

# HOUSE . . . . No. 1424

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By Mr. Fitzgerald of Milford, petition of Kenneth H. Damren for legislation to amend the law relative to the contributory retirement of public employees. Pensions and Old Age Assistance.

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## The Commonwealth of Massachusetts

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

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### 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. Section 1 of chapter 32 of the General  
2 Laws, as appearing in section 1 of chapter 658 of the  
3 acts of 1945, is hereby amended by striking out the  
4 paragraph containing the definition of "beneficiary"  
5 and inserting in place thereof the following:—  
6 "Beneficiary", any person entitled to any present or  
7 potential benefit on account of membership of a per-  
8 son other than himself, under the provisions of sec-  
9 tions one to twenty-eight, inclusive.

1 SECTION 2. Subdivision (1) of section 6 of said  
2 chapter, as amended by section 5 of chapter 667 of  
3 the acts of 1948, is hereby further amended by strik-  
4 ing out the period at the end of the first sentence and  
5 inserting in place thereof the following:—, nor

6 earlier than the last day for which he received regular  
7 compensation.

1 SECTION 3. Section 7 of said chapter, as appearing  
2 in said chapter 658, is hereby amended by adding at  
3 the end of paragraph (1) the following: — Any mem-  
4 ber who was injured while a member of a retirement  
5 system established in any governmental unit other  
6 than that by which he is presently employed, and  
7 who has complied with the provisions of this section  
8 as to notice, or whose case falls under paragraph (3),  
9 shall file such application with the retirement board  
10 of the unit where he is presently employed. Such  
11 board shall secure a statement of facts and records,  
12 which it shall be the duty of the retirement board of  
13 the first governmental unit to furnish, and on which  
14 it shall be entitled to make recommendations.

1 SECTION 4. Said section 7, as so appearing, is  
2 hereby further amended by adding after paragraph  
3 (b) of subsection (4) the following subsection: —

4 (5) In the event of a retirement where the injury  
5 was sustained in a governmental unit other than that  
6 by which the member is presently employed, the pro-  
7 portion of the pension portion of the retirement allow-  
8 ance shall be computed by the actuary.

1 SECTION 5. Subdivision (2) of section 12 of said  
2 chapter is hereby further amended by striking out  
3 option (c), as most recently amended by chapter 284  
4 of the acts of 1948, and inserting in place thereof the  
5 following two options: —

6 *Option (c). Joint and Last Survivor Allowance.*—  
7 A lesser retirement which shall be payable to such  
8 member during his lifetime, with the provision that

9 two thirds of the yearly amount of such lesser retire-  
10 ment allowance shall be continued during the life-  
11 time of and paid to such surviving eligible beneficiary  
12 as such member shall have nominated in his written  
13 election of this option. The yearly amount of such  
14 lesser retirement allowance shall be determined so  
15 that the value, on the date such allowance becomes  
16 effective, of the prospective payments to such mem-  
17 ber and to such eligible beneficiary shall be the actu-  
18 arial equivalent of the value on such date of the full  
19 retirement allowance specified in option (a) of this  
20 subdivision. Any retirement allowance payable under  
21 this option shall be divided between annuity and pen-  
22 sion in the same proportion as the corresponding full  
23 retirement allowance specified in option (a) of this  
24 subdivision is so divided.

25 No person shall be eligible for nomination as bene-  
26 ficiary under this option unless such person is the  
27 spouse, child, father, mother or is the unmarried,  
28 widowed or divorced sister of such member who was  
29 living with the member at the time of his decease.

30 A member may nominate in writing an eligible bene-  
31 ficiary who, if such member dies after attaining the  
32 age of fifty-five years and before being retired, shall  
33 receive two thirds of the yearly amount of such lesser  
34 allowance to which such member would have been en-  
35 titled had his retirement taken place as of the day  
36 next preceding the day of his death.

37 *Option (d). Member Survivor Allowance.*— A mem-  
38 ber may nominate in writing an eligible beneficiary  
39 who, if such member dies after attaining the age of  
40 fifty-five and before being retired, shall receive two  
41 thirds of the yearly amount of the option (c) Joint  
42 and Last Survivor Allowance to which such member

43 would have been entitled had his retirement taken  
44 place as of the date next preceding the date of his  
45 death. If such member dies as a result of an accident  
46 while in the performance of his duties, with a re-  
47 sultant death benefit as provided for in section nine,  
48 such section shall govern.