

An Act establishing a special commission on retirement credit purchases

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This bill would establish a special commission to evaluate and study the costs and benefits attributable to all service purchases allowed under Chapter 32. The commission shall review the associated actuarial liabilities; recommend appropriate cost-sharing between employee and employer; explore whether the types of allowable service purchases can be expanded to help recruit and retain public employees; and recommend any other changes deemed necessary to improve the long-term sustainability of the Massachusetts contributory retirement systems. This bill also enumerates the membership of the commission.

HOUSE No. 27

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to establishing a special commission on retirement credit purchases

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act establishing a special commission on retirement credit purchases.

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. There shall be a special commission to evaluate and study the costs and
2 benefits attributable to all service purchases allowed under Chapter 32. The special commission
3 shall: review the associated actuarial liabilities; recommend appropriate cost-sharing between
4 employee and employer; explore whether the types of allowable service purchases can be
5 expanded to help recruit and retain public employees; and recommend any other changes deemed
6 necessary to improve the long-term sustainability of Massachusetts contributory retirement
7 systems.

8 The commission shall consist of: the chair of the public employee retirement
9 administration commission or a designee; the chairs of the state and teachers' retirement boards,
10 or their designees; the house and senate chairs of the joint committee on public service, who
11 shall serve as co-chairs; 1 member of the senate who shall be appointed by the minority leader; 1
12 member of the house of representatives, who shall be appointed by the minority leader; the
13 President of MACRS or her designee; a representative of the Mass. Association of School

14 Superintendents; the Commonwealth's director of human resources or his designee; a
15 representative of the Massachusetts Municipal Association; the Secretary of A&F or his
16 designee; an actuary to be appointed by the Governor; a representative of a teacher's union to be
17 appointed by the state treasurer; a representative of a state employee union to be appointed by the
18 governor. The special commission shall make recommendations, including proposed
19 amendments to chapter 32 of the General Laws. The special commission shall file its
20 recommendations, including any proposed legislation, with the clerks of the Senate and House of
21 Representatives not later than May 1, 2026.

HOUSE No. 27

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to establishing a special commission on retirement credit purchases

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. There shall be a special commission to evaluate and study the costs and
2 benefits attributable to all service purchases allowed under Chapter 32. The special commission
3 shall: review the associated actuarial liabilities; recommend appropriate cost-sharing between
4 employee and employer; explore whether the types of allowable service purchases can be
5 expanded to help recruit and retain public employees; and recommend any other changes deemed
6 necessary to improve the long-term sustainability of Massachusetts contributory retirement
7 systems.

8 The commission shall consist of: the chair of the public employee retirement
9 administration commission or a designee; the chairs of the state and teachers' retirement boards,
10 or their designees; the house and senate chairs of the joint committee on public service, who
11 shall serve as co-chairs; 1 member of the senate who shall be appointed by the minority leader; 1
12 member of the house of representatives, who shall be appointed by the minority leader; the
13 President of MACRS or her designee; a representative of the Mass. Association of School
14 Superintendents; the Commonwealth's director of human resources or his designee; a
15 representative of the Massachusetts Municipal Association; the Secretary of A&F or his

16 designee; an actuary to be appointed by the Governor; a representative of a teacher's union to be
17 appointed by the state treasurer; a representative of a state employee union to be appointed by the
18 governor. The special commission shall make recommendations, including proposed
19 amendments to chapter 32 of the General Laws. The special commission shall file its
20 recommendations, including any proposed legislation, with the clerks of the Senate and House of
21 Representatives not later than May 1, 2026.

Joint Committee on Public Service

Bill Summary

BILL NUMBER House, No. 28

TITLE An Act relative to pension forfeiture

SPONSORS

HEARING DATE Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

PRIOR HISTORY

2023-24 (H.18): Reported favorably; Accompanied H9

CURRENT LAW

M.G.L. c. 32 § 5 – Superannuation retirement: Outlines the conditions for retirement allowance, the formulas to calculate the allowance, and other general provisions pertaining to retirement allowances. Paragraph (m) of subdivision one states that if a member of group one or two, whose employment started on or after January 1, 1978, and has not completed 10 years of creditable service, upon termination of their employment they are entitled to a return of their total amount of deductions with interest.

M.G.L. c. 32 § 10 – Resignation, failure of reappointment, removal or discharge:??Conditions on which members who resign, fail to be reappointed, or are removed or discharged can receive a superannuation retirement allowance and how that allowance is calculated.

M.G.L. c. 32 § 15 – Dereliction of duty by members:??Outlines the circumstances in which members must forfeit their retirement allowance and the proceedings that must occur. Depending on the offense, if certain conditions are met, they can receive a return of their accumulated total deductions. Actions specified include misappropriating funds, conviction of an offence involving the funds or property of a governmental unit, conviction of an offence, and conviction of an offence involving the laws applicable to their office or position, and intentionally concealing or misreporting compensation.

M.G.L. c. 32 § 16 subdivision 3 – Involuntary retirement; right to a hearing; right of review or appeal:??Process for department heads to request a board hearing to potentially involuntarily retire a member and how employees can petition for the hearing to be private or public. This section also outlines the appeals process. Subdivision three state that certain members who are aggrieved by the decision of the board may file a petition in their local district court. If the member’s position is subject to chapter 31 (civil service), they retain the rights afforded to them in sections 42A, 42B, 43, and 45 of chapter 31 as they apply to their position.

M.G.L. c. 32 § 105 – Reinstatement:??Any member retired under section five or section 10 is eligible to be reinstated in a retirement system under this chapter. They have to repay to the system they retired from an amount equal to the total amount of any retirement allowance received plus buyback interest.

If they work for five years or less after being reinstated, they will receive a refund of payments made to the system but will not be entitled to any creditable service for the time. If the member has five or more years of reinstatement service, they are entitled to creditable service for that time as long as they are up to date on required payments to the system.

M.G.L. c. 32 § 8 – Evaluation and reexamination of members retired for disability: The process for members who have been retired for disability to be reinstated. This includes the types of exams needed and how modifications to their retirement allowance need to be made. The retirement allowance can be modified by the public employee retirement administration commission depending on the members' circumstances after a determination is made.

SUMMARY

This bill would remove misdemeanors from crimes that trigger forfeiture bringing Massachusetts in line with most other jurisdictions. It would also provide that a member's benefit may be forfeited by one third, two thirds, or to a minimum allowance which is equal to that of a group 1 member with 10 years of service at the minimum retirement age. Full forfeiture would be an option when the prosecuting attorney's office recommends it to the retirement board. The legislation also provides a specific list of criminal actions that trigger forfeiture when a member's primary job responsibilities involve contact with children, such as possession of child pornography, a sexually violent offense against a minor, or a sexual offense involving a child the member has contact with as part of his or her job duties.

HOUSE No. 28

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to pension forfeiture

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to pension forfeiture.

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 (m) of subdivision 1 of section 5 of chapter 32 of the general
2 laws, as appearing in the 2014 Official Edition, is hereby amended in line 76 by adding after the
3 word “contrary”, the following: “except as provided in section 15 of this chapter,”.

4 SECTION 2. Subdivision 1 of section 10 of chapter 32 of the general laws, as appearing
5 in the 2014 Official Edition, is hereby amended by striking the phrase “without moral turpitude
6 on his part” in lines 6,9,84 and 126.

7 SECTION 3. Section 15 of chapter 32 of the general laws is hereby amended by striking
8 everything after the title and inserting in place thereof the following new section 15.

9 Section 15.

10 (1) Initiation of Forfeiture Proceedings. Proceedings under this section may be initiated
11 by the board or the commission. The board shall notify the member by certified mail when
12 proceedings are initiated. If the member refuses the delivery of the mail, it shall be deemed to

13 have been received. Unless otherwise agreed to by the parties, a hearing shall be held no less
14 than ten days nor more than ninety days after the member has received notification. The board
15 shall conduct the hearing pursuant to the provisions of 840 CMR 10.12. The board shall prepare
16 and file with its clerk or secretary a certificate containing its findings and decision, copies of
17 which shall be sent to the proper parties within fifteen days after completion of such hearing.

18 (2) Forfeiture of a retirement allowance upon conviction. Upon final conviction of a
19 felony criminal offense involving violation of the laws applicable to a member's office or
20 position or arising out of and in the course of their employment, a member shall be subject to the
21 forfeiture provisions of this section. A retirement board, upon notification of such conviction of a
22 member, must hold a hearing to determine whether the crimes for which a member was
23 convicted involved the laws applicable to the member's office or position or if said criminal
24 offenses were committed while the member was in the course of his or her employment, the total
25 value of the member's potential retirement benefits, and the amount of said benefits which shall
26 be forfeited. For the purposes of this section, 'criminal offense involving violation of the laws
27 applicable to a member's office or position,' shall also include, but not be limited to, in the case
28 of a member whose primary job responsibilities involve contact with children or any member of
29 the Massachusetts Teachers' Retirement System or a teacher who is a member of the Boston
30 Retirement System, a conviction for knowing purchase or possession of visual material of a child
31 depicted in sexual conduct under section 29C of chapter 272 of the general laws, or a conviction
32 of a sex offense involving a child as defined in section 178C of chapter 6 of the general laws
33 whom the member has contact with as part of his or her official duties, or a conviction of any
34 other sex offense or sexually violent offense, as those terms are defined in said section 178C, in
35 which the victim was any person under the age of 18.

(3) Forfeiture amount. Any member with ten or more years of creditable service on the date of the offense who is subject to forfeiture under the foregoing paragraph (2) shall forfeit their retirement allowance as determined by the board. A member's allowance shall be reduced by either one-third, two-thirds, to a minimum allowance or their right to an allowance shall be forfeited entirely. Such minimum allowance shall be equal to the amount a member would receive in group 1 having ten years of creditable service and at the minimum age for a group 1 employee; provided that in no event shall a member whose pension has been reduced to the minimum allowance be eligible for any retirement benefit prior to reaching the minimum age for a group 1 employee; and provided further that, except in cases of total forfeiture, a reduced retirement allowance shall not be reduced below the amount of the annual annuity portion. Such reduced allowance shall be payable for the life of the member; provided that, if the member retires having elected option (c) the beneficiary shall receive, upon the death of the member, the option (c) survivor benefit as if forfeiture had not occurred, based on the age and actual creditable service at the time of the member's retirement, if the board determines, after a hearing as specified by the Board, that the beneficiary has proven by substantial evidence that they (i) had no role in the illegal conduct for which the member was convicted, (ii) did not have knowledge of the illegal conduct, and (iii) did not commit nor conspire to commit the murder or voluntary manslaughter of the member upon whom the retirement allowance is based. In the event the entire allowance is forfeited, the member shall not be entitled to receive a retirement allowance under the provisions of section one to 28, nor shall any beneficiary be entitled to receive a retirement allowance under such provisions on account of such member. Further, in the event of total forfeiture, unless otherwise prohibited by law, a member or beneficiary shall receive only a return of their accumulated total deductions; provided, however, that the rate of

regular interest for the purpose of calculating accumulated total deductions shall be zero. Any retirement allowance received by a member up to the decision of total forfeiture by a board shall be offset against and reduce the accumulated total deductions otherwise due the member. In determining the amount of the forfeiture the board must consider and make findings of fact relative to the following factors:

(1) the severity of the crime for which the member was convicted including the sentence imposed as well as the maximum sentence provided for by law;

(2) the amount of monetary loss suffered by the state, municipality, political subdivision, or by any other person as a result of the crime for which the member was convicted or the financial gain realized by the member;

(3) the degree of public trust reposed in the member by virtue of the member's office or position and the degree to which it was violated;

(4) if the crime was part of a fraudulent scheme against the state or political subdivision, the role of the member in the fraudulent scheme;

(5) any recommendation by the prosecuting attorney or their office to the degree of forfeiture; and

(6) any such other factors as, in the judgment of the board, justice may require.

Any member who has had their retirement allowance forfeited entirely or has had a portion of their retirement allowance forfeited under this paragraph shall be ineligible to become a member of a different retirement system and is also prohibited from increasing their allowance

from the forfeited amount except by cost of living increases granted pursuant to sections 102 and 103.

Any member who has had their retirement allowance forfeited entirely or has had a portion of their retirement allowance forfeited under this paragraph shall cease to be an active member of the retirement system and shall be ineligible for membership in any retirement system.

(4) Forfeiture for members having less than ten years of creditable service. Any member, having less than ten years of creditable service on the date the offense is committed, who upon conviction is subject to the provisions of this section shall forfeit all rights to a retirement allowance based upon any creditable service prior to and after the date of the offense and shall receive a return of his accumulated total deductions; provided, however, that the rate of regular interest for the purpose of calculating accumulated total deductions shall be zero. The member shall thereupon cease to be a member in the retirement system and shall be ineligible to become a member of any retirement system.

(5) Notification. If a current employer, last employer, the attorney general or a district attorney becomes aware of a final conviction of a member of a retirement system under circumstances which may require forfeiture of the member's rights to a pension, or retirement allowance pursuant to this chapter, section 59 of chapter 30 or section 25 of chapter 268A, they shall immediately notify the retirement board and the commission of such conviction.

(6) Repayment of allowance. If a member's final conviction of an offense results in a forfeiture of rights under this chapter, the member shall forfeit, and the board shall require the member to repay all benefits in excess of the allowable amount received after the date of the

offense of which the member was convicted. Following a member's conviction and partial forfeiture, the member's retirement allowance will be reduced, upon such terms and conditions as the board may determine, until all excess payment amounts are recovered.

(7) Misreported Salary. In no event shall any member be entitled to receive a retirement allowance under this chapter, which is based upon a salary that was concealed from or knowingly misreported to the commonwealth, or any political subdivision, district or authority of the commonwealth. If a member concealed compensation from or knowingly misreported compensation to an entity to which the member was required to report the compensation, even if the reporting was not required for purposes of calculating the member's retirement allowance, the member's retirement allowance shall be based only upon the regular compensation actually reported to that entity or the amount reported to the board, whichever is lower. Unless otherwise prohibited by law, such member shall receive a return of any accumulated total deductions paid on amounts in excess of the compensation actually reported, but no interest shall be payable on the accumulated deductions returned to the member. The board shall notify the commission of any proceedings commenced pursuant to this subdivision and shall provide any and all documents relating to said proceedings upon request of the commission. Notwithstanding the waiver provisions of paragraph (a) of subdivision 3 of section 21 of chapter 32 of the general laws any calculations performed pursuant to this section will be submitted to the commission for approval.

(8) Appeal of Forfeiture. Any person who is aggrieved by a decision made pursuant to this section regarding the forfeiture of all or any portion of a member's retirement allowance under this section may, within thirty days after the certification of the decision bring a petition in the superior court. This action shall be commenced in the Massachusetts Superior Court covering

the geographic area in which a member resides or was convicted, or in Suffolk Superior Court. The court shall review all legal issues under a de novo standard, but may base its determination either on the administrative record below, or may, in its discretion, request additional evidence.

(9) Restitution. In no event shall any member after final conviction of an offense involving the funds or property of any governmental unit in which or by which he is employed or was employed at the time of his retirement or termination of service, as the case may be, or of any system of which he is a member, be entitled to receive a retirement allowance or a return of his accumulated total deductions under the provisions of sections one to twenty-eight inclusive, nor shall any beneficiary be entitled to receive any benefits under such provisions on account of such member, unless and until full restitution for any such misappropriation has been made. Restitution may be made using all or a portion of the total deductions of the member on account with a retirement system. If restitution is made using the accumulated total deductions of the member on account with a retirement system then the annuity portion of any retirement allowance will be reduced when a retirement allowance becomes effective or when a retirement allowance is resumed, as the case may be. The pension portion of the retirement allowance shall remain unchanged from the allowance determined using the accumulated total deductions in the member's account prior to restitution.

SECTION 4. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line 63 by striking the phrase: "or any member who is aggrieved by any action taken or decision of a board or the public employee retirement administration commission rendered with reference to his dereliction of duty as set forth in section 15,".

145 SECTION 5. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line
146 113 by adding after the word “rendered”: , except decisions made or actions taken pursuant to
147 section 15 of this chapter,.

148 SECTION 6. Section 105 of said chapter 32 is hereby amended by adding the following
149 paragraph;

150 (d) Any member having had their retirement allowance forfeited entirely or having had
151 any portion of their retirement allowance forfeited pursuant to section 15 of this chapter shall be
152 ineligible for reinstatement to service under the provisions of this section.

153 SECTION 7. Paragraph (b) of subdivision (2) of section (8) of chapter 32 is hereby
154 amended by inserting in line 105 after the word “compensation”: ; provided, however, that any
155 member who has had their retirement allowance forfeited entirely or had any portion of their
156 retirement allowance forfeited pursuant to section 15 shall not become an active member of the
157 retirement system upon reinstatement but shall contribute to the deferred compensation fund
158 established by section 64D of chapter 29.

HOUSE No. 28

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to pension forfeiture

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Paragraph (m) of subdivision 1 of section 5 of chapter 32 of the general
2 laws, as appearing in the 2014 Official Edition, is hereby amended in line 76 by adding after the
3 word “contrary”, the following: “except as provided in section 15 of this chapter,”.

4 SECTION 2. Subdivision 1 of section 10 of chapter 32 of the general laws, as appearing
5 in the 2014 Official Edition, is hereby amended by striking the phrase “without moral turpitude
6 on his part” in lines 6,9,84 and 126.

7 SECTION 3. Section 15 of chapter 32 of the general laws is hereby amended by striking
8 everything after the title and inserting in place thereof the following new section 15.

9 Section 15.

10 (1) Initiation of Forfeiture Proceedings. Proceedings under this section may be initiated
11 by the board or the commission. The board shall notify the member by certified mail when
12 proceedings are initiated. If the member refuses the delivery of the mail, it shall be deemed to
13 have been received. Unless otherwise agreed to by the parties, a hearing shall be held no less
14 than ten days nor more than ninety days after the member has received notification. The board

15 shall conduct the hearing pursuant to the provisions of 840 CMR 10.12. The board shall prepare
16 and file with its clerk or secretary a certificate containing its findings and decision, copies of
17 which shall be sent to the proper parties within fifteen days after completion of such hearing.

18 (2) Forfeiture of a retirement allowance upon conviction. Upon final conviction of a
19 felony criminal offense involving violation of the laws applicable to a member's office or
20 position or arising out of and in the course of their employment, a member shall be subject to the
21 forfeiture provisions of this section. A retirement board, upon notification of such conviction of a
22 member, must hold a hearing to determine whether the crimes for which a member was
23 convicted involved the laws applicable to the member's office or position or if said criminal
24 offenses were committed while the member was in the course of his or her employment, the total
25 value of the member's potential retirement benefits, and the amount of said benefits which shall
26 be forfeited. For the purposes of this section, 'criminal offense involving violation of the laws
27 applicable to a member's office or position,' shall also include, but not be limited to, in the case
28 of a member whose primary job responsibilities involve contact with children or any member of
29 the Massachusetts Teachers' Retirement System or a teacher who is a member of the Boston
30 Retirement System, a conviction for knowing purchase or possession of visual material of a child
31 depicted in sexual conduct under section 29C of chapter 272 of the general laws, or a conviction
32 of a sex offense involving a child as defined in section 178C of chapter 6 of the general laws
33 whom the member has contact with as part of his or her official duties, or a conviction of any
34 other sex offense or sexually violent offense, as those terms are defined in said section 178C, in
35 which the victim was any person under the age of 18.

