

# House, No. 249

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, David L. Flynn and Thomas M. McGee relative to the conversion of certain disability retirement benefits under the public employee retirement system.

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

01/01/03 S Senate concurred

Public Hearing date Oct 9 am at 10:00 in Room B-2

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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, David L. Flynn and Thomas M. McGee relative to the conversion of certain disability retirement benefits under the public employee retirement system. Public Service.

### The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

#### AN ACT RELATIVE TO THE CONVERSION OF CERTAIN DISABILITY RETIREMENTS.

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

Section 8 of Chapter 32 of the General Laws is hereby amended by inserting the following new subsection at the end thereof:—

Section 8A. A member retired under the provision of sections 6 or 7, may, in place of the benefit provided thereunder, upon written application, on a form prescribed by the commission, filed with the board, elect to receive a benefit pursuant to the provisions of this section.

The normal yearly retirement allowance for a member who so elects shall be computed by multiplying two and one-half percent of the regular compensation upon which the benefit under Section 6 or 7 was based, by the number of years and full months of creditable service in effect for the member at the time of the member's retirement plus the number of years and full months between the date of retirement and the date of election, plus the accrued amount of any cost of living adjustments granted under section 102 or 103 of this chapter. Such total normal yearly amount of retirement allowance, as determined in accordance with the provisions of this section, shall not exceed the total yearly allowance paid to the member at the time of application for conversion under this section, provided however, any reduction resulting from a modification made under clause (3) of section 8 or section 91A shall not be considered in the calculation of the total normal yearly amount of retirement allowance.

Upon making the election provided herein the member and the retirement allowance shall, for purposes of this chapter, be treated as if retirement had taken place pursuant to section 5, provided, however, that the member shall be subject to the provision of clause (3) of section 8 or section 91A for periods prior to the election under this section.

A member electing a benefit under this section may elect to have the allowance paid in accordance with the terms of option (a), option (b) or option (c) of subdivision (2) of section 12, provided however, in no event shall benefits be paid, to the same beneficiary or to separate beneficiaries, pursuant to the provisions of both said option (b) or option (c) and section 9. In the event that a member elects not to receive benefits pursuant to this section and was unable to provide any annual allowance to be paid his widow at the time of his death, such widow would be entitled to receive benefits under section 9 or 101 of this chapter.

October 6, 2003