

authorized by chapter four hundred and sixteen of the acts of nineteen hundred and forty-five the sum of one hundred and eighty-four thousand dollars is hereby appropriated, to be in addition to sums appropriated for this purpose in section six of chapter seven hundred and thirty-six of the acts of nineteen hundred and forty-five, and to be paid in the following amounts from the following funds:

Highway Fund	\$80,000 00
Port of Boston Fund	14,500 00
Inland Fisheries and Game Fund	23,000 00
Old Age Assistance Fund	14,000 00
Parks and Salisbury Beach Reservation Fund	13,500 00
Smoke Inspection Fund	4,000 00
Prison Industries Fund	35,000 00
	\$184,000 00

The governor, with the approval of the council, and upon recommendation of the commission on administration and finance is hereby authorized to transfer from the said amounts to items of appropriation for the fiscal year nineteen hundred and forty-six which are available in whole or in part for personal services.

SECTION 4. No payment shall be made or obligation incurred under authority of any special appropriation made by this act for construction of public buildings or other improvements at state institutions until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make.

SECTION 5. This act shall take effect upon its passage.

Approved June 3, 1946.

Chap. 403 AN ACT TO AMEND AND CORRECT THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 3, etc., amended.

SECTION 1. Group B of paragraph (g) of subdivision (2) of section three of chapter thirty-two of the General Laws, as appearing in section one of chapter six hundred and fifty-eight of the acts of nineteen hundred and forty-five, is hereby amended by striking out, in the ninth line, the words "at the state farm", — so as to read as follows: — *Group B.* — Members of police and fire departments not classified in Group A, members of the police force of the metropolitan district commission, capitol police, conservation officers paid as such, district fire wardens, coastal wardens in the department of conservation, and employees of the commonwealth and of any county, regardless of any official classification, whose regular and major duties require them to have the care and custody of prisoners or insane persons or of defective delinquents.

Group B.

SECTION 2. Said section three of said chapter thirty-two, as so appearing, is hereby further amended by striking out subdivision (4) and inserting in place thereof the following subdivision:—

G. L. (Ter. Ed.), 32, § 3, etc., further amended.

(4) Any member of the teachers' retirement system who had rendered service as a teacher in the public day schools of any other state for any previous period, may, either before January first, nineteen hundred and fifty-one, or within five years after becoming a member or being reinstated as such, and before the date any retirement allowance becomes effective for him, pay into the annuity savings fund of the system in one sum, or in instalments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular compensation for such previous period or most recent portion thereof as he may elect, in no event aggregating more than ten years, had such service been rendered in a public school of the commonwealth; provided, that for such service which was rendered prior to July first, nineteen hundred and fourteen, payment shall be made equal to the regular deductions which would have been withheld from his regular compensation had the teachers' retirement system, as established by chapter eight hundred and thirty-two of the acts of nineteen hundred and thirteen, been in effect during the period the service had been rendered, and interest on said payment shall be computed at the rate of three per cent per annum to July first, nineteen hundred and fourteen and thereafter regular interest shall be charged. In addition to the payment of such sum or instalments thereof, such member shall also pay into the annuity savings fund an amount of interest such that at the completion of such payments the value of his accumulated payments, together with regular interest thereon, actually made on account of such previous out-of-state service shall equal the value of his accumulated regular deductions which would have resulted if regular deductions had been made when regular compensation for such service was actually received. Upon the completion of such payments such member shall receive the same credit for such period of his previous out-of-state service or portion thereof elected as would have been allowed if such service had been rendered by him in a public school of the commonwealth. Such 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 subdivision.

Teachers' credit for out-of-state service.

Payments into fund.

SECTION 3. Subdivision (6) of said section three of said chapter thirty-two, as so appearing, is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 32, § etc., further amended.