36 (3) Forfeiture amount. Any member with ten or more years of creditable service on the
37 date of the offense who is subject to forfeiture under the foregoing paragraph (2) shall forfeit

their retirement allowance as determined by the board. A member's allowance shall be reduced by either one-third, two-thirds, to a minimum allowance or their right to an allowance shall be forfeited entirely. Such minimum allowance shall be equal to the amount a member would receive in group 1 having ten years of creditable service and at the minimum age for a group 1 employee; provided that in no event shall a member whose pension has been reduced to the minimum allowance be eligible for any retirement benefit prior to reaching the minimum age for a group 1 employee; and provided further that, except in cases of total forfeiture, a reduced retirement allowance shall not be reduced below the amount of the annual annuity portion. Such reduced allowance shall be payable for the life of the member; provided that, if the member retires having elected option (c) the beneficiary shall receive, upon the death of the member, the option (c) survivor benefit as if forfeiture had not occurred, based on the age and actual creditable service at the time of the member's retirement, if the board determines, after a hearing as specified by the Board, that the beneficiary has proven by substantial evidence that they (i) had no role in the illegal conduct for which the member was convicted, (ii) did not have knowledge of the illegal conduct, and (iii) did not commit nor conspire to commit the murder or voluntary manslaughter of the member upon whom the retirement allowance is based. In the event the entire allowance is forfeited, the member shall not be entitled to receive a retirement allowance under the provisions of section one to 28, nor shall any beneficiary be entitled to receive a retirement allowance under such provisions on account of such member. Further, in the event of total forfeiture, unless otherwise prohibited by law, a member or beneficiary shall receive only a return of their accumulated total deductions; provided, however, that the rate of regular interest for the purpose of calculating accumulated total deductions shall be zero. Any retirement allowance received by a member up to the decision of total forfeiture by a board shall

be offset against and reduce the accumulated total deductions otherwise due the member. In determining the amount of the forfeiture the board must consider and make findings of fact relative to the following factors:

(1) the severity of the crime for which the member was convicted including the sentence imposed as well as the maximum sentence provided for by law;

(2) the amount of monetary loss suffered by the state, municipality, political subdivision, or by any other person as a result of the crime for which the member was convicted or the financial gain realized by the member;

(3) the degree of public trust reposed in the member by virtue of the member's office or position and the degree to which it was violated;

(4) if the crime was part of a fraudulent scheme against the state or political subdivision, the role of the member in the fraudulent scheme;

(5) any recommendation by the prosecuting attorney or their office to the degree of forfeiture; and

(6) any such other factors as, in the judgment of the board, justice may require.

Any member who has had their retirement allowance forfeited entirely or has had a portion of their retirement allowance forfeited under this paragraph shall be ineligible to become a member of a different retirement system and is also prohibited from increasing their allowance from the forfeited amount except by cost of living increases granted pursuant to sections 102 and 103.

Any member who has had their retirement allowance forfeited entirely or has had a portion of their retirement allowance forfeited under this paragraph shall cease to be an active member of the retirement system and shall be ineligible for membership in any retirement system.

(4) Forfeiture for members having less than ten years of creditable service. Any member, having less than ten years of creditable service on the date the offense is committed, who upon conviction is subject to the provisions of this section shall forfeit all rights to a retirement allowance based upon any creditable service prior to and after the date of the offense and shall receive a return of his accumulated total deductions; provided, however, that the rate of regular interest for the purpose of calculating accumulated total deductions shall be zero. The member shall thereupon cease to be a member in the retirement system and shall be ineligible to become a member of any retirement system.

(5) Notification. If a current employer, last employer, the attorney general or a district attorney becomes aware of a final conviction of a member of a retirement system under circumstances which may require forfeiture of the member's rights to a pension, or retirement allowance pursuant to this chapter, section 59 of chapter 30 or section 25 of chapter 268A, they shall immediately notify the retirement board and the commission of such conviction.

(6) Repayment of allowance. If a member's final conviction of an offense results in a forfeiture of rights under this chapter, the member shall forfeit, and the board shall require the member to repay all benefits in excess of the allowable amount received after the date of the offense of which the member was convicted. Following a member's conviction and partial

forfeiture, the member's retirement allowance will be reduced, upon such terms and conditions as the board may determine, until all excess payment amounts are recovered.

(7) Misreported Salary. In no event shall any member be entitled to receive a retirement allowance under this chapter, which is based upon a salary that was concealed from or knowingly misreported to the commonwealth, or any political subdivision, district or authority of the commonwealth. If a member concealed compensation from or knowingly misreported compensation to an entity to which the member was required to report the compensation, even if the reporting was not required for purposes of calculating the member's retirement allowance, the member's retirement allowance shall be based only upon the regular compensation actually reported to that entity or the amount reported to the board, whichever is lower. Unless otherwise prohibited by law, such member shall receive a return of any accumulated total deductions paid on amounts in excess of the compensation actually reported, but no interest shall be payable on the accumulated deductions returned to the member. The board shall notify the commission of any proceedings commenced pursuant to this subdivision and shall provide any and all documents relating to said proceedings upon request of the commission. Notwithstanding the waiver provisions of paragraph (a) of subdivision 3 of section 21 of chapter 32 of the general laws any calculations performed pursuant to this section will be submitted to the commission for approval.

(8) Appeal of Forfeiture. Any person who is aggrieved by a decision made pursuant to this section regarding the forfeiture of all or any portion of a member's retirement allowance under this section may, within thirty days after the certification of the decision bring a petition in the superior court. This action shall be commenced in the Massachusetts Superior Court covering the geographic area in which a member resides or was convicted, or in Suffolk Superior Court.

125 The court shall review all legal issues under a de novo standard, but may base its determination
126 either on the administrative record below, or may, in its discretion, request additional evidence.

127 (9) Restitution. In no event shall any member after final conviction of an offense
128 involving the funds or property of any governmental unit in which or by which he is employed or
129 was employed at the time of his retirement or termination of service, as the case may be, or of
130 any system of which he is a member, be entitled to receive a retirement allowance or a return of
131 his accumulated total deductions under the provisions of sections one to twenty-eight inclusive,
132 nor shall any beneficiary be entitled to receive any benefits under such provisions on account of
133 such member, unless and until full restitution for any such misappropriation has been made.
134 Restitution may be made using all or a portion of the total deductions of the member on account
135 with a retirement system. If restitution is made using the accumulated total deductions of the
136 member on account with a retirement system then the annuity portion of any retirement
137 allowance will be reduced when a retirement allowance becomes effective or when a retirement
138 allowance is resumed, as the case may be. The pension portion of the retirement allowance shall
139 remain unchanged from the allowance determined using the accumulated total deductions in the
140 member's account prior to restitution.

141 SECTION 4. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line 63
142 by striking the phrase: "or any member who is aggrieved by any action taken or decision of a
143 board or the public employee retirement administration commission rendered with reference to
144 his dereliction of duty as set forth in section 15,".

145 SECTION 5. Subdivision 3 of section 16 of said chapter 32 is hereby amended in line
146 113 by adding after the word “rendered”: , except decisions made or actions taken pursuant to
147 section 15 of this chapter,.

148 SECTION 6. Section 105 of said chapter 32 is hereby amended by adding the following
149 paragraph;

150 (d) Any member having had their retirement allowance forfeited entirely or having had
151 any portion of their retirement allowance forfeited pursuant to section 15 of this chapter shall be
152 ineligible for reinstatement to service under the provisions of this section.

153 SECTION 7. Paragraph (b) of subdivision (2) of section (8) of chapter 32 is hereby
154 amended by inserting in line 105 after the word “compensation”: ; provided, however, that any
155 member who has had their retirement allowance forfeited entirely or had any portion of their
156 retirement allowance forfeited pursuant to section 15 shall not become an active member of the
157 retirement system upon reinstatement but shall contribute to the deferred compensation fund
158 established by section 64D of chapter 29.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 29

TITLE

An Act relative to the interest charged on refund buybacks

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

PRIOR HISTORY

2023-24 (H.19): Reported favorably; Referred to HWM

2021-22 (H.22): Reported favorably, Referred to HWM

CURRENT LAW

Section three of chapter 32 outlines the different kinds of membership in the retirement systems, membership eligibility, group classifications, various scenarios regarding leave of absences and credit for different teaching jobs, and reestablishing membership. Paragraph (c) of Subsection 6 of Section 3 of Chapter 32, whose subject matter is reinstatement or reentry into active public service.

SUMMARY

This bill would amend Paragraph (c) of Subsection 6 of Section 3 of Chapter 32. This bill would establish that any former member who is reinstated to or who reenters the active service of the governmental unit in which he was formerly employed to serve in a position which is subject to the provisions of this chapter, within two years from the date of his separation therefrom, may again become a member in service and may pay into the annuity savings fund of the system in one make-up sum, or in installments upon such terms and conditions as the board may prescribe, an amount equal to the accumulated regular deduction withdrawn by him, together with the buyback interest to the date of repayment. Currently, this law states that the buyback interest would be to the date of reemployment.

HOUSE No. 29

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to the interest charged on refund buybacks

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

- 1 SECTION 1. Paragraph (c) of subdivision 6 of section 3 of Chapter 32 is hereby amended
- 2 by striking out in the first sentence, the word “reemployment” and inserting in place thereof the
- 3 word “repayment.”

HOUSE No. 29

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to the interest charged on refund buybacks

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the interest charged on refund buybacks.

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 (c) of subdivision 6 of section 3 of Chapter 32 is hereby amended
2 by striking out in the first sentence, the word “reemployment” and inserting in place thereof the
3 word “repayment.”

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 30

TITLE

An Act clarifying creditable service buyback for publicly funded non-public schools

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

PRIOR HISTORY

2023-24 (H.3977): Reported favorably; New draft H.4699; Referred to SWM

CURRENT LAW

Section four of chapter 32 establishes the qualifications for creditable service. Specifically, this bill would amend paragraph (p) of subsection one of section four of chapter 32, which outlines how teachers who previously taught at non-public schools whose tuitions were financed in part or in full by the Commonwealth may buy back certain periods of time worked in those positions.

SUMMARY

This bill would amend Subsection 1 of Section 4 of Chapter 32. This bill would allow such teachers to buy back, in one sum or in installments, an amount equal to that which would have been withheld as regular deductions from their regular compensation for the period in question, had such service been rendered in a public school of the Commonwealth, plus buyback interest. This bill also adds to paragraph (p) definitions for "non-public school", "school age child", and "special education". "Non-public school" will be defined as an institution operated by a private entity in the commonwealth that offers a special education program as approved by the Department of Elementary and Secondary Education; provided, that service in a non-public school shall not include activities in a residence or afterschool program. "School age child" and "special education" will be defined as they are in section one of chapter 71B.

HOUSE No. 30

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to clarifying creditable service buyback for publicly funded non-public schools

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act clarifying creditable service buyback for publicly funded non-public schools.

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. Subdivision (1) of section 4 of chapter 32 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by striking out paragraph (p) and
3 inserting in place thereof the following paragraph:-

4 (p) For the purposes of this paragraph, the following words shall, unless the context
5 clearly requires otherwise, have the following meanings:-

6 “Non-public school”, an institution operated by a private entity in the commonwealth that
7 offers a special education program as approved by the Department of Elementary and Secondary
8 Education; provided, that service in a non-public school shall not include activities in a residence
9 or afterschool program.

10 “School age child”, as defined in section 1 of chapter 71B.

11 “Special education”, as defined in section 1 of chapter 71B.

Any member of a contributory retirement system who is engaged in a teacher position and holds a license issued by the department of elementary and secondary education or is exempted from the requirement of licensure and who was previously employed as a teacher as defined in section 1 in a special education program for school-aged children in a non-public school, if the tuition of all pupils in said non-public school was financed in part or in full by the commonwealth, may, before the date any retirement allowance becomes effective for the member, establish such service as creditable service by depositing into the annuity savings fund of the relevant system in 1 sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from regular compensation for such previous period, or most recent portion thereof, as the member may elect, had such service been rendered in a public school of the commonwealth, plus buyback interest to the date of such deposit for such previous period, or most recent portion thereof, as the member may elect. Payment shall not be made and no credit shall be allowed for such non-public school service in excess of the total service rendered in a public school of the commonwealth to which the member would be entitled to receive credit if the member remained in service to age 65, with the maximum credit for service in non-public schools not to exceed 10 years; provided, that no credit shall be allowed and no payment shall be accepted for any service for which the member shall be entitled to receive a retirement allowance, annuity or pension from any other source. Upon completion of such payments, the member shall receive the same credit for such period of the member's previous non-public school service or portion thereof elected, as would have been allowed had such service been rendered by the member in a public school of the commonwealth. The member shall furnish the board with such information as it shall require to determine the amount to be paid and the credit to be allowed under this

paragraph. At the time a retirement allowance becomes due to a member or to a beneficiary under option (d) of subdivision (2) of section 12, if the service rendered in public schools of the commonwealth on the date either the retirement allowance becomes effective, or on the date the member attained age 65, whichever occurs first, is less than the service in said non-public schools for which the member has paid, credit shall be allowed only for the most recent service rendered in said non-public schools equal to such service rendered in the public schools of the commonwealth and the amount paid for such additional service shall be refunded with accumulated interest, refund to be made only when the retirement allowance becomes due to the member or to the beneficiary under option (d) of subdivision (2) of section 12, and if it is found that payment has been accepted for any service for which the member is entitled to a retirement allowance, annuity or pension from any other source, the amount paid for such service with accumulated interest shall also be refunded with no retirement credit allowed.

HOUSE No. 30

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to clarifying creditable service buyback for publicly funded non-public schools

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Subdivision (1) of section 4 of chapter 32 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by striking out paragraph (p) and
3 inserting in place thereof the following paragraph:—

4 (p) For the purposes of this paragraph, the following words shall, unless the context
5 clearly requires otherwise, have the following meanings:—

6 “Non-public school”, an institution operated by a private entity in the commonwealth that
7 offers a special education program as approved by the Department of Elementary and Secondary
8 Education; provided, that service in a non-public school shall not include activities in a residence
9 or afterschool program.

10 “School age child”, as defined in section 1 of chapter 71B.

11 “Special education”, as defined in section 1 of chapter 71B.

12 Any member of a contributory retirement system who is engaged in a teacher position
13 and holds a license issued by the department of elementary and secondary education or is

exempted from the requirement of licensure and who was previously employed as a teacher as defined in section 1 in a special education program for school-aged children in a non-public school, if the tuition of all pupils in said non-public school was financed in part or in full by the commonwealth, may, before the date any retirement allowance becomes effective for the member, establish such service as creditable service by depositing into the annuity savings fund of the relevant system in 1 sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from regular compensation for such previous period, or most recent portion thereof, as the member may elect, had such service been rendered in a public school of the commonwealth, plus buyback interest to the date of such deposit for such previous period, or most recent portion thereof, as the member may elect. Payment shall not be made and no credit shall be allowed for such non-public school service in excess of the total service rendered in a public school of the commonwealth to which the member would be entitled to receive credit if the member remained in service to age 65, with the maximum credit for service in non-public schools not to exceed 10 years; provided, that no credit shall be allowed and no payment shall be accepted for any service for which the member shall be entitled to receive a retirement allowance, annuity or pension from any other source. Upon completion of such payments, the member shall receive the same credit for such period of the member's previous non-public school service or portion thereof elected, as would have been allowed had such service been rendered by the member in a public school of the commonwealth. The member shall furnish the board with such information as it shall require to determine the amount to be paid and the credit to be allowed under this paragraph. At the time a retirement allowance becomes due to a member or to a beneficiary under option (d) of subdivision (2) of section 12, if the service rendered in public schools of the

37 commonwealth on the date either the retirement allowance becomes effective, or on the date the
38 member attained age 65, whichever occurs first, is less than the service in said non-public
39 schools for which the member has paid, credit shall be allowed only for the most recent service
40 rendered in said non-public schools equal to such service rendered in the public schools of the
41 commonwealth and the amount paid for such additional service shall be refunded with
42 accumulated interest, refund to be made only when the retirement allowance becomes due to the
43 member or to the beneficiary under option (d) of subdivision (2) of section 12, and if it is found
44 that payment has been accepted for any service for which the member is entitled to a retirement
45 allowance, annuity or pension from any other source, the amount paid for such service with
46 accumulated interest shall also be refunded with no retirement credit allowed.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 31

TITLE

An Act relative to reducing delinquent pension reporting

SPONSORS**HEARING DATE**

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

(1A) Updates Section 18 of Chapter 32 to require that government payroll officers submit certain employment and salary information upon request by a retirement board or commission. If they delay unreasonably, they'll be notified and given 30 days to comply. After that, a \$100-per-day penalty may be imposed until compliance. Collected penalties go into pension funds to help cover administrative costs. The board or commission can also go to superior court to enforce compliance and penalties.

SECTION 2. Subdivision (1) of Section 22 of Chapter 32; striking out clause (i) and inserting the following three clauses (summarized):

- (i) Employers with employees in the teachers' retirement system must send the amounts withheld for the annuity savings fund, along with accurate data reports, to the Teachers' Retirement Board by the 10th of the following month. The board will credit each member's account and transfer the funds to the state treasurer for deposit into the annuity savings fund.
- (ii) If an employer fails to send the withheld amounts by the deadline, they must pay interest on the late funds, calculated monthly at the system's assumed rate of return. The board may waive the interest if the delay wasn't due to willful misconduct or gross negligence. Any interest collected goes into the system's expense fund. The board can also take legal action in superior court to enforce this rule.
- (iii) Employers who fail to submit accurate and timely data reports are subject to a \$100 per day penalty. Before the penalty is applied, the board will notify the employer in writing and give them 30 days to fix the issue. If the problem isn't resolved, the daily penalty begins. Like with the interest, the board can waive the penalty if the noncompliance wasn't due to intentional or negligent behavior. Collected penalties are deposited into the expense fund, and the board can go to court to enforce compliance.

HOUSE No. 31

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to reducing delinquent pension reporting

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to reducing delinquent pension reporting.

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 18 of Chapter 32 of the general laws is hereby amended by striking
2 out subdivision (1A) and inserting in place thereof the following subdivision:

3 (1A) Filing of Reports and Penalties for Failure to File. — The treasurer or other
4 disbursing officer in charge of payroll in any governmental unit or agency to which a system
5 pertains, upon request from the board or the commission shall submit such written information as
6 shall be required by the provisions of section one to twenty-eight, inclusive, or by rules and
7 regulations of the board or the commission consistent with the law, including but not limited to
8 employment status forms, service and salary verifications, and information necessary to perform
9 employer data audits and process record corrections arising therefrom. If the board or the
10 commission determines that there has been unreasonable delay in filing of any such required
11 information, the board or the commission shall so notify in writing such treasurer or other
12 disbursing officer and the chief executive officer for the governmental unit that if such required
13 information is not received within 30 days, the governmental unit is subject to a noncompliance

penalty of \$100 per day. If within thirty days thereafter, the board or the commission has not received such required information, it may impose all or any portion of the penalty provided in this paragraph for as many days as the employer remains noncompliant. Any such penalties collected shall be deposited in the commonwealth pension liability fund or the applicable board's pension fund and used to offset the operating expenses of the board or commission imposing the penalty. The board or the commission may petition the superior court to compel compliance with this section and enforce the penalty thereunder.

