

By Mr. Durkin of Salem, petition of the Massachusetts State Employees Association and Philip J. Durkin relative to the contractual rights and obligations of members of contributory retirement systems and the governmental units by which they are employed. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT TO DECLARE THE CONTRACTUAL RIGHTS AND OBLIGATIONS OF MEMBERS OF CONTRIBUTORY RETIREMENT SYSTEMS AND THE GOVERNMENTAL UNITS BY WHICH THEY ARE EMPLOYED AND TO PROTECT SAID RIGHTS FROM IMPAIRMENT.

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

1 General Laws, chapter 32, section 25, as most
2 recently amended by chapter 783 of the acts of 1950,
3 section 1, is hereby further amended by striking out
4 subdivisions (4) and (5) and inserting in place thereof
5 the following: —

6 (4) The payment of all annuities, pensions, retire-
7 ment allowances, refunds of accumulated total de-
8 ductions and any other benefits granted under the
9 provisions of sections one to twenty-eight, inclusive,
10 are hereby declared to have been, and to be, terms and
11 conditions of the employment of officers and employees
12 of governmental units subject to said sections, and to
13 have been, and to be, contractual rights of such officers
14 and employees who are members of the retirement
15 systems established under said sections pertaining to
16 such governmental units, and to have been, and to be,
17 contractual obligations of the governmental units

18 subject to said sections; and the payment of all such
19 annuities, pensions, retirement allowances, refunds of
20 accumulated total deductions and any other benefits
21 granted under the provisions of said sections in ac-
22 cordance with the provisions thereof as from time to
23 time in effect, without reduction in the amount of any
24 accrued or potential benefits available at any par-
25 ticular time to any member then in service, are hereby
26 declared to have been, and to be, obligations of the
27 commonwealth in the case of any such payments pro-
28 vided to be paid from funds of the state employees'
29 retirement system or the teachers' retirement system,
30 and obligations of the governmental unit in which the
31 system is established in the case of payments from
32 funds of any system established in any county, city or
33 town.

34 (5) The provisions of sections one to twenty-eight,
35 inclusive, may be altered or amended from time to
36 time, or may be repealed; provided, that no such
37 alteration, amendment or repeal shall, and no altera-
38 tion, amendment or repeal heretofore enacted shall,
39 be deemed to have been intended to reduce the ac-
40 crued or potential benefits which any member in
41 service at the time of such alteration, amendment or
42 repeal was entitled to on account of service rendered
43 prior thereto, or those which he would have been en-
44 titled to on account of service rendered thereafter if
45 the provisions altered, amended or repealed had con-
46 tinued in effect without such alteration, amendment or
47 repeal, and any member in service at the time of any
48 alteration, amendment or repeal shall at the time of
49 his retirement be entitled, at his election, to have his
50 right to retirement determined, and any benefit pay-
51 able to him computed, as if the provisions of said
52 sections as in effect prior to any alteration, amend-
53 ment or repeal had continued in effect during any
54 period of his service subsequent to the time of such
55 alteration, amendment or repeal; and no such altera-
56 tion, amendment or repeal shall be effective to have

57 impaired, or to impair, any of the contractual rights
58 and obligations declared in subdivision (4), nor to
59 reduce the amount of any annuity, pension or retire-
60 ment allowance granted under the provisions of
61 sections one to twenty-eight, inclusive, or correspond-
62 ing provisions of earlier law, nor, without limiting the
63 generality of the foregoing provisions, to affect ad-
64 versely the rights of any person who is a member on
65 such date with reference to total deductions previously
66 made or benefits accrued on account of any service
67 rendered by him prior thereto.

