HOUSE . . . . No. 1688

The Commonwealth of Massachusetts

House of Representatives, April 3, 1946.

The committee on Pensions and Old Age Assistance, to whom was referred the petition (accompanied by bill, House, No. 1178) of Kenneth H. Damren for legislation to amend the law establishing a single contributory retirement system for public employees, report the accompanying bill (House, No. 1688).

For the committee,

C. A. WOOD.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

An Act amending the law relative to contributory retirement of public employees.

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 thirty-two of the General
2 Laws, as amended by chapter six hundred and fifty-
3 eight of the acts of nineteen hundred and forty-five,
4 is hereby further amended in subdivision (5) of sec-
5 tion three by striking out said subdivision and in-
6 serting the following: —
7 (5) Any member of any system who had rendered
8 service as an employee of any governmental unit
9 other than that by which he is presently employed,
10 for any previous period during which the first govern-
11 mental unit had no contributory retirement system,
12 or in the same governmental unit in a position which
13 was not subject to the retirement system of which
14 he is now a member, or during which he had in-
15 choate rights to a non-contributory pension, or
16 during which he was specifically excluded from mem-
17 bership, under the provisions of this chapter, or
18 under corresponding provisions of earlier laws or of
19 any other general or special law, may, either before
20 January first, nineteen hundred and fifty-one, or

21 within five years after becoming a member or being
22 reinstated as such, and before the date any retire-
23 ment allowance becomes effective for him, pay into
24 the annuity savings fund of the system in one sum,
25 or in instalments, upon such terms and conditions
26 as the board may prescribe, an amount equal to
27 that which would have been withheld as regular
28 deductions from his regular compensation for such
29 previous period or most recent portion thereof as
30 he may elect, in no event aggregating more than
31 ten years, had such service been rendered in the
32 governmental unit by which he is presently em-
33 ployed and in a position subject to the provisions
34 of sections one to twenty-eight inclusive, or to cor-
35 responding provisions of earlier laws. In addition to
36 the payment of such sum or instalments thereof,
37 such member shall also pay into the annuity savings
38 fund an amount of interest such that at the com-
39 pletion of such payments the value of his accumulated
40 payments, together with regular interest thereon,
41 actually made on account of such previous intra-
42 state service shall equal the value of his accumulated
43 regular deductions which would have resulted, if
44 regular deductions had been made when regular
45 compensation for such service was actually received.
46 Upon the completion of such payments such member
47 shall receive the same credit for such period of his
48 previous intra-state service or portion thereof elected
49 as would have been allowed if such service had been
50 rendered by him in the governmental unit by which
51 he is presently employed. Such member shall fur-
52 nish the board with such information as it shall
53 require to determine the amount to be paid and the
54 credit to be allowed under this subdivision.

SECTION 2. Section six of said chapter is hereby amended in subdivision (3) paragraph (*a*) by striking out the period at the end of the first sentence and inserting in place the following: — , and, in any case involving a retirement under section seven, that the said board shall further state whether or not the disability is such as might be the natural and proximate result of the accident or hazard undergone on account of which such retirement is claimed under said section. , — so as to read as follows: — (3) (*a*) No member shall be retired for disability under the provisions of this section or of section seven unless he has first been examined by a medical panel and unless a majority of the physicians on such medical panel shall, after such examination and after a review of all the pertinent facts in the case, certify to the board in writing that such member is mentally or physically incapacitated for further duty and that such incapacity is likely to be permanent, and, in any case involving a retirement under section seven, that the said board shall further state whether or not the disability is such as might be the natural and proximate result of the accident or hazard undergone on account of which such retirement is claimed under said section. Such medical panel shall consist of three registered physicians who shall be selected as follows for the purpose of examining the member whose retirement or re-examination is under consideration; one physician who shall be designated by the state surgeon and who shall serve as chairman of the medical panel, a second physician who shall be designated by the board except as otherwise provided for in paragraph (*b*) of this subdivision, and a third physician who shall be designated by such member.

SECTION 3. Subdivision (2) of section twenty-eight of said chapter thirty-two is hereby amended by adding at the end thereof the following new paragraph: —

(*f*) In the case of any such city or town, any provision of any such special law requiring that the appropriation for the accumulated liability contribution to the pension fund shall be three percent greater in amount each year is hereby repealed, and the amount to be appropriated for such purpose shall be such sum as is approved by the commissioner of insurance in each year.