SECTION 2. Subdivision (1) of Section 22 of Chapter 32 of the general laws is hereby amended by striking out clause (i) and inserting the following three clauses:

(1)(i) In the case of employers whose employees include members of the teachers' retirement system, the various amounts withheld for any month for deposit in the annuity savings fund of such system shall, together with accurate and complete data reports therefor in a format prescribed by the teachers' retirement board, be transmitted by the employer's disbursing authorities to the board on or before the tenth day of the next succeeding month. The board shall thereupon credit the accounts of such members with their respective deductions and pay all such sums received to the state treasurer for deposit in the annuity savings fund of such system.

(ii) Notwithstanding any other provision of section one to twenty-eight, inclusive, any such withholdings not remitted by the tenth day of the next succeeding month shall be subject to an interest penalty, which shall accrue on a monthly basis at the rate of the system's then effective actuarial assumed rate of return for each month or fraction thereof that they remain unpaid. The board may abate all or any part of the interest upon its determination that the employer had not willfully, intentionally, through gross negligence, or through a pattern of

negligence failed to timely or accurately remit contributions. All such interest payments received by the board shall be deposited in the expense fund of the teachers' retirement system. The board may petition the superior court to compel compliance with this provision and enforce the penalty thereunder.

(iii) Notwithstanding any other provision of section one to twenty-eight, inclusive, said employers are subject to a penalty of \$100 per day for noncompliance with the data reporting requirements of subparagraph (i), including data that was not timely remitted or data that cannot be posted to members' accounts at the times designated by the board due to data reporting errors by the employer. Before said penalty is assessed, the board shall notify the disbursing officer and chief executive officer of the employer in writing of the noncompliance, identifying the reasons for the finding of noncompliance, and shall request the employer to resolve the noncompliance within 30 days. Upon expiration of the 30-day period, if said data reporting requirements are not satisfied, the employer is subject to said penalty for each subsequent day the employer remains noncompliant. The board may abate all or part of the penalties upon its determination that the employer had not willfully, intentionally, through gross negligence, or through a pattern of negligence failed to timely or accurately remit the data reports. All such penalties collected by the board shall be deposited in the expense fund of the teachers' retirement system. The board may petition the superior court to compel compliance with this provision and enforce the penalty thereunder.

SECTION 3. Sections 1 and 2 shall take effect as of January 1, 2022.

HOUSE No. 31

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to reducing delinquent pension reporting

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 18 of Chapter 32 of the general laws is hereby amended by striking
2 out subdivision (1A) and inserting in place thereof the following subdivision:

3 (1A) Filing of Reports and Penalties for Failure to File. — The treasurer or other
4 disbursing officer in charge of payroll in any governmental unit or agency to which a system
5 pertains, upon request from the board or the commission shall submit such written information as
6 shall be required by the provisions of section one to twenty-eight, inclusive, or by rules and
7 regulations of the board or the commission consistent with the law, including but not limited to
8 employment status forms, service and salary verifications, and information necessary to perform
9 employer data audits and process record corrections arising therefrom. If the board or the
10 commission determines that there has been unreasonable delay in filing of any such required
11 information, the board or the commission shall so notify in writing such treasurer or other
12 disbursing officer and the chief executive officer for the governmental unit that if such required
13 information is not received within 30 days, the governmental unit is subject to a noncompliance
14 penalty of \$100 per day. If within thirty days thereafter, the board or the commission has not
15 received such required information, it may impose all or any portion of the penalty provided in

16 this paragraph for as many days as the employer remains noncompliant. Any such penalties
17 collected shall be deposited in the commonwealth pension liability fund or the applicable board's
18 pension fund and used to offset the operating expenses of the board or commission imposing the
19 penalty. The board or the commission may petition the superior court to compel compliance
20 with this section and enforce the penalty thereunder.

21 SECTION 2. Subdivision (1) of Section 22 of Chapter 32 of the general laws is hereby
22 amended by striking out clause (i) and inserting the following three clauses:

23 (1)(i) In the case of employers whose employees include members of the teachers'
24 retirement system, the various amounts withheld for any month for deposit in the annuity savings
25 fund of such system shall, together with accurate and complete data reports therefor in a format
26 prescribed by the teachers' retirement board, be transmitted by the employer's disbursing
27 authorities to the board on or before the tenth day of the next succeeding month. The board shall
28 thereupon credit the accounts of such members with their respective deductions and pay all such
29 sums received to the state treasurer for deposit in the annuity savings fund of such system.

30 (ii) Notwithstanding any other provision of section one to twenty-eight, inclusive, any
31 such withholdings not remitted by the tenth day of the next succeeding month shall be subject to
32 an interest penalty, which shall accrue on a monthly basis at the rate of the system's then
33 effective actuarial assumed rate of return for each month or fraction thereof that they remain
34 unpaid. The board may abate all or any part of the interest upon its determination that the
35 employer had not willfully, intentionally, through gross negligence, or through a pattern of
36 negligence failed to timely or accurately remit contributions. All such interest payments received
37 by the board shall be deposited in the expense fund of the teachers' retirement system. The board

may petition the superior court to compel compliance with this provision and enforce the penalty thereunder.

(iii) Notwithstanding any other provision of section one to twenty-eight, inclusive, said employers are subject to a penalty of \$100 per day for noncompliance with the data reporting requirements of subparagraph (i), including data that was not timely remitted or data that cannot be posted to members' accounts at the times designated by the board due to data reporting errors by the employer. Before said penalty is assessed, the board shall notify the disbursing officer and chief executive officer of the employer in writing of the noncompliance, identifying the reasons for the finding of noncompliance, and shall request the employer to resolve the noncompliance within 30 days. Upon expiration of the 30-day period, if said data reporting requirements are not satisfied, the employer is subject to said penalty for each subsequent day the employer remains noncompliant. The board may abate all or part of the penalties upon its determination that the employer had not willfully, intentionally, through gross negligence, or through a pattern of negligence failed to timely or accurately remit the data reports. All such penalties collected by the board shall be deposited in the expense fund of the teachers' retirement system. The board may petition the superior court to compel compliance with this provision and enforce the penalty thereunder.

SECTION 3. Sections 1 and 2 shall take effect as of January 1, 2022.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 32

TITLE

An Act to extend the opportunity to purchase teaching service in all territories of the United States

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

PRIOR HISTORY

2023-24 (H.22): Reported favorably; Referred to HWM

CURRENT LAW

Section 3 of chapter 32 of the Massachusetts General Laws Outlines the different kinds of membership in the retirement systems, membership eligibility, group classifications, various scenarios regarding leave of absences and credit for different teaching jobs, and reestablishing membership.

SUMMARY

This bill would amend subdivision four of section 3 of chapter 32 to include service rendered in an overseas dependent school conducted under the supervision of the department of defense of the government of the United States, and service rendered in the public schools of any of the Territories of the United States as eligible for creditable service. Provided, that any credit to be allowed does not exceed five years of the maximum credit of ten years allowable for service in other states, when referring to the service in any other state for any previous period as a teacher, principal, supervisor or superintendent in the public day schools or other day school under exclusive public control and supervision.

HOUSE No. 32

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to extending the opportunity to purchase teaching service in all territories of the United States

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. The subdivision (4) of section 3 of Chapter 32 is hereby amended by
2 striking out the second paragraph and inserting in place thereof the following paragraph:

3 For the purposes of this subdivision the words "service in any other state for any previous
4 period as a teacher, principal, supervisor or superintendent in the public day schools or other day
5 school under exclusive public control and supervision" shall be deemed to include service
6 rendered in an overseas dependent school conducted under the supervision of the department of
7 defense of the government of the United States, and service rendered in the public schools of any
8 of the Territories of the United States; provided, that any credit to be allowed shall not exceed
9 five years of the maximum credit of ten years allowable for service in other states as provided in
10 this section.

HOUSE No. 32

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to extending the opportunity to purchase teaching service in all territories of the United States

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to extend the opportunity to purchase teaching service in all territories of the United States.

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. The subdivision (4) of section 3 of Chapter 32 is hereby amended by
2 striking out the second paragraph and inserting in place thereof the following paragraph:

3 For the purposes of this subdivision the words "service in any other state for any previous
4 period as a teacher, principal, supervisor or superintendent in the public day schools or other day
5 school under exclusive public control and supervision" shall be deemed to include service
6 rendered in an overseas dependent school conducted under the supervision of the department of
7 defense of the government of the United States, and service rendered in the public schools of any
8 of the Territories of the United States; provided, that any credit to be allowed shall not exceed
9 five years of the maximum credit of ten years allowable for service in other states as provided in
10 this section.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 33

TITLE

An Act relative to the definition of wages for retirement calculations

SPONSORS**HEARING DATE**

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

PRIOR HISTORY

2023-24 (H.23): Reported favorably; Referred to HWM

CURRENT LAW

M.G.L. c. 32 § 1 – Definitions: Definitions of terms used throughout chapter 32.

SUMMARY

This bill would amend section one of chapter 32 by adding to the definition of “wages”. The definition would also include payments made by an employer to an employee that supplement weekly incapacity payments as wages under the provisions of sections sixty-nine to seventy-five inclusive of chapter one hundred fifty-two, or sections thirty-four, thirty-four A, thirty-four B, thirty-five A, thirty-five F, thirty-six until a retirement allowance becomes effective for an individual under the provisions of sections one to twenty-eight inclusive chapter 32. The extent to which these supplemental payments are considered wages will be limited, when combined with such incapacity payments, to the amount that, in the determination of the retirement board, the member would have received during the applicable time period, had they not been so incapacitated.

HOUSE No. 33

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to the definition of wages for retirement calculations

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 1 of Chapter 32 is hereby amended by adding at the end of the
2 definition of “wages” the following paragraph:

3 Notwithstanding the foregoing, wages shall also include payments made by an employer
4 to an employee in supplementation of weekly incapacity payments under the provisions of
5 sections sixty-nine to seventy-five inclusive of chapter one hundred fifty-two, or of sections
6 thirty-four, thirty-four A, thirty-four B, thirty-five A, thirty-five F, thirty-six, until a retirement
7 allowance becomes effective for him under the provisions of sections one to twenty-eight
8 inclusive of this chapter. The extent to which these supplemental payments are considered wages
9 shall be limited, when combined with such incapacity payments, to the amount that in the
10 determination of the retirement board the member would have received during the applicable
11 time period, had they not been so incapacitated.

HOUSE No. 33

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to the definition of wages for retirement calculations

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the definition of wages for retirement calculations.

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 1 of Chapter 32 is hereby amended by adding at the end of the
2 definition of “wages” the following paragraph:

3 Notwithstanding the foregoing, wages shall also include payments made by an employer
4 to an employee in supplementation of weekly incapacity payments under the provisions of
5 sections sixty-nine to seventy-five inclusive of chapter one hundred fifty-two, or of sections
6 thirty-four, thirty-four A, thirty-four B, thirty-five A, thirty-five F, thirty-six, until a retirement
7 allowance becomes effective for him under the provisions of sections one to twenty-eight
8 inclusive of this chapter. The extent to which these supplemental payments are considered wages
9 shall be limited, when combined with such incapacity payments, to the amount that in the
10 determination of the retirement board the member would have received during the applicable
11 time period, had they not been so incapacitated.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 34

TITLE

An Act relative to parental and family leave equity for members of public retirement systems

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

PRIOR HISTORY

2023-24 (H.24): Reported favorably; Referred to HWM

CURRENT LAW

M.G.L. c. 32 § 3 – Membership: Outlines the different kinds of membership in the retirement systems, membership eligibility, group classifications, various scenarios regarding leave of absences and credit for different teaching jobs, and reestablishing membership.

SUMMARY

This bill would amend clause (i) of subdivision one of section 3 of chapter 32 to include other reasons permitted under the family and medical leave laws pertaining to a member's position during any period of authorized leave of absence with pay or during any period of authorized leave of absence without pay if such leave is due to said member's mental or physical incapacity for duty.

HOUSE No. 34

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to parental and family leave equity for members of public retirement systems

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to parental and family leave equity for members of public retirement systems.

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. The second sentence of clause (i) of subdivision (1) of section 3 of Chapter
2 32 is hereby amended by adding after the word “duty” the following words:

3 “or other reasons permitted under the family and medical leave laws pertaining to his
4 position”

HOUSE No. 34

So much of the recommendations of the Massachusetts Teachers' Retirement System (House, No. 26) as relates to parental and family leave equity for members of public retirement systems

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:–

1 SECTION 1. The second sentence of clause (i) of subdivision (1) of section 3 of Chapter
2 32 is hereby amended by adding after the word “duty” the following words:

3 “or other reasons permitted under the family and medical leave laws pertaining to his
4 position”

Joint Committee on Public Service

Bill Summary

BILL NUMBER House, No. 39

TITLE An Act relative to the SMART Plan

SPONSORS

HEARING DATE Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SIMILAR MATTERS H.2824 (Ferrante); S.1878 (Lovely)

PRIOR HISTORY

2023-24 (H.2517/S.1698): Ordered to House and Senate Studies

2021-22 (H.34): Reported favorably, Referred to HWM

2021-22 (H.33): Ordered to a House Study

2021-22 (H2643): Ordered to a House Study

2021-22 (S.1746): Ordered to a Senate Study

CURRENT LAW

M.G.L. c. 29 § 64 – Deferred compensation contracts; public employees; investments; budgets: The State Treasurer may set up a deferred compensation contract for employees as defined in section one of chapter 32 and state police on certain temporary assignments. This program is in addition to, not part of the retirement system or pension system provided for the employee. Any compensation deferred under this plan will be considered a regular compensation for retirement calculation purposes. Every person who receives compensation from the Commonwealth for services performed and who is not eligible for membership or has declined membership to the state retirement system must enter into a deferred compensation program. This is not required for part-time, seasonal, or temporary employees. The Treasurer may adopt annual or supplemental budget as necessary to administer this program.

M.G.L. c. 29 § 64B – Deferred compensation contracts between governmental bodies and employees, investments: The Treasurer has the ability to contract with employees of a governmental body into a similar deferred compensation program as in section 64 of chapter 29. “Employee” in this section has the same meaning as in section one of chapter 32 and includes consultants and independent contractors paid by a governmental body. ??

SUMMARY

This bill amends chapter 29 section 64. The definition of employee for the purposes of the section by removing the phrase “independent contractors” in the definition and replacing it with “contracted employees”. The bill continues to amend this section by adding that the state treasurer may establish an automatic enrollment feature within the deferred compensation program. The automatic enrollment feature shall not require prior authorization by an employee and would be deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. The details of the automatic enrollment feature in the deferred compensation plan document shall include: (a) automatic enrollment shall apply only to new employees of the commonwealth, meaning employees hired on or after June 1, 2022. (b) automatic enrollment shall apply only to new employees of a “governmental body”, as defined in section 64B of chapter 29 of these general laws, if the governmental body elects to implement the automatic enrollment feature for its employees; (c) automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage; (d) the amount of compensation deferred by an automatically-enrolled employee shall automatically increase by a specified amount each year unless the participating employee elects not to participate in auto escalation or elects to defer a different amount than specified; (e) an employee who is automatically enrolled shall no more than ninety days to discontinue participation in the plan; (f) an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation; (g) a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee’s contributions; and (h) notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

This bill also amends chapter 32 Section 64B by adding a new paragraph that states that the treasurer may implement an automatic enrollment feature within its deferred compensation program. The automatic enrollment feature shall not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction. Subject to the election of each governmental body, any such auto enrollment feature permitted as a part of a governmental body’s deferred compensation program shall only apply to new employees of a governmental body hired on or after June 1, 2024 and such deferred compensation program will be required to include the specifications for auto enrollment detailed in subsections (b) through (h), inclusively, of section 64 of chapter 29 of said General Laws.

HOUSE No. 39

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to the SMART Plan

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the SMART Plan.

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 64 of chapter 29 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking, in line 31, the words “independent contractors”
3 and inserting in place thereof the following:- contracted employees

4 SECTION 2. Said section 64 of said chapter 29 of the General Laws, as so appearing, is
5 hereby further amended by inserting at the end thereof the following paragraph:-

6 The state treasurer, on behalf of the commonwealth, may establish an automatic
7 enrollment feature within the deferred compensation program. The automatic enrollment feature
8 shall not require prior authorization by an employee, and is hereby deemed to be an exception to
9 the provisions of the Massachusetts Wage Act or any other state law requiring employee
10 authorization for a payroll deduction or any similar ordinance of a governmental body. The
11 details of the automatic enrollment feature shall be set forth in the deferred compensation plan
12 document and shall include, but not be limited to, the following provisions:

(a) automatic enrollment shall apply only to new employees of the commonwealth, meaning employees hired on or after June 1, 2024; provided, however, that for any commonwealth agencies or departments that purchase or make payments to an individual or group annuity contract, custodial account, or any other investment authorized under section 403(b) of the Internal Revenue Code for its employees, automatic enrollment shall only apply at said agency's or department's discretion and affirmative election;

(b) automatic enrollment shall apply only to new employees of a "governmental body", as defined in section 64B of chapter 29 of these general laws, if the governmental body elects to implement the automatic enrollment feature for its employees;

(c) automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage;

(d) the amount of compensation deferred by an automatically-enrolled employee shall automatically increase by a specified amount each year unless the participating employee elects not to participate in auto escalation or elects to defer a different amount than specified;

(e) an employee who is automatically enrolled shall no more than ninety days to discontinue participation in the plan;

(f) an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation;

(g) a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee's contributions; and

(h) notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

SECTION 3. Section 64B of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting between the third and fourth paragraphs the following new paragraph:-

The treasurer or, in the absence of the treasurer, the chief financial officer by whatever name that person is called, on behalf of a governmental body, may, at its own election, implement an automatic enrollment feature within its deferred compensation program established pursuant to this section 64B, chapter 29. The automatic enrollment feature shall not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. Subject to the election of each governmental body, any such auto enrollment feature permitted as a part of a governmental body's deferred compensation program shall only apply to new employees of a governmental body hired on or after June 1, 2024 and such deferred compensation program will be required to include the specifications for auto enrollment detailed in subsections (b) through (h), inclusively, of section 64 of chapter 29 of said General Laws.