(d) Any former member who is reinstated to or who re-enters 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 sections one to twenty-eight inclusive, more than two years after the date of his last

Reinstatement in service.

separation therefrom or less than two years if re-employment occurred prior to January first, nineteen hundred and forty-six, but not less than two years prior to the date he will attain the maximum age for his group, may, either before January first, nineteen hundred and fifty-one, or within five years after the date of commencement of his new employment, and before the date any retirement allowance becomes effective for him, pay into the annuity savings fund of the system in one sum, or in instalments, upon such terms and conditions as the board may prescribe, make-up payments of an amount equal to the accumulated regular deductions withdrawn by him, together with regular interest. Upon such re-employment and upon making such payment in one sum or upon making provision for payment thereof in instalments, as the case may be, such former member shall again become a member. Upon the completion of such make-up payments such member shall be entitled to all creditable service resulting from his previous employment. In the event any retirement allowance becomes effective for him before the completion of such make-up payments, such member shall, in addition to credit for his actual membership service rendered since the date of his last becoming a member, be entitled to credit for that proportion of his previous creditable service rendered prior to such date which the total amount of his make-up payments actually made, together with regular interest thereon to the date his retirement allowance becomes effective, bears to the total amount of what his make-up payments, together with regular interest thereon to such latter date, would have been had he made payment thereof in one sum on such latter date.

G. L. (Ter. Ed.), 32, § 4, etc., amended.

SECTION 4. Subdivision (2) of section four of said chapter thirty-two, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

Board to determine creditable service.

(b) The board shall fix and determine how much service in any calendar year is equivalent to a year of service. In all cases involving part-time, provisional, temporary, temporary provisional, seasonal or intermittent employment or service of any employee in any governmental unit, including such employment or service of any state official or of any person elected by popular vote to a county or municipal office or position, the board, under appropriate rules and regulations which shall be subject to the approval of the actuary, shall fix and determine the amount of creditable prior service, if any, and the amount of credit for membership service of any such employee who becomes a member, including any prescribed waiting period before eligibility for membership, established either by law or board ruling, prior to January first, nineteen hundred and forty-six, for which such service credit was given upon attaining membership; provided, that in the case of any such employee whose work is found by the board to be seasonal in its nature, the board shall credit as the equivalent of one year of service, actual full-time service

of not less than seven months during any one calendar year.

SECTION 5. Said subdivision (2) of said section four of said chapter thirty-two, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 32, § 4, etc., further amended.

(c) In the case of any employee of any governmental unit who is a member of the system pertaining thereto or who becomes a member before January first, nineteen hundred and fifty-one, the board may allow credit, upon whatever proportionate basis it shall determine under appropriate rules and regulations which shall be subject to the approval of the actuary, for any previous period of part-time, provisional, temporary, temporary provisional, seasonal or intermittent employment or service rendered by him before January first, nineteen hundred and forty-six, and after such system became operative and while he was not eligible for membership excluding any prescribed waiting period under the provisions of the law or under the board's rules and regulations in effect during such previous period before eligibility for membership, established either by law or board ruling, prior to January first, nineteen hundred and forty-six, for which such service credit was given upon attaining membership; provided, that either before January first, nineteen hundred and fifty-one, or within five years after becoming a member or being reinstated as such, and before the date any retirement allowance becomes effective for him, he pays into the annuity savings fund of the system in one sum, or in instalments, 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 his regular compensation had he been eligible for membership and been a member of such system during such previous period, together with regular interest. In the event any retirement allowance becomes effective for him before the completion of such make-up payments, such member shall, in addition to credit for his actual membership service, be entitled to credit for that proportion of his service rendered prior to the date of his becoming a member which the total amount of his make-up payments actually made, together with regular interest thereon to the date his retirement allowance becomes effective, bears to the total amount of what his make-up payments, together with regular interest thereon to such latter date, would have been had he made payment thereof in one sum on such latter date.

Board to establish amount to be paid fund in certain cases.

