

House, No. 246

Presented by: [Representative J. Michael Ruane](#)

Petition of the Retired State, County and Municipal Employees Association of Massachusetts, J. Michael Ruane, Michael R. Knapik, Charles E. Shannon and David L. Flynn relative to certain disability retirement options for public employees.

01/01/03 H Referred to the committee on [Public Service](#)

01/01/03 S Senate concurred

Public Hearing date Apr 10 am at 10:00 in Room B-2

11/05/03 H Accompanied a study order, see [H4303](#)

HOUSE, No. 246

By Mr. Ruane of Salem, petition of the Retired State, County and Municipal Employees Association of Massachusetts, J. Michael Ruane, Michael R. Knapik, Charles E. Shannon and David L. Flynn relative to certain disability retirement options for public employees. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO CERTAIN DISABILITY RETIREMENT OPTIONS.

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

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, any member of the system, as defined under section 1 of chapter 32 of the General Laws, that has accepted the provisions of this act, who retired under section 7 of said chapter 32 prior to November 7, 1996, may make a new election to have said retirement allowance paid in accordance with the terms of option (c) of subdivision (2) of section 12 of said chapter 32: provided, however, that said retiree or beneficiary shall repay into the appropriate system, on such terms as the retirement board of said system deems appropriate, but in no case shall said repayment be required to be paid in full in less than one year, an amount equal to the difference between the retirement allowance that said retiree actually received and said allowance that said retiree would have received had said allowance been paid in accordance with the terms of said option (c), plus regular interest as defined in section 1 of chapter 32; and provided further, that such election shall be filed not more than 180 days following the notification of said retiree by the appropriate retirement system having accepted the provisions of this act; and provided, further, that any beneficiary so named pursuant to the provisions of this act shall be ineligible to receive benefits pursuant to the provisions of section 101 of said chapter 32.

For any such retiree who is married, a new election made pursuant to the provisions of this act shall not be valid unless it is accompanied by the signature of the retiree's spouse indicating the retiree's spouse's knowledge and understanding of the terms of said option (c). The retirement board shall provide the retiree and spouse with detailed information regarding said option (c) in order for the retiree and spouse to make an informed decision regarding said option. If any retiree who is married files an election pursuant to the provisions of this act which is not so accompanied, the board shall within 15 days notify the retiree's spouse by registered mail of the option (c) election and of the spouse's right to sign and return an acknowledgement of receipt and understanding of such information within 30 days after receipt of the acknowledgement. Such election shall not take effect until it is accompanied by the signature of the retiree's spouse; provided, however, that no such signature shall be required if the spouse fails to submit such signed acknowledgment on or before the thirtieth day from receipt of the information from the retirement board. Such election made prior to the spousal notification may be changed in accordance with the spouses understanding of said option (c). Nothing in this act shall be deemed to affect the effective date of any

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retirement allowance. The provisions of this paragraph shall not apply in the case of a member who is divorced and who has previously filed with the retirement board a domestic relations order which has been entered by the probate court and provides for the option to be elected by the member.

SECTION 2. Any system may accept the provisions of section 1 by majority vote of the board of each system, subject to the approval of the legislative body. For purpose of this paragraph, "legislative body" shall mean a town meeting in a town meeting in a town, the city council in a city, the county retirement board advisory council in a county, and the district members in a district. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commission. The state employees' and state teachers' retirement systems shall be deemed to have accepted the provisions of this act.