HOUSE No. 39

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to the SMART Plan

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 64 of chapter 29 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking, in line 31, the words “independent contractors”
3 and inserting in place thereof the following:- contracted employees

4 SECTION 2. Said section 64 of said chapter 29 of the General Laws, as so appearing, is
5 hereby further amended by inserting at the end thereof the following paragraph:-

6 The state treasurer, on behalf of the commonwealth, may establish an automatic
7 enrollment feature within the deferred compensation program. The automatic enrollment feature
8 shall not require prior authorization by an employee, and is hereby deemed to be an exception to
9 the provisions of the Massachusetts Wage Act or any other state law requiring employee
10 authorization for a payroll deduction or any similar ordinance of a governmental body. The
11 details of the automatic enrollment feature shall be set forth in the deferred compensation plan
12 document and shall include, but not be limited to, the following provisions:

13 (a) automatic enrollment shall apply only to new employees of the commonwealth,
14 meaning employees hired on or after June 1, 2024; provided, however, that for any

commonwealth agencies or departments that purchase or make payments to an individual or group annuity contract, custodial account, or any other investment authorized under section 403(b) of the Internal Revenue Code for its employees, automatic enrollment shall only apply at said agency's or department's discretion and affirmative election;

(b) automatic enrollment shall apply only to new employees of a "governmental body", as defined in section 64B of chapter 29 of these general laws, if the governmental body elects to implement the automatic enrollment feature for its employees;

(c) automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage;

(d) the amount of compensation deferred by an automatically-enrolled employee shall automatically increase by a specified amount each year unless the participating employee elects not to participate in auto escalation or elects to defer a different amount than specified;

(e) an employee who is automatically enrolled shall no more than ninety days to discontinue participation in the plan;

(f) an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation;

(g) a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee's contributions; and

(h) notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

SECTION 3. Section 64B of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting between the third and fourth paragraphs the following new paragraph:-

The treasurer or, in the absence of the treasurer, the chief financial officer by whatever name that person is called, on behalf of a governmental body, may, at its own election, implement an automatic enrollment feature within its deferred compensation program established pursuant to this section 64B, chapter 29. The automatic enrollment feature shall not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. Subject to the election of each governmental body, any such auto enrollment feature permitted as a part of a governmental body's deferred compensation program shall only apply to new employees of a governmental body hired on or after June 1, 2024 and such deferred compensation program will be required to include the specifications for auto enrollment detailed in subsections (b) through (h), inclusively, of section 64 of chapter 29 of said General Laws.

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 41

TITLE

An Act expanding access to retirement savings

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This bill amends chapter 29 section 64. The definition of employee for the purposes of the section by removing the phrase “independent contractors” in the definition and replacing it with “contracted employees”. The bill continues to amend this section by adding that the state treasurer may establish an automatic enrollment feature within the deferred compensation program. The automatic enrollment feature shall not require prior authorization by an employee and would be deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. The details of the automatic enrollment feature in the deferred compensation plan document shall include: (a) automatic enrollment shall apply only to new employees of the commonwealth, meaning employees hired on or after June 1, 2022. (b) automatic enrollment shall apply only to new employees of a “governmental body”, as defined in section 64B of chapter 29 of these general laws, if the governmental body elects to implement the automatic enrollment feature for its employees; (c) automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage; (d) the amount of compensation deferred by an automatically-enrolled employee shall automatically increase by a specified amount each year unless the participating employee elects not to participate in auto escalation or elects to defer a different amount than specified; (e) an employee who is automatically enrolled shall no more than ninety days to discontinue participation in the plan; (f) an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation; (g) a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee’s contributions; and (h) notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

This bill also amends chapter 32 Section 64B by adding a new paragraph that states that the treasurer may implement an automatic enrollment feature within its deferred compensation program. The automatic enrollment feature shall not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction. Subject to the election of each governmental body, any such auto enrollment feature permitted as a part of a governmental body’s deferred compensation program shall only apply to new employees of a governmental body hired on or after June 1, 2024 and such deferred compensation program will be required to include the specifications for auto enrollment detailed in subsections (b) through (h), inclusively, of section 64 of chapter 29 of said General Laws.

This bill amends section 64E of chapter 29 by striking the words "and employing not more than 20 persons". This section is further amended by adding new subsection (g) that the Treasurer or their designee may seek to reduce operating expenses of the plan through private donations or grants and may include direct or indirect fundraising.

HOUSE No. 41

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to expanding access to retirement savings

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act expanding access to retirement savings.

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 64 of chapter 29 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking, in line 31, the words “independent contractors”
3 and inserting in place thereof the following:- contracted employees

4 SECTION 2. Said section 64 of said chapter 29 of the General Laws, as so appearing, is
5 hereby further amended by inserting at the end thereof the following paragraph:-

6 The state treasurer, on behalf of the commonwealth, may establish an automatic
7 enrollment feature within the deferred compensation program. The automatic enrollment feature
8 shall not require prior authorization by an employee, and is hereby deemed to be an exception to
9 the provisions of the Massachusetts Wage Act or any other state law requiring employee
10 authorization for a payroll deduction or any similar ordinance of a governmental body. The
11 details of the automatic enrollment feature shall be set forth in the deferred compensation plan
12 document and shall include, but not be limited to, the following provisions:

(a) automatic enrollment shall apply only to new employees of the commonwealth, meaning employees hired on or after June 1, 2024; provided, however, that for any commonwealth agencies or departments that purchase or make payments to an individual or group annuity contract, custodial account, or any other investment authorized under section 403(b) of the Internal Revenue Code for its employees, automatic enrollment shall only apply at said agency's or department's discretion and affirmative election;

(b) automatic enrollment shall apply only to new employees of a "governmental body", as defined in section 64B of chapter 29 of these general laws, if the governmental body elects to implement the automatic enrollment feature for its employees;

(c) automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage;

(d) the amount of compensation deferred by an automatically-enrolled employee shall automatically increase by a specified amount each year unless the participating employee elects not to participate in auto escalation or elects to defer a different amount than specified;

(e) an employee who is automatically enrolled shall no more than ninety days to discontinue participation in the plan;

(f) an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation;

(g) a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee's contributions; and

(h) notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

SECTION 3. Section 64B of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting between the third and fourth paragraphs the following new paragraph:-

The treasurer or, in the absence of the treasurer, the chief financial officer by whatever name that person is called, on behalf of a governmental body, may, at its own election, implement an automatic enrollment feature within its deferred compensation program established pursuant to this section 64B, chapter 29. The automatic enrollment feature shall not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. Subject to the election of each governmental body, any such auto enrollment feature permitted as a part of a governmental body's deferred compensation program shall only apply to new employees of a governmental body hired on or after June 1, 2024 and such deferred compensation program will be required to include the specifications for auto enrollment detailed in subsections (b) through (h), inclusively, of section 64 of chapter 29 of said General Laws.

SECTION 4. Section 64E of chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking, in lines 5 and 6, the words "and employing not more than 20 persons,"

54 SECTION 5. Said section 64E of said chapter 29, as so appearing, is hereby further
55 amended by inserting at the end thereof the following subsection:-

56 (g) Notwithstanding any general or special law to the contrary, the state treasurer,
57 or designee, may seek to reduce operating expenses for the plan through private donations or
58 grants, which may include direct and indirect fundraising.

HOUSE No. 41

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to expanding access to retirement savings

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 64 of chapter 29 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking, in line 31, the words “independent contractors”
3 and inserting in place thereof the following:- contracted employees

4 SECTION 2. Said section 64 of said chapter 29 of the General Laws, as so appearing, is
5 hereby further amended by inserting at the end thereof the following paragraph:-

6 The state treasurer, on behalf of the commonwealth, may establish an automatic
7 enrollment feature within the deferred compensation program. The automatic enrollment feature
8 shall not require prior authorization by an employee, and is hereby deemed to be an exception to
9 the provisions of the Massachusetts Wage Act or any other state law requiring employee
10 authorization for a payroll deduction or any similar ordinance of a governmental body. The
11 details of the automatic enrollment feature shall be set forth in the deferred compensation plan
12 document and shall include, but not be limited to, the following provisions:

13 (a) automatic enrollment shall apply only to new employees of the commonwealth,
14 meaning employees hired on or after June 1, 2024; provided, however, that for any

commonwealth agencies or departments that purchase or make payments to an individual or group annuity contract, custodial account, or any other investment authorized under section 403(b) of the Internal Revenue Code for its employees, automatic enrollment shall only apply at said agency's or department's discretion and affirmative election;

(b) automatic enrollment shall apply only to new employees of a "governmental body", as defined in section 64B of chapter 29 of these general laws, if the governmental body elects to implement the automatic enrollment feature for its employees;

(c) automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage;

(d) the amount of compensation deferred by an automatically-enrolled employee shall automatically increase by a specified amount each year unless the participating employee elects not to participate in auto escalation or elects to defer a different amount than specified;

(e) an employee who is automatically enrolled shall no more than ninety days to discontinue participation in the plan;

(f) an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation;

(g) a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee's contributions; and

(h) notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

SECTION 3. Section 64B of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting between the third and fourth paragraphs the following new paragraph:-

The treasurer or, in the absence of the treasurer, the chief financial officer by whatever name that person is called, on behalf of a governmental body, may, at its own election, implement an automatic enrollment feature within its deferred compensation program established pursuant to this section 64B, chapter 29. The automatic enrollment feature shall not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. Subject to the election of each governmental body, any such auto enrollment feature permitted as a part of a governmental body's deferred compensation program shall only apply to new employees of a governmental body hired on or after June 1, 2024 and such deferred compensation program will be required to include the specifications for auto enrollment detailed in subsections (b) through (h), inclusively, of section 64 of chapter 29 of said General Laws.

SECTION 4. Section 64E of chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking, in lines 5 and 6, the words "and employing not more than 20 persons,"

SECTION 5. Said section 64E of said chapter 29, as so appearing, is hereby further amended by inserting at the end thereof the following subsection:-

56 (g) Notwithstanding any general or special law to the contrary, the state treasurer,
57 or designee, may seek to reduce operating expenses for the plan through private donations or
58 grants, which may include direct and indirect fundraising.

Joint Committee on Public Service

Bill Summary

BILL NUMBER House, No. 42

TITLE An Act relative to the Massachusetts State Employees Retirement System

SPONSORS

HEARING DATE Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SIMILAR MATTERS H.2892 (LeBoeuf – Identical)

CURRENT LAW

M.G.L. c. 32 § 3 – Membership: Outlines the different kinds of membership in the retirement systems, membership eligibility, group classifications, various scenarios regarding leave of absences and credit for different teaching jobs, and reestablishing membership.

M.G.L. c. 32 § 5 – Superannuation retirement: Outlines the conditions for retirement allowance, the formulas to calculate the allowance, and other general provisions pertaining to retirement allowances. Subsection two details how the amount of retirement allowance is calculated.

M.G.L. c. 32 § 22 – Methods of financing: Each retirement system has an annuity savings fund, an annuity reserve fund, and a pension fund. This section dictates how each of these is funded, any exceptions to the funding plan, and their general management.

M.G.L. c. 32 § 26 – Retirement of officers in department of state police: This section contains the process of state police to receive accidental disability benefits and how they are calculated and how the officer could be reinstated, and sets the mandatory retirement age for group three at 65yrs, however if a member of group three has worked with the state police for 20 or more years they may retire at 55yrs.

M.G.L. c. 32A § 8 – Contributions for premiums by commonwealth and active or retired employees and dependents; ratio; withholding; direct payment; reimbursement by certain agencies; filing copies of contracts and agreements.

SUMMARY

This bill amends section 3 of chapter 32 by updating the language that outlines who qualifies as a group two member to more modern language describing individuals with disabilities and children in custody.

This bill amends section 5 of chapter 32 by adding that if a member has prior service in multiple groups, the group classification of the prior service will be decided by the retirement board from which the member is retiring for the purposes of calculating their retirement allowance. This section is further amended by stating that members who entered service on or before April 2, 2012 and seeks group 2 or 4 classification and is not a public employee at the time of retirement will be classified based on the last position they worked. If they served in more than one group may elect to receive a pro-rated benefit based on the percentage of total years served in each group.

This bill amends subdivision 6 of section 22 of chapter 32 by defining “regular interest” to mean interest credited at a rate established by the commission, equal to the most recent Consumer Price Index for New England and taken to the nearest tenth of one percent to not exceed two percent.

This bill amends subsection 4 of section 26 of chapter 32 by adding to subparagraph (c). Any member who has attained the age of 55 and accrued at least 20 years working in the state police department and has served in more than one group may elect to receive a benefit consisting of pro-rated benefits based on the percentage of total years served in each group. However, this cannot exceed 75 percent of such compensation. For those who have not attained the age of 55 and has not worked with the state police for 20 years and has served in more than one group may elect to receive pro-rated based on a percentage of years served in each group. For the purposes of this calculation any service with the state police will be classified as group 4. For members in this situation who became members on or after April 2, 2021, will be a percentage of total years of service in each group.

This bill amends section 8 of chapter 32A by adding to the fourth paragraph that all amounts withheld under the provisions of section 19 and section 19A of chapter 32 from pensions or retirement allowances issued the month of the death of any retiree, survivor, or beneficiary will be forwarded to the commission by the state retirement board.

HOUSE No. 42

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to the Massachusetts State Employees Retirement System

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the Massachusetts State Employees Retirement System.

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 3 of chapter 32 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 275, the words “and employees of the
3 commonwealth or of any county whose regular and major duties require them to have the care,
4 custody, instruction or other supervision of parolees or persons who are mentally ill or mentally
5 defective or defective delinquents or wayward children and employees of Cushing hospital” and
6 inserting in place thereof the following words:- and employees or former employees of the
7 commonwealth or of any county who are active members of a retirement system, and members
8 of the state employees retirement system whose regular and the recurring majority of their duties
9 require them to have care, custody, instruction or other supervision, or require them to provide
10 services to parolees, persons who are mentally ill, or persons with physical, functional,
11 intellectual, or developmental disabilities, or delinquent youth, and employees of Cushing
12 hospital

13 SECTION 2. Section 5 of chapter 32 of the General Laws, as appearing in the 2022
14 Official Edition, is hereby amended by inserting, in line 126, after the words “rendered in each
15 group;” the following:- provided, however, that classification of the eligible prior service
16 rendered by the member in each group shall be made by the retirement board from which the
17 member is retiring;

18 SECTION 3. Said section 5 of said chapter 32, as so appearing, is hereby further
19 amended by inserting, in line 130, after the words “rendered in each group” the following:-
20 provided, however, that classification of the eligible prior service rendered by the member in
21 each group shall be made by the retirement board from which the member is retiring

22 SECTION 4. Subsection (2) of said section 5 of said chapter 32, as so appearing, is
23 hereby further amended in subparagraph (a) by striking out the fourth sentence and inserting in
24 place thereof the following sentence:- A member who entered service on or before April, 2, 2012
25 and seeks Group 2 or Group 4 classification and is no longer a public employee at the time of the
26 member's retirement shall be classified based on the position from which the member was last
27 employed; provided that said member who entered service on or before April 2, 2102 and who is
28 no longer a public employee at the time of the member’s retirement and who has served in more
29 than 1 group may elect to receive a retirement allowance consisting of pro-rated benefits based
30 upon the percentage of total years of service that the member rendered in each group.

31 SECTION 5. Subdivision 6 of section 22 of chapter 32 of the General Laws, as appearing
32 in the 2022 Official Edition, is hereby amended in paragraph (b) by inserting after the final
33 sentence the following two sentences:- For each calendar year beginning subsequent to
34 December thirty-first, two thousand and twenty-three, "regular interest" shall mean interest

credited at a rate established by the commission, equal to the increase of the most recent Consumer Price Index for New England issued by the United States Bureau of Labor Statistics. The rate established by the commission shall be taken to the nearest tenth of one per cent; provided that the rate established by the commission shall not exceed two per cent.

SECTION 6. Subsection (4) of said section 26 of said chapter 32 of the General Laws, as so appearing, is hereby amended in subparagraph (c) by inserting after the last paragraph the following paragraphs:-

Any member in service who has attained the age of 55, who has accrued not less than twenty years of creditable service in the department of state police, and who has served in more than 1 group may elect to receive a retirement allowance consisting of pro-rated benefits as determined by the state retirement board based upon the percentage of total years of service that the member rendered in each group; provided, that such retirement allowance shall in no case exceed 75 per cent of such regular compensation.

Any member in service as of April 2, 2012 who has not attained the age of 55, who has accrued less than twenty years of creditable service in the department of state police, and who has served in more than 1 group may elect to receive a retirement allowance consisting of pro-rated benefits as determined by the state retirement board based upon the percentage of total years of service that the member rendered in each group; provided, that such retirement allowance shall be calculated in accordance with the provisions of section 5 or 10 of Chapter 32; provided further that any such service with the department of state police for purposes of this paragraph shall be considered as Group 4. The retirement allowance provided in this paragraph shall consist of pro-rated benefits based upon the percentage of total years of service that the

57 member rendered in each group; provided further, that the retirement allowance set forth in this
58 paragraph for members who became members on or after April 2, 2012, and who served in more
59 than one group, shall consist of pro-rated benefits based upon the percentage of total years of
60 service that member rendered in each group.

61 SECTION 7. Section 8 of chapter 32A of the General Laws, as appearing in the 2022
62 Official Edition, is hereby amended by inserting after the fourth paragraph the following
63 sentence:- All amounts withheld under the provisions of section 19 and section 19A of chapter
64 32 forwarded by the state retirement board to the commission as provided by this section from
65 pensions or retirement allowances issued in the month of the death of any retiree, survivor or
66 beneficiary shall be returned to the state retirement board by the commission.

HOUSE No. 42

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to the Massachusetts State Employees Retirement System

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 3 of chapter 32 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 275, the words “and employees of the
3 commonwealth or of any county whose regular and major duties require them to have the care,
4 custody, instruction or other supervision of parolees or persons who are mentally ill or mentally
5 defective or defective delinquents or wayward children and employees of Cushing hospital” and
6 inserting in place thereof the following words:- and employees or former employees of the
7 commonwealth or of any county who are active members of a retirement system, and members
8 of the state employees retirement system whose regular and the recurring majority of their duties
9 require them to have care, custody, instruction or other supervision, or require them to provide
10 services to parolees, persons who are mentally ill, or persons with physical, functional,
11 intellectual, or developmental disabilities, or delinquent youth, and employees of Cushing
12 hospital

13 SECTION 2. Section 5 of chapter 32 of the General Laws, as appearing in the 2022
14 Official Edition, is hereby amended by inserting, in line 126, after the words “rendered in each
15 group;” the following:- provided, however, that classification of the eligible prior service

rendered by the member in each group shall be made by the retirement board from which the member is retiring;

SECTION 3. Said section 5 of said chapter 32, as so appearing, is hereby further amended by inserting, in line 130, after the words “rendered in each group” the following:- provided, however, that classification of the eligible prior service rendered by the member in each group shall be made by the retirement board from which the member is retiring

SECTION 4. Subsection (2) of said section 5 of said chapter 32, as so appearing, is hereby further amended in subparagraph (a) by striking out the fourth sentence and inserting in place thereof the following sentence:- A member who entered service on or before April, 2, 2012 and seeks Group 2 or Group 4 classification and is no longer a public employee at the time of the member's retirement shall be classified based on the position from which the member was last employed; provided that said member who entered service on or before April 2, 2102 and who is no longer a public employee at the time of the member’s retirement and who has served in more than 1 group may elect to receive a retirement allowance consisting of pro-rated benefits based upon the percentage of total years of service that the member rendered in each group.

SECTION 5. Subdivision 6 of section 22 of chapter 32 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended in paragraph (b) by inserting after the final sentence the following two sentences:- For each calendar year beginning subsequent to December thirty-first, two thousand and twenty-three, "regular interest" shall mean interest credited at a rate established by the commission, equal to the increase of the most recent Consumer Price Index for New England issued by the United States Bureau of Labor Statistics.