SECTION 6. Paragraph (a) of subdivision (2) of section five of said chapter thirty-two, as so appearing, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:—

G. L. (Ter. Ed.), 32, § 5, etc., amended.

(ii) An additional amount, if he has creditable service for a period before July first, nineteen hundred and thirty-seven, equal to two per cent of the average rate of his regular compensation, not exceeding twenty-six hundred dollars in any

Payments of superannuation retirement allowance in certain cases.

year, during the five-year period of his creditable service last preceding July first, nineteen hundred and thirty-seven, multiplied by the number of years of such creditable service after taking any creditable service for a fractional part of a year to the nearest whole number of twelfths of a year; provided, that if during all or part of said five-year period of creditable service there was a decrease in the base rate of his regular compensation as a general adjustment due to economic conditions, such additional amount may, at the option of the board, be computed on any period of five consecutive years during the ten years immediately preceding said date for which his average annual rate of regular compensation was the highest; and provided, further, that in determining such additional amount the portion of the allowance included therein on account of any such creditable service due to prior service shall not exceed one half of the average annual rate of his regular compensation during such five-year period without the limitation of twenty-six hundred dollars; and provided, further, that any such additional amount shall in no event be less than two fifths of the regular deductions, if any, of such member made on account of regular compensation received prior to July first, nineteen hundred and thirty-seven; and

G. L. (Ter. Ed.), 32, § 12, etc., amended.

Election of option.

SECTION 7. Option (c) of subdivision (2) of section twelve of said chapter thirty-two, as so appearing, is hereby amended by inserting after the first sentence the following two sentences: — No person shall be eligible for nomination as beneficiary under this option unless such person is the spouse, child, father, mother or unmarried or widowed sister of such member. If such beneficiary dies before the date such retirement allowance becomes effective, this option shall not take effect, and in such case such member, upon his written request on a prescribed form filed with the board prior to such effective date, may make a new election of any one of the three options specified in this subdivision.

G. L. (Ter. Ed.), 32, § 28, etc., amended.

SECTION 8. Section twenty-eight of said chapter thirty-two, as most recently amended by section one of chapter one hundred and sixty-six of the acts of the current year, is hereby further amended by adding at the end of subdivision (2) the following paragraph: —

"Employee" and "employees" defined.

(g) The words "employee" and "employees", as appearing in sections one to twenty-eight, inclusive, so far as said words apply expressly or by implication to employees of the city of Boston, shall include teachers and the employees of the county of Suffolk.

G. L. (Ter. Ed.), 32, § 28, etc., further amended.

SECTION 9. Paragraph (a) of subdivision (3) of said section twenty-eight of said chapter thirty-two, as amended by section three of said chapter one hundred and sixty-six, is hereby further amended in the last sentence by inserting after the word "July" the words: — or of October, — so as to read as follows: — Said commissioner shall, within fifteen days after such filing, issue to the mayor or selectmen a certificate to the effect that the retirement system established

Certificate.

by said sections shall become operative in such city or town on the first day of January or of July or of October, whichever occurs first, following the expiration of three months after the date of such certificate. *Approved June 3, 1946.*

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, June 19, 1946.

HONORABLE FREDERIC W. COOK, *Secretary of the Commonwealth,
State House, Boston, Massachusetts.*

SIR:— I, Maurice J. Tobin, by virtue of and in accordance with the provisions of the Forty-eighth Amendment to the Constitution, "The Referendum II, Emergency Measures", do declare that in my opinion, the immediate preservation of the public convenience requires that the law passed on the 3rd day of June, entitled, "An Act to Amend and Correct the Contributory Retirement Law," should take effect forthwith and that it is an emergency law and that the facts constituting the emergency are as follows:

It is intended that the plan contemplated by this legislation be in effect on January 1, 1947. Under the terms of the act, employees have a period of ninety days in which to determine a choice of rights. It is necessary that city and town authorities begin immediately to put this plan into effect. They must commence immediately after the plan is to be effected on the first of next year.

Very truly yours,

MAURICE J. TOBIN,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 20, 1946.

I hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and thirty minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and three of the acts of nineteen hundred and forty-six.

PAUL D. HOWARD,
Deputy Secretary of the Commonwealth.

AN ACT AUTHORIZING THE BAY STATE SAVINGS BANK TO
MAKE AN INVESTMENT IN LAND AND BUILDINGS FOR THE
CONVENIENT TRANSACTION OF ITS BUSINESS. Chap. 404

Be it enacted, etc., as follows:

SECTION 1. Bay State Savings Bank, incorporated by chapter one hundred and seven of the acts of eighteen hundred and ninety-five, may, subject to the approval of the commissioner of banks, invest in the alteration, renovation or reconstruction of any building now owned or hereafter acquired by it, including the cost of such acquisition, to be