The rate established by the commission shall be taken to the nearest tenth of one per cent;
provided that the rate established by the commission shall not exceed two per cent.

SECTION 6. Subsection (4) of said section 26 of said chapter 32 of the General Laws, as
so appearing, is hereby amended in subparagraph (c) by inserting after the last paragraph the
following paragraphs:-

Any member in service who has attained the age of 55, who has accrued not less than
twenty years of creditable service in the department of state police, and who has served in more
than 1 group may elect to receive a retirement allowance consisting of pro-rated benefits as
determined by the state retirement board based upon the percentage of total years of service that
the member rendered in each group; provided, that such retirement allowance shall in no case
exceed 75 per cent of such regular compensation.

Any member in service as of April 2, 2012 who has not attained the age of 55, who has
accrued less than twenty years of creditable service in the department of state police, and who
has served in more than 1 group may elect to receive a retirement allowance consisting of pro-
rated benefits as determined by the state retirement board based upon the percentage of total
years of service that the member rendered in each group; provided, that such retirement
allowance shall be calculated in accordance with the provisions of section 5 or 10 of Chapter 32;
provided further that any such service with the department of state police for purposes of this
paragraph shall be considered as Group 4. The retirement allowance provided in this paragraph
shall consist of pro-rated benefits based upon the percentage of total years of service that the
member rendered in each group; provided further, that the retirement allowance set forth in this
paragraph for members who became members on or after April 2, 2012, and who served in more

59 than one group, shall consist of pro-rated benefits based upon the percentage of total years of
60 service that member rendered in each group.

61 SECTION 7. Section 8 of chapter 32A of the General Laws, as appearing in the 2022
62 Official Edition, is hereby amended by inserting after the fourth paragraph the following
63 sentence:- All amounts withheld under the provisions of section 19 and section 19A of chapter
64 32 forwarded by the state retirement board to the commission as provided by this section from
65 pensions or retirement allowances issued in the month of the death of any retiree, survivor or
66 beneficiary shall be returned to the state retirement board by the commission.

Joint Committee on Public Service

Bill Summary

BILL NUMBER House, No. 44

TITLE An Act relative to non-Commonwealth entities

SPONSORS

HEARING DATE Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SIMILAR MATTERS H.2960 (Scarsdale – Identical); S.1836 (Eldridge)

PRIOR HISTORY

2023-24 (S.1689): Reported favorably; New draft S2611; Referred to SWM

2022-21 (H.48): Reported favorably, New draft H.4592; Referred to HWM

CURRENT LAW

M.G.L. c. 32 § 28 – Acceptance of act: How towns, cities, cities or towns with a contributory retirement system through a special act, districts, housing authorities, the Massachusetts department of transportation, the MBTA, and the Massachusetts housing finance agency can accept sections one through 28 of chapter 32 to provide retirement benefits for employees.

M.G.L. c. 32 § 28 subdivision four – Acceptance by districts: Any district, all or part of which includes any city or town, or which includes cities and towns in more than one county, may provide retirement benefits for its employees if the district accepts sections one through 28 of chapter 32. Each district must annually reimburse the state retirement system for its pro rata share of any retirement allowance paid by the board during the preceding calendar year. Educational collaboratives that have certain authorization will annually reimburse the state retirement board for the employer's normal cost as determined by the actuary of benefits earned each year by their employees.

SUMMARY

The bill amends subdivision four of section 28 of chapter 32 to state that along with educational collaboratives, “non-commonwealth governmental units” must remit to the state retirement boards the employer’s normal cost as determined by the actuary of benefits earned each year by their employees who are members of the state retirement system. The actuary may consider the type of governmental unit, employee group classification, and employee demographic information. This calculation will be reviewed by the actuary every three years.

The bill further amends subdivision four of section 28 of chapter 32 by inserting new subdivision (d). The state retirement board may require a participating employer that fails to remit its normal cost amount, or the contributions made on behalf of employees who are members of the state retirement system by the first day of the second month following the work month up to an additional 10 percent of the delinquent contributions. The board has the right to commence an action in contract for payment of outstanding amounts. Reimbursements for calendar years 2013, 2014, and 2015 will not be required. Reimbursements currently outstanding for calendar years 2016, 2017, and 2018 will be required.

The bill amends section 28 of chapter 32 by adding new subdivision nine. For the purposes of this section, “non-commonwealth governmental unit” is defined as an employer (as defined in section one of chapter 32) whose employees are not employees of the commonwealth or any commonwealth agency, employed in a position of service of the commonwealth, and whose regular compensation is not paid by the commonwealth, and are eligible for membership in the state employees retirement system.

Sections one and two of the bill will take effect on July 1, 2025.

HOUSE No. 44

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to non-Commonwealth entities within the state employees' retirement system

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to non-Commonwealth entities.

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. Subdivision 4 of section 28 of chapter 32 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by striking out paragraph (c) and
3 inserting in place thereof the following paragraph (c):-

4 (c) Notwithstanding any general or special law to the contrary, each district, non-
5 commonwealth governmental unit, or educational collaborative as authorized by the provisions
6 of section four E of chapter forty, the employees of which have become, or which become
7 members of the state employees retirement system under the provisions of this subdivision or
8 any other previous act, shall remit to the state board of retirement as the employer's normal cost
9 as determined by the actuary, of benefits earned during each year by such employees who are
10 members of the state employees' retirement system.

11 The actuary shall determine such cost as a percentage of the payroll of the district, non-
12 commonwealth entity and collaborative for such employees based upon the most recent actuarial

valuation of the state retirement system. The actuary may consider factors including types of governmental unit, employee demographic information, and employee group classification to help in the determination of said percentage. Said cost shall be paid monthly and deposited in the pension reserve fund of the state employees' retirement system. The actuary shall review the percentage determined in this paragraph at least every three years.

SECTION 2. Subdivision 4 of section 28 of chapter 32 of the General Laws, as so appearing, is hereby further amended by adding the following paragraph:-

(d) The state retirement board upon terms and conditions it may establish, may require a participating employer governed by this sub-section, who fails to remit either its normal cost amount as determined in paragraph (c), or the contributions made on behalf of employees who are members of the Massachusetts State Employees Retirement System as required by section 22 of Chapter 32, by the first day of the second month following the work month, to pay an additional amount equal to 10% of the total amount of delinquent contributions. The state retirement board shall have the right to commence an action in contract for payment of outstanding amounts determined to be due in accordance with the provisions of this chapter.

SECTION 3. Section 28 of chapter 32 of the General Laws, as so appearing, is hereby further amended by inserting at the end thereof the following subdivision:-

(9) For the purposes of this section, "non-commonwealth governmental unit" shall mean an employer as defined in section one of chapter 32 whose employees are not employees of the commonwealth or an agency thereof, employed in a position in the service of the commonwealth, and whose regular compensation is not paid by the commonwealth, eligible for

membership in the state employees retirement system and the requirements in connection therewith.

SECTION 4. Reimbursements currently outstanding to the state retirement board under paragraph (c) of sub-section (4) of section 28 of chapter 32 for calendar years 2013, 2014, and 2015 shall not be required.

Reimbursements currently outstanding to the state retirement board under paragraph (c) of sub-section (4) of section 28 of chapter 32 for calendar years 2016, 2017 and 2018 shall be required and remitted under terms and conditions as may be prescribed by the board.

SECTION 5. Sections 1 and 2 of this act shall take effect on July 1, 2025.

HOUSE No. 44

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to non-Commonwealth entities within the state employees' retirement system

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Subdivision 4 of section 28 of chapter 32 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by striking out paragraph (c) and
3 inserting in place thereof the following paragraph (c):-

4 (c) Notwithstanding any general or special law to the contrary, each district, non-
5 commonwealth governmental unit, or educational collaborative as authorized by the provisions
6 of section four E of chapter forty, the employees of which have become, or which become
7 members of the state employees retirement system under the provisions of this subdivision or
8 any other previous act, shall remit to the state board of retirement as the employer's normal cost
9 as determined by the actuary, of benefits earned during each year by such employees who are
10 members of the state employees' retirement system.

11 The actuary shall determine such cost as a percentage of the payroll of the district, non-
12 commonwealth entity and collaborative for such employees based upon the most recent actuarial
13 valuation of the state retirement system. The actuary may consider factors including types of
14 governmental unit, employee demographic information, and employee group classification to

15 help in the determination of said percentage. Said cost shall be paid monthly and deposited in
16 the pension reserve fund of the state employees' retirement system. The actuary shall review the
17 percentage determined in this paragraph at least every three years.

18 SECTION 2. Subdivision 4 of section 28 of chapter 32 of the General Laws, as so
19 appearing, is hereby further amended by adding the following paragraph:-

20 (d) The state retirement board upon terms and conditions it may establish, may require a
21 participating employer governed by this sub-section, who fails to remit either its normal cost
22 amount as determined in paragraph (c), or the contributions made on behalf of employees who
23 are members of the Massachusetts State Employees Retirement System as required by section 22
24 of Chapter 32, by the first day of the second month following the work month, to pay an
25 additional amount equal to 10% of the total amount of delinquent contributions. The state
26 retirement board shall have the right to commence an action in contract for payment of
27 outstanding amounts determined to be due in accordance with the provisions of this chapter.

28 SECTION 3. Section 28 of chapter 32 of the General Laws, as so appearing, is hereby
29 further amended by inserting at the end thereof the following subdivision:-

30 (9) For the purposes of this section, "non-commonwealth governmental unit" shall mean
31 an employer as defined in section one of chapter 32 whose employees are not employees of the
32 commonwealth or an agency thereof, employed in a position in the service of the
33 commonwealth, and whose regular compensation is not paid by the commonwealth, eligible for
34 membership in the state employees retirement system and the requirements in connection
35 therewith.

SECTION 4. Reimbursements currently outstanding to the state retirement board under paragraph (c) of sub-section (4) of section 28 of chapter 32 for calendar years 2013, 2014, and 2015 shall not be required.

Reimbursements currently outstanding to the state retirement board under paragraph (c) of sub-section (4) of section 28 of chapter 32 for calendar years 2016, 2017 and 2018 shall be required and remitted under terms and conditions as may be prescribed by the board.

SECTION 5. Sections 1 and 2 of this act shall take effect on July 1, 2025.

Joint Committee on Public Service

Bill Summary

BILL NUMBER House, No. 45

TITLE An Act updating judicial retirement benefits

SPONSORS

HEARING DATE Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SIMILAR MATTERS H.2915 (McMurtry); S.1872 (Kennedy)

PRIOR HISTORY

2023-24 (H.2598): Reported favorably; Referred to HWM

CURRENT LAW

M.G.L. c. 32 § 65C – Surviving Spouses of Judges: Judges who retire or resign and are entitled to receive a pension or retirement allowance under certain provisions may instead receive a pension or allowance for life at a lesser annual rate so that his surviving spouse, who is his spouse at the time of retirement or resignation, may receive a pension for life upon the death of the judge that is two-thirds of the amount the judge was receiving. If a judge dies before they are at or over 65yrs or 70yrs and before they have retired or resigned, the spouse will receive the pension or retirement for life based on certain calculations. The surviving spouse and deceased judge must have been living together at the time of the judge’s death unless the appropriate retiring authority concludes there was a reasonable justification for living apart. The surviving spouse’s payments will terminate if they remarry. If a judge dies before retiring or resigning and the surviving spouse is not entitled to or there is no surviving spouse, the pension or allowance will go to his estate.

M.G.L. c. 32 § 65D paragraph (h) – Retirement or Resignation of Judges Appointed on or after Jan. 12, 1975: Payments to the judges that retire or resign under section 65D of chapter 32 and payments to their surviving spouses under the provisions of section 65C of chapter 32 will be made from the judges’ retirement fund. If the payments are in excess of the deposit in the judges’ retirement fund, they will be paid from the same source as the salaries of like judicial officers of the court are paid.

SUMMARY

This bill strikes the current language of section 65C of chapter 32 and replaces it in entirety. The term "beneficiary" is used in place of "spouse" so that a beneficiary may be someone other than a spouse. The bill states that a beneficiary may only be the spouse, former spouse who has not remarried, child, father, mother, sister, or brother of the member. It would be established that if a member has a beneficiary, and that beneficiary were to die before the member, the member's retirement shall be paid in full thereafter and they may not choose another option. If a judge, who would be entitled upon resigning to a pension for life, dies before resigning, the provisions of Paragraph (d) of Subsection 2 of Section 12 of Chapter 32 (Option D: member survivor allowance) will apply.

This bill amends section 65D of chapter 32 to include in paragraph (h) of section 65D of chapter 32, payments of such retirement allowances and pensions will be made as provided in sections twelve and thirteen (superannuation retirements).

HOUSE No. 45

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to updating judicial retirement benefits

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act updating judicial retirement benefits.

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. Chapter 32 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by striking out section 65C and inserting in place thereof the following
3 section:-

4 Section 65C: Joint and Survivor Allowance

5 (1) A chief justice, justice, associate justice, judge, associate judge, or special justice,
6 hereinafter in this section called judge, who is retired or who resigns and who is entitled to a
7 pension or retirement allowance for life under the provisions of section sixty-five A, sixty-five B
8 sixty-five D, sixty-five F, or sixty-five I may elect to receive, in lieu thereof, a pension or
9 retirement allowance for life at a lesser annual rate with provision that upon his death, there shall
10 be paid to such surviving eligible beneficiary as such member shall have nominated in his
11 written election of this option, two-thirds of such pension or retirement allowance for life at a
12 lesser annual rate provided, however, that if such eligible beneficiary dies on or after the date

13 such lesser retirement allowance becomes effective and before the death of such member, such
14 member thereafter shall be paid a full retirement allowance and may not choose another option.
15 Such full retirement allowance shall be determined by multiplying the amount of the lesser
16 retirement allowance at the time of the death of such eligible beneficiary by a fraction the
17 numerator of which is the yearly amount of the full retirement allowance which such member
18 would have received at the time his retirement allowance became effective, and the denominator
19 of which is the yearly amount of the lesser retirement allowance which such member received at
20 the time his retirement allowance first became effective. The yearly amount of such lesser
21 retirement allowance shall be determined so that the value, on the date such allowance becomes
22 effective, of the prospective payments to such member and to such eligible beneficiary shall be
23 the actuarial equivalent of the value on such date of the full retirement allowance; provided,
24 however, that the yearly amount of such lesser retirement allowance shall be decreased to reflect
25 the costs to the system of providing full retirement allowances in accordance with the first
26 sentence of this paragraph. Such election shall be in writing on a prescribed form and filed with
27 the appropriate retiring authority at the time of retirement or resignation or within thirty days
28 thereafter. The computation of said actuarial equivalent shall be subject to supervision and
29 verification in accordance with the provisions of section twenty-one by the actuary appointed by
30 the public employee retirement administration commission.

31 No person shall be eligible for nomination as beneficiary under the joint and survivor
32 allowance under this section unless such person is the spouse, former spouse who has not
33 remarried, child, father, mother, sister or brother of such member.

34 If a spouse receiving an allowance as beneficiary under this option dies leaving any
35 children of the deceased member and of such spouse who are under age eighteen, such amount as

would have been paid to such spouse shall be divided into such number of equal shares as there are such children, and each such share shall be paid to a guardian for the benefit of each such child until the child reaches age eighteen.

(2) At any time prior to his retirement a judge upon his written notice on a prescribed form filed with the state retirement board prior to his death, may nominate an eligible beneficiary as set forth under subdivision (1) of this section, who if such member dies before being retired shall receive the yearly amount of the joint and survivor allowance to which such member would have been entitled had his retirement taken place on the date of his death.

If a judge, who would be entitled, upon resigning, to a pension or retirement allowance for life under sections sixty-five A, sixty-five B or sixty-five D, dies before resigning, the provisions of paragraph (d) of subdivision (2) or section 12 of chapter 32 shall apply.

If a judge forty-five years of age or over but under the age of seventy who would be entitled, upon resigning, to a pension or retirement allowance for life under section sixty-five A or sixty-five D except for not having attained age seventy, or if a judge forty-five years of age or over but under the age of sixty-five, who would be entitled upon resigning to a pension or retirement allowance under said section sixty-five A or sixty-five D, except for not having attained age sixty-five, or if a judge fifty-five years of age or over but under age sixty-five, who would be entitled upon resigning to a pension or retirement allowance for life under section sixty-five B, except for not having attained age sixty-five dies before resigning, the judge's eligible beneficiary shall receive a pension or retirement allowance for life computed as provided in the second paragraph except that, in making such computation the proportion of the annual rate of salary payable to a judge under section sixty-five A or sixty-five D or the

58 proportion of the average yearly earning for the required years of service payable to a judge
59 under section sixty-five B shall be reduced by one per cent for each year or part thereof by which
60 the date of death precedes the attainment of the age at which the judge would have received,
61 upon resigning, his pension or retirement allowance for life under section sixty-five A, sixty-five
62 B or sixty-five D, respectively.

63 Pensions under this section payable to surviving beneficiaries shall be paid from the same
64 source and in the same manner as the salaries of like judicial officers of the court from which the
65 judge was retired or resigned or of which he was a judge at the time of his death are paid.

66 Retirement allowances under this section payable to surviving beneficiaries of judges subject to
67 the requirements of paragraphs (a) and (b) of section sixty-five D shall be paid pursuant to the
68 provisions of paragraph (h) of section sixty-five D.

69 The provisions of subdivisions (1) and (2) of this section shall not apply to a surviving
70 spouse unless such surviving spouse and such deceased judge were living together at the time of
71 such judge's death or, if living apart, they were living apart, in the opinion of the appropriate
72 retiring authority, for justifiable cause other than desertion or moral turpitude on the part of such
73 surviving spouse. Payments under said second and third paragraphs shall terminate upon the
74 remarriage of such surviving spouse.

75 In determining whether a judge who was appointed prior to January second, nineteen
76 hundred and seventy-five, has served in any office or offices at least ten years continuously and
77 would be for the purposes of the second or third paragraphs of this section, entitled to a pension
78 for life under section sixty-five A or sixty-five B the period, not exceeding one year, of his
79 wartime service as defined in section one of chapter thirty-one, whether before or after his

80 appointment as a judge, shall be added to and deemed continuous with the period of his service
81 in any such office or offices.

82 In determining whether a judge who was appointed prior to January second, nineteen
83 hundred and seventy-five, has served in any such office or offices at least ten years continuously
84 and would be, for the purposes of the second or third paragraph of this section, entitled to a
85 pension for life under section sixty-five A or sixty-five B, each three years spent by him in the
86 service of the commonwealth or of any county, city or town thereof shall count as one year of
87 creditable service and each such year so credited, but in no event to exceed more than four years
88 of such creditable service, shall be added to and deemed continuous with the period of his
89 service in any such office or offices.

90 If a judge subject to the provisions of paragraphs (a) and (b) of section sixty-five D dies
91 before resigning or before retiring and if the eligible beneficiary is not entitled to a pension or
92 retirement allowance under the provisions of this section, or if a judge subject to the provisions
93 of paragraphs (a) and (b) of said section sixty-five D dies before resigning or before retiring and
94 if there is no eligible beneficiary who is eligible to receive a pension or retirement allowance
95 under the provisions of this section, all funds previously withheld and deducted under the
96 provisions of paragraph (b) of said section sixty-five D plus interest shall be returned to the
97 estate of the deceased.

98 SECTION 2. Paragraph (h) of section 65D of chapter 32 of the General Laws, as so
99 appearing, is hereby amended by inserting, after the first sentence, the following sentence: -
100 "Payments of such retirement allowances and pensions shall be made as provided in sections
101 twelve and thirteen."

HOUSE No. 45

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to updating judicial retirement benefits

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 32 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by striking out section 65C and inserting in place thereof the following
3 section:-

4 Section 65C: Joint and Survivor Allowance

5 (1) A chief justice, justice, associate justice, judge, associate judge, or special justice,
6 hereinafter in this section called judge, who is retired or who resigns and who is entitled to a
7 pension or retirement allowance for life under the provisions of section sixty-five A, sixty-five B
8 sixty-five D, sixty-five F, or sixty-five I may elect to receive, in lieu thereof, a pension or
9 retirement allowance for life at a lesser annual rate with provision that upon his death, there shall
10 be paid to such surviving eligible beneficiary as such member shall have nominated in his
11 written election of this option, two-thirds of such pension or retirement allowance for life at a
12 lesser annual rate provided, however, that if such eligible beneficiary dies on or after the date
13 such lesser retirement allowance becomes effective and before the death of such member, such
14 member thereafter shall be paid a full retirement allowance and may not choose another option.

15 Such full retirement allowance shall be determined by multiplying the amount of the lesser
16 retirement allowance at the time of the death of such eligible beneficiary by a fraction the
17 numerator of which is the yearly amount of the full retirement allowance which such member
18 would have received at the time his retirement allowance became effective, and the denominator
19 of which is the yearly amount of the lesser retirement allowance which such member received at
20 the time his retirement allowance first became effective. The yearly amount of such lesser
21 retirement allowance shall be determined so that the value, on the date such allowance becomes
22 effective, of the prospective payments to such member and to such eligible beneficiary shall be
23 the actuarial equivalent of the value on such date of the full retirement allowance; provided,
24 however, that the yearly amount of such lesser retirement allowance shall be decreased to reflect
25 the costs to the system of providing full retirement allowances in accordance with the first
26 sentence of this paragraph. Such election shall be in writing on a prescribed form and filed with
27 the appropriate retiring authority at the time of retirement or resignation or within thirty days
28 thereafter. The computation of said actuarial equivalent shall be subject to supervision and
29 verification in accordance with the provisions of section twenty-one by the actuary appointed by
30 the public employee retirement administration commission.

31 No person shall be eligible for nomination as beneficiary under the joint and survivor
32 allowance under this section unless such person is the spouse, former spouse who has not
33 remarried, child, father, mother, sister or brother of such member.

34 If a spouse receiving an allowance as beneficiary under this option dies leaving any
35 children of the deceased member and of such spouse who are under age eighteen, such amount as
36 would have been paid to such spouse shall be divided into such number of equal shares as there

are such children, and each such share shall be paid to a guardian for the benefit of each such child until the child reaches age eighteen.

(2) At any time prior to his retirement a judge upon his written notice on a prescribed form filed with the state retirement board prior to his death, may nominate an eligible beneficiary as set forth under subdivision (1) of this section, who if such member dies before being retired shall receive the yearly amount of the joint and survivor allowance to which such member would have been entitled had his retirement taken place on the date of his death.

If a judge, who would be entitled, upon resigning, to a pension or retirement allowance for life under sections sixty-five A, sixty-five B or sixty-five D, dies before resigning, the provisions of paragraph (d) of subdivision (2) or section 12 of chapter 32 shall apply.

If a judge forty-five years of age or over but under the age of seventy who would be entitled, upon resigning, to a pension or retirement allowance for life under section sixty-five A or sixty-five D except for not having attained age seventy, or if a judge forty-five years of age or over but under the age of sixty-five, who would be entitled upon resigning to a pension or retirement allowance under said section sixty-five A or sixty-five D, except for not having attained age sixty-five, or if a judge fifty-five years of age or over but under age sixty-five, who would be entitled upon resigning to a pension or retirement allowance for life under section sixty-five B, except for not having attained age sixty-five dies before resigning, the judge's eligible beneficiary shall receive a pension or retirement allowance for life computed as provided in the second paragraph except that, in making such computation the proportion of the annual rate of salary payable to a judge under section sixty-five A or sixty-five D or the proportion of the average yearly earning for the required years of service payable to a judge

59 under section sixty-five B shall be reduced by one per cent for each year or part thereof by which
60 the date of death precedes the attainment of the age at which the judge would have received,
61 upon resigning, his pension or retirement allowance for life under section sixty-five A, sixty-five
62 B or sixty-five D, respectively.

63 Pensions under this section payable to surviving beneficiaries shall be paid from the same
64 source and in the same manner as the salaries of like judicial officers of the court from which the
65 judge was retired or resigned or of which he was a judge at the time of his death are paid.
66 Retirement allowances under this section payable to surviving beneficiaries of judges subject to
67 the requirements of paragraphs (a) and (b) of section sixty-five D shall be paid pursuant to the
68 provisions of paragraph (h) of section sixty-five D.

69 The provisions of subdivisions (1) and (2) of this section shall not apply to a surviving
70 spouse unless such surviving spouse and such deceased judge were living together at the time of
71 such judge's death or, if living apart, they were living apart, in the opinion of the appropriate
72 retiring authority, for justifiable cause other than desertion or moral turpitude on the part of such
73 surviving spouse. Payments under said second and third paragraphs shall terminate upon the
74 remarriage of such surviving spouse.

75 In determining whether a judge who was appointed prior to January second, nineteen
76 hundred and seventy-five, has served in any office or offices at least ten years continuously and
77 would be for the purposes of the second or third paragraphs of this section, entitled to a pension
78 for life under section sixty-five A or sixty-five B the period, not exceeding one year, of his
79 wartime service as defined in section one of chapter thirty-one, whether before or after his

80 appointment as a judge, shall be added to and deemed continuous with the period of his service
81 in any such office or offices.

82 In determining whether a judge who was appointed prior to January second, nineteen
83 hundred and seventy-five, has served in any such office or offices at least ten years continuously
84 and would be, for the purposes of the second or third paragraph of this section, entitled to a
85 pension for life under section sixty-five A or sixty-five B, each three years spent by him in the
86 service of the commonwealth or of any county, city or town thereof shall count as one year of
87 creditable service and each such year so credited, but in no event to exceed more than four years
88 of such creditable service, shall be added to and deemed continuous with the period of his
89 service in any such office or offices.

90 If a judge subject to the provisions of paragraphs (a) and (b) of section sixty-five D dies
91 before resigning or before retiring and if the eligible beneficiary is not entitled to a pension or
92 retirement allowance under the provisions of this section, or if a judge subject to the provisions
93 of paragraphs (a) and (b) of said section sixty-five D dies before resigning or before retiring and
94 if there is no eligible beneficiary who is eligible to receive a pension or retirement allowance
95 under the provisions of this section, all funds previously withheld and deducted under the
96 provisions of paragraph (b) of said section sixty-five D plus interest shall be returned to the
97 estate of the deceased.

98 SECTION 2. Paragraph (h) of section 65D of chapter 32 of the General Laws, as so
99 appearing, is hereby amended by inserting, after the first sentence, the following sentence: -
100 "Payments of such retirement allowances and pensions shall be made as provided in sections
101 twelve and thirteen."

Joint Committee on Public Service

Bill Summary

BILL NUMBER

House, No. 49

TITLE

An Act requiring public pension fund divestment from ammunition and firearms

SPONSORS

HEARING DATE

Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

SECTION 2: Within 30 days of the law's enactment, the public fund must identify and report any direct or indirect investments in companies that manufacture or sell firearms, ammunition, or accessories to the attorney general and legislative clerks.

SECTION 3: The public fund may not invest in any companies that sell guns, ammunition, or gun accessories. The public fund has 12 months within the law going into effect to sell any publicly-traded stocks or bonds it holds in sed companies. This rule does not apply to indirect investments in actively managed funds, but the fund will still request fund managers to remove the gun-related companies or offer an alternative fund without them.

SECTION 4: In following this law, the public fund need not follow any other laws that may potentially conflict with it.

SECTION 5: If selling off gun related investments causes the public fund to drop by $< .05\%$ then the public fund is allowed to stop selling off these investments. The fund can reinvest or keep their investments, however, they can only do so in the amount necessary for preventing the loss.

(Before the public fund may proceed with this, they must submit a detailed report to the Attorney General and key legislative committees providing strong reasoning and evidence.)

SECTION 6: All present, future, and former board members of the public fund, as well as, state employees and investment managers are to be protected from any potential legal or financial consequences that arise from decisions to limit or stop investing in gun-related companies.

SECTION 7: The public fund will file an annual report that includes both a list of all investments it sold or removed in the past year to follow the law, and a list of any banned investments it still holds but hasn't sold yet.

HOUSE No. 49

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to requiring public pension fund divestment from ammunition and firearms

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act requiring public pension fund divestment from ammunition and firearms.

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. As used in this act the following words shall, unless the context clearly
2 requires otherwise, have the following meanings:-

3 “Ammunition”, ammunition as defined in section 121 of chapter 140 of the General
4 Laws, as amended by section 18 of the acts of 2017.

5 “Ammunition manufacturing company”, a company that derives more than 15 per cent of
6 its revenues from the manufacture of ammunition offered for sale for non-law enforcement or
7 non-military purposes.

8 “Ammunition retailing company”, a company that derives more than 15 per cent of its
9 revenues from the sale of ammunition for non-law enforcement or non-military purposes.

10 “Board”, the Pension Reserves Investment Management Board established in section 23
11 of chapter 32 of the General Laws.

12 “Company”, a sole proprietorship, organization, association, corporation, partnership,
13 joint venture, limited partnership, limited liability partnership, limited liability company or other
14 entity or business association, including all wholly-owned subsidiaries, majority-owned
15 subsidiaries, parent companies or affiliates of such entities or business associations that exist for
16 profit-making purposes.

17 “Direct holdings”, all securities of a company held directly by the public fund or in an
18 account or fund in which the public fund owns all shares or interests.

19 "Firearm", an assault weapon, firearm, large capacity weapon, machine gun, rifle, sawed-
20 off shotgun, or shotgun as defined by section 121 of chapter 140 of the General Laws, as
21 amended by section 18 of the acts of 2017.

22 “Firearm manufacturing company”, a company that derives more than 15 per cent of its
23 revenues from the manufacture of firearms offered for sale for non-law enforcement or non-
24 military purposes.

25 “Firearm retailing company”, a company that derives more than 15 per cent of its
26 revenues from the sale of firearms for non-law enforcement or non-military purposes.

27 “Firearm Accessory”, a bump stock, large capacity feeding device, or trigger crank as
28 defined in section 121 of chapter 140, as amended by section 18 of the acts of 2017.

29 “Firearm accessory manufacturing company”, a company that derives more than 15 per
30 cent of its revenues from the manufacture of firearm accessories for sale for non-law
31 enforcement or non-military purposes.

“Firearm accessory retailing company”, a company that derives more than 15 per cent of its revenues from the sale of firearm accessories for non-law enforcement or non-military purposes.

“Indirect holdings”, all securities of a company held in an account or fund, such as a mutual fund, managed by 1 or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to this act.

“Public fund”, the Pension Reserves Investment Trust or the Pension Reserves Investment Management Board charged with managing the pooled investment fund consisting of the assets of the state employees’ and teachers’ retirement systems as well as the assets of local retirement systems under the control of the board.

SECTION 2. Notwithstanding any general or special law to the contrary, within 30 days of enactment, the public fund shall identify all ammunition, firearm or firearm accessory manufacturing or retailing companies in which the fund owns direct or indirect holdings and shall file a list of any such holdings with the attorney general and with the clerks of the senate and the house of representatives.

SECTION 3. Notwithstanding any general or special law to the contrary, it shall be the settled policy of the public fund and of the board of the public fund not to invest in any ammunition, firearm or firearm accessory manufacturing or retailing companies. The public fund shall sell, redeem, divest or withdraw all publicly-traded securities of each company identified pursuant to section 2 of this act within 12 months of enactment. This section shall not apply to indirect holdings in actively managed investment funds; provided, however, that the public fund shall submit letters to the managers of any such investment funds that contain companies

54 identified pursuant to section 2 of this act, requesting that they remove such companies from the
55 investment fund or create a similar actively managed fund with indirect holdings devoid of such
56 companies.

57 SECTION 4. Notwithstanding any general or special law to the contrary, with respect to
58 actions taken in compliance with this act, the public fund shall be exempt from any conflicting
59 statutory or common law obligation, including any such obligations with respect to choice of
60 asset managers, investment funds or investments for the public fund's securities portfolios and
61 all good faith determinations regarding ammunition, firearm or firearm accessory manufacturing
62 or retailing companies.

63 SECTION 5. Notwithstanding any general or special law to the contrary, the public fund
64 shall be permitted to cease divesting from companies identified pursuant to section 2 of this act,
65 to reinvest in companies identified pursuant to section 2 of this act, or to continue to invest in
66 companies pursuant to section 2 of this act from which it has not yet divested upon clear and
67 convincing evidence showing that the value for all assets under management by the public fund
68 becomes equal to or less than 99.5 per cent (50 basis points) of the hypothetical value of all
69 assets under management by the public fund assuming no divestment for any company had
70 occurred under said subsection. Cessation of divestment, reinvestment or any subsequent
71 ongoing investment authorized by this section shall be strictly limited to the minimum steps
72 necessary to avoid the contingency set forth in the preceding sentence.

73 In advance of any cessation of divestment authorized by this subsection, the public fund
74 shall provide a written report to the attorney general, the senate and house committees on ways
75 and means and the joint committee on public service, updated annually thereafter as applicable,

76 setting forth the reasons and justification, supported by clear and convincing evidence, for its
77 decisions to cease divestment, to reinvest or to remain invested in companies identified pursuant
78 to section 2.

79 SECTION 6. Present, future and former board members of the public fund, jointly and
80 individually, state officers and employees, and investment managers under contract with the
81 public fund shall be indemnified from the General Fund and held harmless by the
82 Commonwealth from all claims, demands, suits, actions, damages, judgments, costs, charges and
83 expenses, including court costs and attorney's fees, and against all liability, losses, and damages
84 of any nature whatsoever that these present, future, or former board members, officers,
85 employees, or contract investment managers shall or may at any time sustain by reason of any
86 decision to restrict, reduce, or eliminate investments in ammunition, firearm, or firearm
87 accessory manufacturing or retailing companies.

88 SECTION 7. The public fund shall annually, as applicable, file a report with the attorney
89 general and with the clerks of the senate and the house of representatives, including: (i) all
90 investments sold, redeemed, divested or withdrawn in compliance with this act within the
91 preceding year; and (ii) all investments prohibited by this act from which the public fund has not
92 yet divested.

HOUSE No. 49

So much of the recommendations of the Department of the State Treasurer (House, No. 35) as relates to requiring public pension fund divestment from ammunition and firearms

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. As used in this act the following words shall, unless the context clearly
2 requires otherwise, have the following meanings:—

3 “Ammunition”, ammunition as defined in section 121 of chapter 140 of the General
4 Laws, as amended by section 18 of the acts of 2017.

5 “Ammunition manufacturing company”, a company that derives more than 15 per cent of
6 its revenues from the manufacture of ammunition offered for sale for non-law enforcement or
7 non-military purposes.

8 “Ammunition retailing company”, a company that derives more than 15 per cent of its
9 revenues from the sale of ammunition for non-law enforcement or non-military purposes.

10 “Board”, the Pension Reserves Investment Management Board established in section 23
11 of chapter 32 of the General Laws.

12 “Company”, a sole proprietorship, organization, association, corporation, partnership,
13 joint venture, limited partnership, limited liability partnership, limited liability company or other

entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies or affiliates of such entities or business associations that exist for profit-making purposes.

“Direct holdings”, all securities of a company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

"Firearm", an assault weapon, firearm, large capacity weapon, machine gun, rifle, sawed-off shotgun, or shotgun as defined by section 121 of chapter 140 of the General Laws, as amended by section 18 of the acts of 2017.

“Firearm manufacturing company”, a company that derives more than 15 per cent of its revenues from the manufacture of firearms offered for sale for non-law enforcement or non-military purposes.

“Firearm retailing company”, a company that derives more than 15 per cent of its revenues from the sale of firearms for non-law enforcement or non-military purposes.

“Firearm Accessory”, a bump stock, large capacity feeding device, or trigger crank as defined in section 121 of chapter 140, as amended by section 18 of the acts of 2017.

“Firearm accessory manufacturing company”, a company that derives more than 15 per cent of its revenues from the manufacture of firearm accessories for sale for non-law enforcement or non-military purposes.

“Firearm accessory retailing company”, a company that derives more than 15 per cent of its revenues from the sale of firearm accessories for non-law enforcement or non-military purposes.

“Indirect holdings”, all securities of a company held in an account or fund, such as a mutual fund, managed by 1 or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to this act.

“Public fund”, the Pension Reserves Investment Trust or the Pension Reserves Investment Management Board charged with managing the pooled investment fund consisting of the assets of the state employees’ and teachers’ retirement systems as well as the assets of local retirement systems under the control of the board.

SECTION 2. Notwithstanding any general or special law to the contrary, within 30 days of enactment, the public fund shall identify all ammunition, firearm or firearm accessory manufacturing or retailing companies in which the fund owns direct or indirect holdings and shall file a list of any such holdings with the attorney general and with the clerks of the senate and the house of representatives.

SECTION 3. Notwithstanding any general or special law to the contrary, it shall be the settled policy of the public fund and of the board of the public fund not to invest in any ammunition, firearm or firearm accessory manufacturing or retailing companies. The public fund shall sell, redeem, divest or withdraw all publicly-traded securities of each company identified pursuant to section 2 of this act within 12 months of enactment. This section shall not apply to indirect holdings in actively managed investment funds; provided, however, that the public fund shall submit letters to the managers of any such investment funds that contain companies identified pursuant to section 2 of this act, requesting that they remove such companies from the investment fund or create a similar actively managed fund with indirect holdings devoid of such companies.

SECTION 4. Notwithstanding any general or special law to the contrary, with respect to actions taken in compliance with this act, the public fund shall be exempt from any conflicting statutory or common law obligation, including any such obligations with respect to choice of asset managers, investment funds or investments for the public fund's securities portfolios and all good faith determinations regarding ammunition, firearm or firearm accessory manufacturing or retailing companies.

SECTION 5. Notwithstanding any general or special law to the contrary, the public fund shall be permitted to cease divesting from companies identified pursuant to section 2 of this act, to reinvest in companies identified pursuant to section 2 of this act, or to continue to invest in companies pursuant to section 2 of this act from which it has not yet divested upon clear and convincing evidence showing that the value for all assets under management by the public fund becomes equal to or less than 99.5 per cent (50 basis points) of the hypothetical value of all assets under management by the public fund assuming no divestment for any company had occurred under said subsection. Cessation of divestment, reinvestment or any subsequent ongoing investment authorized by this section shall be strictly limited to the minimum steps necessary to avoid the contingency set forth in the preceding sentence.

In advance of any cessation of divestment authorized by this subsection, the public fund shall provide a written report to the attorney general, the senate and house committees on ways and means and the joint committee on public service, updated annually thereafter as applicable, setting forth the reasons and justification, supported by clear and convincing evidence, for its decisions to cease divestment, to reinvest or to remain invested in companies identified pursuant to section 2.

79 SECTION 6. Present, future and former board members of the public fund, jointly and
80 individually, state officers and employees, and investment managers under contract with the
81 public fund shall be indemnified from the General Fund and held harmless by the
82 Commonwealth from all claims, demands, suits, actions, damages, judgments, costs, charges and
83 expenses, including court costs and attorney's fees, and against all liability, losses, and damages
84 of any nature whatsoever that these present, future, or former board members, officers,
85 employees, or contract investment managers shall or may at any time sustain by reason of any
86 decision to restrict, reduce, or eliminate investments in ammunition, firearm, or firearm
87 accessory manufacturing or retailing companies.

88 SECTION 7. The public fund shall annually, as applicable, file a report with the attorney
89 general and with the clerks of the senate and the house of representatives, including: (i) all
90 investments sold, redeemed, divested or withdrawn in compliance with this act within the
91 preceding year; and (ii) all investments prohibited by this act from which the public fund has not
92 yet divested.

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	House, No. 2800
<u>TITLE</u>	An Act enhancing public safety in the town of Stoneham
<u>SPONSORS</u>	Representative Day of Stoneham; Senator Lewis
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

Notwithstanding any special or current law to the contrary, the Town of Stoneham Police Department may waive the maximum age requirement for original appointment of police officers to their department. However, the candidates must still meet all other requirements in place by the department. This bill will take effect immediately upon its passage.

HOUSE No. 2800

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 enhancing public safety in the town of Stoneham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/17/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/24/2025</i>

HOUSE No. 2800

By Representative Day of Stoneham, a petition (accompanied by bill, House, No. 2800) of Michael S. Day and Jason M. Lewis (by vote of the town) that town of Stoneham police department be authorized to waive the maximum age requirement for original appointment of police officers in said town. Public Service. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4678 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act enhancing public safety in the town of Stoneham.

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. Notwithstanding any general or special law to the contrary, the Town of
2 Stoneham Police Department shall be permitted to waive the maximum age requirement for
3 original appointment of police officers in the Town of Stoneham; provided, however, said
4 officer-candidates for appointment meet all other requirements set forth by the Stoneham Police
5 Department for original appointment to the position of police officer.

6 Section 2. The provisions of this act shall take effect immediately upon passage.

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	House, No. 2810
<u>TITLE</u>	An Act authorizing the city of Taunton to continue the employment of police chief Edward J. Walsh
<u>SPONSORS</u>	Representatives Doherty of Taunton and Hawkins of Attleboro
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1
<u>SIMILAR MATTERS</u>	S.1825 (Dooner- identical)

SUMMARY

Notwithstanding any special or current law to the contrary, the city of Taunton may continue the employment of Edward J. Walsh as Chief of Police until he turns 70yrs, the date of his retirement, or the date he is relieved of his duties by the Taunton Police appointing authority, whichever comes first. The appointing authority may require at the city's expense that Edward J. Walsh be examined annually to ensure he continues to be mentally and physically able to perform his duties. Deductions shall continue to be made from his regular compensation pursuant to chapter 32.

HOUSE No. 2810

The Commonwealth of Massachusetts

PRESENTED BY:

Carol A. Doherty

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 Taunton to continue the employment of police chief Edward J. Walsh.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/16/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/11/2025</i>

HOUSE No. 2810

By Representative Doherty of Taunton, a petition (accompanied by bill, House, No. 2810) of Carol A. Doherty and James K. Hawkins (NEEDS the approval of the mayor and city council) that the city of Taunton be authorized to continue the employment of police chief Edward J. Walsh, notwithstanding the maximum age requirement. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act authorizing the city of Taunton to continue the employment of police chief Edward J. Walsh.

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. Notwithstanding any general or special law to the contrary, Edward J.
2 Walsh, chief of police for the City of Taunton, may continue to serve in that position until
3 attaining the age of 70, the date of his retirement, or the date he is relieved of duties by the
4 appointing authority for the police chief of the City of Taunton, whichever occurs first; provided,
5 however that Edward J. Walsh is mentally and physically capable of performing the duties of his
6 office. The appointing authority may require at the city's own expense, that Edward J. Walsh be
7 examined annually by a physician approved by said appointing authority, to determine such
8 physical and mental capability. Deductions shall continue to be made from the regular
9 compensation of Edward J. Walsh pursuant to chapter 32 of the General Laws.

10 SECTION 2. This act shall take effect on its passage.

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	House, No. 2889
<u>TITLE</u>	An Act relative to regional planning agencies
<u>SPONSORS</u>	Representatives LaNatra of Kingston, Elliott of Lowell, Arciero of Westford, Blais of Deerfield, Saunders of Belchertown, Scanlon of North Attleborough, and Whipps of Athol
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This bill would amend Section 30 of Chapter 40B, whose subject matter is a technical assistance center, permitting model, evaluations and reporting, and regional planning districts to assist municipalities. Specifically, this bill would define “agency” as the Berkshire Regional Planning Commission, the Central Massachusetts Regional Planning Commission, the Franklin Regional Council of Governments, the Merrimack Valley Planning Commission, the Montachusett Regional Planning Commission, the Northern Middlesex Council of Governments, the Old Colony Planning Council, the Pioneer Valley Planning Commission and the Southeastern Regional Planning and Economic Development District. This bill would also establish that an agency that is a member of the state retirement system pursuant to Chapter 32 shall be deemed to be or shall continue to be a member of the state retirement system. It states that an agency shall not be required to annually reimburse the state board of retirement for its pro rata share of any retirement allowance or pension paid by said board during the preceding calendar year which is based on whole or in part on service with such district provided that each agency contributes the required accumulated deductions and interest to the annuity savings accounts of the agency, and that an agency shall not be held liable for any past due contributions.

HOUSE No. 2889

The Commonwealth of Massachusetts

PRESENTED BY:

Kathleen R. LaNatra

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 regional planning agencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>1/15/2025</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/11/2025</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/21/2025</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>3/21/2025</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>3/25/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/27/2025</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>3/25/2025</i>

HOUSE No. 2889

By Representative LaNatra of Kingston, a petition (accompanied by bill, House, No. 2889) of Kathleen R. LaNatra and others for legislation to further regulate regional planning agencies as members of the state retirement system. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to regional planning agencies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended in Chapter 40B by inserting after Section 30 the
2 following section:-

3 SECTION 31. (a) As used in this section, the following words shall have the following
4 meanings: --

5 “Agency”, shall mean the Berkshire Regional Planning Commission, the Central
6 Massachusetts Regional Planning Commission, the Franklin Regional Council of Governments,
7 the Merrimack Valley Planning Commission, the Montachusett Regional Planning Commission,
8 the Northern Middlesex Council of Governments, the Old Colony Planning Council, the Pioneer
9 Valley Planning Commission and the Southeastern Regional Planning and Economic
10 Development District.

11 (b) Notwithstanding any general or special law to the contrary, an agency that is a
12 member of the state retirement system pursuant to chapter 32 of the General Laws shall be
13 deemed to be or shall continue to be a member of the state retirement system.

14 (c) An agency shall not be required to annually reimburse the state board of retirement
15 for its pro rata share of any retirement allowance or pension paid by said board during the
16 preceding calendar year which is based on whole or in part on service with such district provided
17 that each agency contributes the required accumulated deductions and interest to the annuity
18 savings accounts of the agency.

19 (d) An agency shall not be held liable for any past due contributions.

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	House, No. 2915
<u>TITLE</u>	An Act relative to updating judicial retirement benefits
<u>SPONSORS</u>	Representative McMurtry of Dedham
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1
<u>SIMILAR MATTERS</u>	H.45 (Treasurer); S.1872 (Kennedy)

PRIOR HISTORY

2023-24 (H.2598): Reported favorably; Referred to HWM

CURRENT LAW

M.G.L. c. 32 § 65C – Surviving Spouses of Judges: Judges who retire or resign and are entitled to receive a pension or retirement allowance under certain provisions may instead receive a pension or allowance for life at a lesser annual rate so that his surviving spouse, who is his spouse at the time of retirement or resignation, may receive a pension for life upon the death of the judge that is two-thirds of the amount the judge was receiving. If a judge dies before they are at or over 65yrs or 70yrs and before they have retired or resigned, the spouse will receive the pension or retirement for life based on certain calculations. The surviving spouse and deceased judge must have been living together at the time of the judge’s death unless the appropriate retiring authority concludes there was a reasonable justification for living apart. The surviving spouse’s payments will terminate if they remarry. If a judge dies before retiring or resigning and the surviving spouse is not entitled to or there is no surviving spouse, the pension or allowance will go to his estate.

M.G.L. c. 32 § 65D paragraph (h) – Retirement or Resignation of Judges Appointed on or after Jan. 12, 1975: Payments to the judges that retire or resign under section 65D of chapter 32 and payments to their surviving spouses under the provisions of section 65C of chapter 32 will be made from the judges’ retirement fund. If the payments are in excess of the deposit in the judges’ retirement fund, they will be paid from the same source as the salaries of like judicial officers of the court are paid.

SUMMARY

This bill strikes the current language of section 65C of chapter 32 and replaces it in entirety. The term "beneficiary" is used in place of "spouse" so that a beneficiary may be someone other than a spouse. The bill states that a beneficiary may only be the spouse, former spouse who has not remarried, child, father, mother, sister, or brother of the member. It would be established that if a member has a beneficiary, and that beneficiary were to die before the member, the member's retirement shall be paid in full thereafter and they may not choose another option. If a judge, who would be entitled upon resigning to a pension for life, dies before resigning, the provisions of Paragraph (d) of Subsection 2 of Section 12 of Chapter 32 (Option D: member survivor allowance) will apply.

This bill amends section 65D of chapter 32 to include in paragraph (h) of section 65D of chapter 32, payments of such retirement allowances and pensions will be made as provided in sections twelve and thirteen (superannuation retirements).

HOUSE No. 2915

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 updating judicial retirement benefits.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/17/2025</i>

HOUSE No. 2915

By Representative McMurtry of Dedham, a petition (accompanied by bill, House, No. 2915) of Paul McMurtry relative to updating judicial retirement benefits. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2598 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to updating judicial retirement benefits.

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. Chapter 32 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by striking out section 65C and inserting in place thereof the following
3 section:-

4 Section 65C: Joint and Survivor Allowance

5 (1) A chief justice, justice, associate justice, judge, associate judge, or special justice,
6 hereinafter in this section called judge, who is retired or who resigns and who is entitled to a
7 pension or retirement allowance for life under the provisions of section sixty-five A, sixty-five B
8 sixty-five D, sixty-five F, or sixty-five I may elect to receive, in lieu thereof, a pension or
9 retirement allowance for life at a lesser annual rate with provision that upon his death, there shall
10 be paid to such surviving eligible beneficiary as such member shall have nominated in his

11 written election of this option, two-thirds of such pension or retirement allowance for life at a
12 lesser annual rate provided, however, that if such eligible beneficiary dies on or after the date
13 such lesser retirement allowance becomes effective and before the death of such member, such
14 member thereafter shall be paid a full retirement allowance and may not choose another option.
15 Such full retirement allowance shall be determined by multiplying the amount of the lesser
16 retirement allowance at the time of the death of such eligible beneficiary by a fraction the
17 numerator of which is the yearly amount of the full retirement allowance which such member
18 would have received at the time his retirement allowance became effective, and the denominator
19 of which is the yearly amount of the lesser retirement allowance which such member received at
20 the time his retirement allowance first became effective. The yearly amount of such lesser
21 retirement allowance shall be determined so that the value, on the date such allowance becomes
22 effective, of the prospective payments to such member and to such eligible beneficiary shall be
23 the actuarial equivalent of the value on such date of the full retirement allowance; provided,
24 however, that the yearly amount of such lesser retirement allowance shall be decreased to reflect
25 the costs to the system of providing full retirement allowances in accordance with the first
26 sentence of this paragraph. Such election shall be in writing on a prescribed form and filed with
27 the appropriate retiring authority at the time of retirement or resignation or within thirty days
28 thereafter. The computation of said actuarial equivalent shall be subject to supervision and
29 verification in accordance with the provisions of section twenty-one by the actuary appointed by
30 the public employee retirement administration commission.

31 No person shall be eligible for nomination as beneficiary under the joint and survivor
32 allowance under this section unless such person is the spouse, former spouse who has not
33 remarried, child, father, mother, sister or brother of such member.

34 If a spouse receiving an allowance as beneficiary under this option dies leaving any
35 children of the deceased member and of such spouse who are under age eighteen, such amount as
36 would have been paid to such spouse shall be divided into such number of equal shares as there
37 are such children, and each such share shall be paid to a guardian for the benefit of each such
38 child until the child reaches age eighteen.

39 (2) At any time prior to his retirement a judge upon his written notice on a prescribed
40 form filed with the state retirement board prior to his death, may nominate an eligible beneficiary
41 as set forth under subdivision (1) of this section, who if such member dies before being retired
42 shall receive the yearly amount of the joint and survivor allowance to which such member would
43 have been entitled had his retirement taken place on the date of his death.

44 If a judge, who would be entitled, upon resigning, to a pension or retirement allowance
45 for life under sections sixty-five A, sixty-five B or sixty-five D, dies before resigning, the
46 provisions of paragraph (d) of subdivision (2) or section 12 of chapter 32 shall apply.

47 If a judge forty-five years of age or over but under the age of seventy who would be
48 entitled, upon resigning, to a pension or retirement allowance for life under section sixty-five A
49 or sixty-five D except for not having attained age seventy, or if a judge forty-five years of age or
50 over but under the age of sixty-five, who would be entitled upon resigning to a pension or
51 retirement allowance under said section sixty-five A or sixty-five D, except for not having
52 attained age sixty-five, or if a judge fifty-five years of age or over but under age sixty-five, who
53 would be entitled upon resigning to a pension or retirement allowance for life under section
54 sixty-five B, except for not having attained age sixty-five dies before resigning, the judge's
55 eligible beneficiary shall receive a pension or retirement allowance for life computed as

provided in the second paragraph except that, in making such computation the proportion of the annual rate of salary payable to a judge under section sixty-five A or sixty-five D or the proportion of the average yearly earning for the required years of service payable to a judge under section sixty-five B shall be reduced by one per cent for each year or part thereof by which the date of death precedes the attainment of the age at which the judge would have received, upon resigning, his pension or retirement allowance for life under section sixty-five A, sixty-five B or sixty-five D, respectively.

Pensions under this section payable to surviving beneficiaries shall be paid from the same source and in the same manner as the salaries of like judicial officers of the court from which the judge was retired or resigned or of which he was a judge at the time of his death are paid. Retirement allowances under this section payable to surviving beneficiaries of judges subject to the requirements of paragraphs (a) and (b) of section sixty-five D shall be paid pursuant to the provisions of paragraph (h) of section sixty-five D.

The provisions of subdivisions (1) and (2) of this section shall not apply to a surviving spouse unless such surviving spouse and such deceased judge were living together at the time of such judge's death or, if living apart, they were living apart, in the opinion of the appropriate retiring authority, for justifiable cause other than desertion or moral turpitude on the part of such surviving spouse. Payments under said second and third paragraphs shall terminate upon the remarriage of such surviving spouse.

In determining whether a judge who was appointed prior to January second, nineteen hundred and seventy-five, has served in any office or offices at least ten years continuously and would be for the purposes of the second or third paragraphs of this section, entitled to a pension

78 for life under section sixty-five A or sixty-five B the period, not exceeding one year, of his
79 wartime service as defined in section one of chapter thirty-one, whether before or after his
80 appointment as a judge, shall be added to and deemed continuous with the period of his service
81 in any such office or offices.

82 In determining whether a judge who was appointed prior to January second, nineteen
83 hundred and seventy-five, has served in any such office or offices at least ten years continuously
84 and would be, for the purposes of the second or third paragraph of this section, entitled to a
85 pension for life under section sixty-five A or sixty-five B, each three years spent by him in the
86 service of the commonwealth or of any county, city or town thereof shall count as one year of
87 creditable service and each such year so credited, but in no event to exceed more than four years
88 of such creditable service, shall be added to and deemed continuous with the period of his
89 service in any such office or offices.

90 If a judge subject to the provisions of paragraphs (a) and (b) of section sixty-five D dies
91 before resigning or before retiring and if the eligible beneficiary is not entitled to a pension or
92 retirement allowance under the provisions of this section, or if a judge subject to the provisions
93 of paragraphs (a) and (b) of said section sixty-five D dies before resigning or before retiring and
94 if there is no eligible beneficiary who is eligible to receive a pension or retirement allowance
95 under the provisions of this section, all funds previously withheld and deducted under the
96 provisions of paragraph (b) of said section sixty-five D plus interest shall be returned to the
97 estate of the deceased.

98 SECTION 2. Paragraph (h) of section 65D of chapter 32 of the General Laws, as so
99 appearing, is hereby amended by inserting, after the first sentence, the following sentence: -

100 “Payments of such retirement allowances and pensions shall be made as provided in sections
101 twelve and thirteen.”

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	Senate, No. 1805
<u>TITLE</u>	An Act relative to regional planning agencies
<u>SPONSORS</u>	Senators Comerford and Mark; Representatives Whipps of Athol and Saunders of Belchertown
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

Regional planning agencies (RPAs) provide indispensable services to the Commonwealth's 351 municipalities, helping local governments address complicated, cross-jurisdictional challenges involving water and wastewater systems, housing, transportation, workforce training, services for elders, economic development and more. This bill establishes a membership arrangement between RPAs and the Massachusetts State Retirement System that will ensure RPAs remain fiscally solvent, enabling RPAs to continue to be indispensable partners of the Commonwealth and its municipalities long into the future.

SENATE No. 1805

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 regional planning agencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>3/25/2025</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>3/25/2025</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>3/28/2025</i>

SENATE No. 1805

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 1805) of Joanne M. Comerford for legislation relative to regional planning agencies and contributions to the state retirement system. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to regional planning agencies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 40B of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by adding the following section:-

3 Section 31. (a) As used in this section, the following words shall have the following
4 meanings:

5 “Agency”, shall mean the Berkshire Regional Planning Commission, the Central
6 Massachusetts Regional Planning Commission, the Franklin Regional Council of Governments,
7 the Merrimack Valley Planning Commission, the Montachusett Regional Planning Commission,
8 the Northern Middlesex Council of Governments, the Old Colony Planning Council, the Pioneer
9 Valley Planning Commission and the Southeastern Regional Planning and Economic
10 Development District.

11 (b) Notwithstanding any general or special law to the contrary, an agency that is a
12 member of the state retirement system pursuant to chapter 32 shall be deemed to be or shall
13 continue to be a member of the state retirement system.

14 (c) An agency shall not be required to annually reimburse the state board of retirement
15 for its pro rata share of any retirement allowance or pension paid by said board during the
16 preceding calendar year which is based in whole or in part on service with such district provided
17 that each agency contributes the required accumulated deductions and interest to the annuity
18 savings accounts of the agency.

19 (d) An agency shall not be held liable for any past due contributions before January 1,
20 2026.

SENATE No. 1825

The Commonwealth of Massachusetts

PRESENTED BY:

Kelly A. Dooner

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 continuing the employment of police chief Edward Walsh in the city of Taunton until attaining the age of 70.

PETITION OF:

NAME:

Kelly A. Dooner

DISTRICT/ADDRESS:

Third Bristol and Plymouth

SENATE No. 1825

By Ms. Dooner, a petition (accompanied by bill, Senate, No. 1825) of Kelly A. Dooner (with approval of the mayor and city council) for legislation to continue the employment of police chief Edward Walsh in the city of Taunton until attaining the age of 70. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act continuing the employment of police chief Edward Walsh in the city of Taunton until attaining the age of 70.

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. Notwithstanding any general or special law to the contrary, Edward J.
2 Walsh, chief of police for the city of Taunton, may continue to serve in that position until
3 attaining the age of 70, the date of his retirement, or the date he is relieved of duties by the
4 appointing authority for the police chief of the city of Taunton, whichever occurs first; provided,
5 however that Edward J. Walsh is mentally and physically capable of performing the duties of his
6 office. The appointing authority may require at the city's own expense, that Edward J. Walsh be
7 examined annually by a physician approved by said appointing authority, to determine such
8 physical and mental capability. Deductions shall continue to be made from the regular
9 compensation of Edward J. Walsh pursuant to chapter 32 of the General Laws.

10 SECTION 2. This act shall take effect upon its passage.

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	Senate, No. 1872
<u>TITLE</u>	An Act updating judicial retirement benefits
<u>SPONSORS</u>	Senator Kennedy
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

This legislation provides equity to judges who have attained the maximum retirement benefit as it relates to the selection of benefit options and provides equity to judges as it relates to survivor benefits.

SENATE No. 1872

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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 updating judicial retirement benefits.

PETITION OF:

NAME:

Edward J. Kennedy

DISTRICT/ADDRESS:

First Middlesex

SENATE No. 1872

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1872) of Edward J. Kennedy for legislation to update judicial retirement benefits. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act updating judicial retirement benefits.

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. Chapter 32 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by striking out section 65C and inserting in place thereof the following
3 section:-

4 Section 65C: Joint and Survivor Allowance

5 (1) A chief justice, justice, associate justice, judge, associate judge, or special justice,
6 hereinafter in this section called judge, who is retired or who resigns and who is entitled to a
7 pension or retirement allowance for life under the provisions of section sixty-five A, sixty-five B
8 sixty-five D, sixty-five F, or sixty-five I may elect to receive, in lieu thereof, a pension or
9 retirement allowance for life at a lesser annual rate with provision that upon his death, there shall
10 be paid to such surviving eligible beneficiary as such member shall have nominated in his
11 written election of this option, two-thirds of such pension or retirement allowance for life at a
12 lesser annual rate provided, however, that if such eligible beneficiary dies on or after the date

13 such lesser retirement allowance becomes effective and before the death of such member, such
14 member thereafter shall be paid a full retirement allowance and may not choose another option.
15 Such full retirement allowance shall be determined by multiplying the amount of the lesser
16 retirement allowance at the time of the death of such eligible beneficiary by a fraction the
17 numerator of which is the yearly amount of the full retirement allowance which such member
18 would have received at the time his retirement allowance became effective, and the denominator
19 of which is the yearly amount of the lesser retirement allowance which such member received at
20 the time his retirement allowance first became effective. The yearly amount of such lesser
21 retirement allowance shall be determined so that the value, on the date such allowance becomes
22 effective, of the prospective payments to such member and to such eligible beneficiary shall be
23 the actuarial equivalent of the value on such date of the full retirement allowance; provided,
24 however, that the yearly amount of such lesser retirement allowance shall be decreased to reflect
25 the costs to the system of providing full retirement allowances in accordance with the first
26 sentence of this paragraph. Such election shall be in writing on a prescribed form and filed with
27 the appropriate retiring authority at the time of retirement or resignation or within thirty days
28 thereafter. The computation of said actuarial equivalent shall be subject to supervision and
29 verification in accordance with the provisions of section twenty-one by the actuary appointed by
30 the public employee retirement administration commission.

31 No person shall be eligible for nomination as beneficiary under the joint and survivor
32 allowance under this section unless such person is the spouse, former spouse who has not
33 remarried, child, father, mother, sister or brother of such member.

34 If a spouse receiving an allowance as beneficiary under this option dies leaving any
35 children of the deceased member and of such spouse who are under age eighteen, such amount as

would have been paid to such spouse shall be divided into such number of equal shares as there are such children, and each such share shall be paid to a guardian for the benefit of each such child until the child reaches age eighteen.

(2) At any time prior to his retirement a judge upon his written notice on a prescribed form filed with the state retirement board prior to his death, may nominate an eligible beneficiary as set forth under subdivision (1) of this section, who if such member dies before being retired shall receive the yearly amount of the joint and survivor allowance to which such member would have been entitled had his retirement taken place on the date of his death.

If a judge, who would be entitled, upon resigning, to a pension or retirement allowance for life under sections sixty-five A, sixty-five B or sixty-five D, dies before resigning, the provisions of paragraph (d) of subdivision (2) or section 12 of chapter 32 shall apply.

If a judge forty-five years of age or over but under the age of seventy who would be entitled, upon resigning, to a pension or retirement allowance for life under section sixty-five A or sixty-five D except for not having attained age seventy, or if a judge forty-five years of age or over but under the age of sixty-five, who would be entitled upon resigning to a pension or retirement allowance under said section sixty-five A or sixty-five D, except for not having attained age sixty-five, or if a judge fifty-five years of age or over but under age sixty-five, who would be entitled upon resigning to a pension or retirement allowance for life under section sixty-five B, except for not having attained age sixty-five dies before resigning, the judge's eligible beneficiary shall receive a pension or retirement allowance for life computed as provided in the second paragraph except that, in making such computation the proportion of the annual rate of salary payable to a judge under section sixty-five A or sixty-five D or the

58 proportion of the average yearly earning for the required years of service payable to a judge
59 under section sixty-five B shall be reduced by one per cent for each year or part thereof by which
60 the date of death precedes the attainment of the age at which the judge would have received,
61 upon resigning, his pension or retirement allowance for life under section sixty-five A, sixty-five
62 B or sixty-five D, respectively.

63 Pensions under this section payable to surviving beneficiaries shall be paid from the same
64 source and in the same manner as the salaries of like judicial officers of the court from which the
65 judge was retired or resigned or of which he was a judge at the time of his death are paid.

66 Retirement allowances under this section payable to surviving beneficiaries of judges subject to
67 the requirements of paragraphs (a) and (b) of section sixty-five D shall be paid pursuant to the
68 provisions of paragraph (h) of section sixty-five D.

69 The provisions of subdivisions (1) and (2) of this section shall not apply to a surviving
70 spouse unless such surviving spouse and such deceased judge were living together at the time of
71 such judge's death or, if living apart, they were living apart, in the opinion of the appropriate
72 retiring authority, for justifiable cause other than desertion or moral turpitude on the part of such
73 surviving spouse. Payments under said second and third paragraphs shall terminate upon the
74 remarriage of such surviving spouse.

75 In determining whether a judge who was appointed prior to January second, nineteen
76 hundred and seventy-five, has served in any office or offices at least ten years continuously and
77 would be for the purposes of the second or third paragraphs of this section, entitled to a pension
78 for life under section sixty-five A or sixty-five B the period, not exceeding one year, of his
79 wartime service as defined in section one of chapter thirty-one, whether before or after his

80 appointment as a judge, shall be added to and deemed continuous with the period of his service
81 in any such office or offices.

82 In determining whether a judge who was appointed prior to January second, nineteen
83 hundred and seventy-five, has served in any such office or offices at least ten years continuously
84 and would be, for the purposes of the second or third paragraph of this section, entitled to a
85 pension for life under section sixty-five A or sixty-five B, each three years spent by him in the
86 service of the commonwealth or of any county, city or town thereof shall count as one year of
87 creditable service and each such year so credited, but in no event to exceed more than four years
88 of such creditable service, shall be added to and deemed continuous with the period of his
89 service in any such office or offices.

90 If a judge subject to the provisions of paragraphs (a) and (b) of section sixty-five D dies
91 before resigning or before retiring and if the eligible beneficiary is not entitled to a pension or
92 retirement allowance under the provisions of this section, or if a judge subject to the provisions
93 of paragraphs (a) and (b) of said section sixty-five D dies before resigning or before retiring and
94 if there is no eligible beneficiary who is eligible to receive a pension or retirement allowance
95 under the provisions of this section, all funds previously withheld and deducted under the
96 provisions of paragraph (b) of said section sixty-five D plus interest shall be returned to the
97 estate of the deceased.

98 SECTION 2. Paragraph (h) of section 65D of chapter 32 of the General Laws, as so
99 appearing, is hereby amended by inserting, after the first sentence, the following sentence: -
100 "Payments of such retirement allowances and pensions shall be made as provided in sections
101 twelve and thirteen."

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	Senate, No. 1878
<u>TITLE</u>	An Act relative to the SMART plan
<u>SPONSORS</u>	Senator Lovely
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

Amends GL 29:64 (Deferred compensation plan) to allow the State Treasurer and the treasurers of political subdivisions to establish an automatic enrollment feature within deferred compensation programs. • Allows the state treasurer to adopt annual and supplemental budgets as necessary which may include salaries for employees working on and/or administering the deferred compensation program. o Budgets may be funded from the administrated expense account • Allows state treasurer to establish an automatic enrollment feature, which does not require authorization from an employee which is deemed to be an exception to the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction. • The details of the automatic enrollment feature would include: o Automatic enrollment would only apply to new state employees hired on or after June 1, 2022; and under the agency or department's discretion for Code section 403(b) eligible employees; o Automatic enrollment applies to only new employees of a 'governmental body' if they implement the feature; o Automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage; o Amount of compensation for an employee would automatically increase by a specified amount each year unless employee opts out or chooses to defer a different amount; o Employees would have up to 90 days to stop participating in the plan; o Employees would receive a refund if they stop participating; o A qualified default investment option to receive contributions by employees who does not choose an investment alternative; and o The plan would adhere to notice requirements in accordance with the IRS. • The treasurer or chief financial officer on behalf of a governmental body may implement an automatic enrollment feature within its deferred compensation program. • The enrollment feature is an exception to the Massachusetts Wage Act and any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. • Any auto enrollment feature would only apply to new employees of a governmental body hired on or after June 1, 2024.

SENATE No. 1878

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 the SMART plan.

PETITION OF:

NAME:

Joan B. Lovely

DISTRICT/ADDRESS:

Second Essex

SENATE No. 1878

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 1878) of Joan B. Lovely for legislation relative to the SMART plan. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1698 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the SMART plan.

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 64 of chapter 29 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking, in line 31, the words “independent contractors”
3 and inserting in place thereof the following words:-

4 contracted employees

5 SECTION 2. Said section 64 of said chapter 29 of the General Laws, as so appearing, is
6 hereby further amended by inserting at the end thereof the following paragraphs:-

7 The state treasurer, on behalf of the deferred compensation program, may adopt annual
8 budgets and supplemental budgets as necessary. Said budgets may include salaries for treasury
9 employees tasked with working on and/or administering the deferred compensation program, and
10 said budgets may be funded from the administrative expense account of the deferred

11 compensation program. Any such treasury employee whose compensation is sourced from the
12 deferred compensation program shall be an “employee” as that term is defined in section 1 of
13 chapter 32 and shall be a member of the Massachusetts state employees’ retirement system.

14 The state treasurer, on behalf of the commonwealth, may establish an automatic
15 enrollment feature within the deferred compensation program. The automatic enrollment feature
16 does not require advance authorization by an employee, and is hereby deemed to be an exception
17 to the provisions of the Massachusetts Wage Act or any other state law requiring employee
18 authorization for a payroll deduction or any similar ordinance of a governmental body. The
19 details of the automatic enrollment feature shall be set forth in the deferred compensation plan
20 document and shall include:

21 (a) A provision that automatic enrollment shall apply only to new employees of the
22 commonwealth, meaning employees hired on or after June 1, 2022; but that for any
23 commonwealth agencies or departments that have Code section 403(b) eligible employees,
24 automatic enrollment shall only apply at the commonwealth agency’s or department’s discretion
25 and affirmative election;

26 (b) A provision that automatic enrollment shall apply only to new employees of a
27 “governmental body”, as defined in section 64B of chapter 29 of these general laws, if the
28 governmental body elects to implement the automatic enrollment feature for its employees;

29 (c) A provision that automatic enrollment may not require more than the IRS safe harbor
30 maximum deferral percentage;

31 (d) A provision that the amount of compensation deferred by an automatically-enrolled
32 employee shall automatically increase by a specified amount each year unless the participating

employee elects not to participate in auto escalation or elects to defer a different amount than specified;

(e) A provision that an employee who is automatically enrolled shall have as long as ninety days to discontinue participation in the plan;

(f) A provision that an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation;

(g) A provision that the plan shall specify a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee's contributions; and

(h) A provision that the plan shall adhere to notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

SECTION 3. Section 64B of chapter 29 of the General Laws, as appearing in the 2020 Edition, is hereby amended by inserting between the third and fourth paragraphs the following paragraph:-

The treasurer or, if there is no treasurer, the chief financial officer by whatever name that person is called, on behalf of a governmental body, may, at its own election, implement an automatic enrollment feature within its deferred compensation program established pursuant to this section 64B, chapter 29. The automatic enrollment feature does not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll

54 deduction or any similar ordinance of a governmental body. Subject to the election of each
55 governmental body, any such auto enrollment feature permitted as a part of a governmental
56 body's deferred compensation program shall only apply to new employees of a governmental
57 body hired on or after June 1, 2024 and such deferred compensation program will be required to
58 include the specifications for auto enrollment detailed in subsections (b)-(h) of section 64 of
59 chapter 29 of the General Laws.

Joint Committee on Public Service

Bill Summary

<u>BILL NUMBER</u>	Senate, No. 1879
<u>TITLE</u>	An Act expanding access to retirement savings
<u>SPONSORS</u>	Senator Lovely
<u>HEARING DATE</u>	Monday, April 14, 2025 at 01:00 PM - 04:00 PM, A-1

SUMMARY

Replaces the term “independent contractors” with “contracted employees” • Allows the treasurer to establish an automatic enrollment feature within the deferred compensation program without requiring prior authorization by an employee normally required under the Massachusetts Wage Act • Automatic enrollment only applies to employees hired on or after June 1, 2024 under the discretion of the agency or department. • Automatic enrollment would apply only to new employees of a ‘governmental body’, and will not require more than the IRS safe harbor maximum deferral percentage. • The amount of compensation deferred by an enrolled employee would automatically increase by a specified amount unless the employee chooses not to participate in the auto increase or decides to defer a different amount. • An employee would have up to 90 days to opt out of the plan, and they will receive a refund within a reasonable time. • Employees would receive a default investment option if they do not choose an alternative. • Amends the 401(K) CORE Plan for employees of not-for-profits, to remove language limiting adoption of the CORE Plan to organizations with fewer than 20 employees; o Additionally authorizes the Treasurer to reduce operating expenses for the CORE Plan through private donations or grants, and direct and indirect fundraising

SENATE No. 1879

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 expanding access to retirement savings.

PETITION OF:

NAME:

Joan B. Lovely

DISTRICT/ADDRESS:

Second Essex

SENATE No. 1879

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 1879) of Joan B. Lovely for legislation to expand access to retirement savings. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act expanding access to retirement savings.

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 64 of chapter 29 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking, in line 31, the words “independent contractors”
3 and inserting in place thereof the following:- contracted employees

4 SECTION 2. Said section 64 of said chapter 29 of the General Laws, as so appearing, is
5 hereby further amended by inserting at the end thereof the following paragraph:-

6 The state treasurer, on behalf of the commonwealth, may establish an automatic
7 enrollment feature within the deferred compensation program. The automatic enrollment feature
8 shall not require prior authorization by an employee, and is hereby deemed to be an exception to
9 the provisions of the Massachusetts Wage Act or any other state law requiring employee
10 authorization for a payroll deduction or any similar ordinance of a governmental body. The
11 details of the automatic enrollment feature shall be set forth in the deferred compensation plan
12 document and shall include, but not be limited to, the following provisions:

(a) automatic enrollment shall apply only to new employees of the commonwealth, meaning employees hired on or after June 1, 2024; provided, however, that for any commonwealth agencies or departments that purchase or make payments to an individual or group annuity contract, custodial account, or any other investment authorized under section 403(b) of the Internal Revenue Code for its employees, automatic enrollment shall only apply at said agency's or department's discretion and affirmative election;

(b) automatic enrollment shall apply only to new employees of a "governmental body", as defined in section 64B of chapter 29 of these general laws, if the governmental body elects to implement the automatic enrollment feature for its employees;

(c) automatic enrollment may not require more than the IRS safe harbor maximum deferral percentage;

(d) the amount of compensation deferred by an automatically-enrolled employee shall automatically increase by a specified amount each year unless the participating employee elects not to participate in auto escalation or elects to defer a different amount than specified;

(e) an employee who is automatically enrolled shall no more than ninety days to discontinue participation in the plan;

(f) an automatically-enrolled employee who discontinues participation in the plan within ninety days shall receive a refund of their account as soon as practicable after discontinuing participation;

(g) a qualified default investment option to receive contributions by any automatically-enrolled employee who does not choose an investment alternative to receive the employee's contributions; and

(h) notice requirements to automatically-enrolled participants in accordance with the Internal Revenue Code and applicable IRS Rulings.

SECTION 3. Section 64B of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting between the third and fourth paragraphs the following new paragraph:-

The treasurer or, in the absence of the treasurer, the chief financial officer by whatever name that person is called, on behalf of a governmental body, may, at its own election, implement an automatic enrollment feature within its deferred compensation program established pursuant to this section 64B, chapter 29. The automatic enrollment feature shall not require advance authorization by an employee and is hereby deemed to be an exception to the provisions of the Massachusetts Wage Act or any other state law requiring employee authorization for a payroll deduction or any similar ordinance of a governmental body. Subject to the election of each governmental body, any such auto enrollment feature permitted as a part of a governmental body's deferred compensation program shall only apply to new employees of a governmental body hired on or after June 1, 2024 and such deferred compensation program will be required to include the specifications for auto enrollment detailed in subsections (b) through (h), inclusively, of section 64 of chapter 29 of said General Laws.

SECTION 4. Section 64E of chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking, in lines 5 and 6, the words "and employing not more than 20 persons,"

54 SECTION 5. Said section 64E of said chapter 29, as so appearing, is hereby further
55 amended by inserting at the end thereof the following subsection:-

56 (g) Notwithstanding any general or special law to the contrary, the state treasurer, or
57 designee, may seek to reduce operating expenses for the plan through private donations or grants,
58 which may include direct and indirect fundraising.