

HOUSE . . . . . No. 1694

By Mr. Boot of Lynn, petition of Louis A. Salmon for the annual adjustment of pensions and retirement allowances payable to certain persons engaged in gainful employment after retirement for disability. Pensions and Old Age Assistance.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING FOR THE ANNUAL ADJUSTMENT OF PENSIONS AND RETIREMENT ALLOWANCES PAYABLE TO PERSONS ENGAGED IN GAINFUL EMPLOYMENT AFTER RETIREMENT FOR DISABILITY WHEN SUCH PERSONS DO NOT HAVE TWENTY-FIVE YEARS OR MORE OF SERVICE OR HAVE NOT ATTAINED THE AGE OF SIXTY.

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

1 Chapter 32 of the General Laws is hereby amended by strik-  
2 ing out section 91A, as inserted by chapter 766 of the acts of  
3 1957, and inserting in place thereof the following section: —  
4 *Section 91A.* Every person **not having service of twenty-**  
5 **five years or more or who has not attained the age of**  
6 **sixty and who is** pensioned or retired under any general or  
7 special law for disability, including accidental disability, shall  
8 in each year before the last day of January subscribe under the  
9 penalties of perjury and file with the retiring authority or officer  
10 by whom he was pensioned or retired a statement, in such form  
11 as such authority or officer shall prescribe, certifying the full  
12 amount of his earnings from gainful [occupation] **employment**  
13 during the preceding year. If such earnings exceed, or when  
14 added to his adjusted pension or retirement allowance in such  
15 preceding year exceeds, the regular compensation which would  
16 have been payable to such person in such preceding year had

17 he continued in service in the grade held by him at the time he  
18 was pensioned or retired, he shall refund his adjusted pension  
19 or retirement allowance for such preceding year or a portion  
20 thereof equal to such excess, as the case may be; and until such  
21 refund is made, his pension or retirement allowance shall be  
22 withheld as security therefor in an amount equal to such refund.  
23 As used in this section, the term "adjusted pension or retire-  
24 ment allowance" shall be construed to mean the pension or  
25 retirement allowance remaining after deduction of such part  
26 thereof as represents the actuarial equivalent of accumulated  
27 deductions at time of retirement and any additional annuity  
28 obtained by special purchase.

29 If any person pensioned or retired as aforesaid fails to sub-  
30 scribe and file before January thirty-first in any year the state-  
31 ment prescribed by this section, the retiring authority or officer  
32 by whom he was pensioned or retired, unless such authority or  
33 officer finds good cause for such failure, shall withhold his pen-  
34 sion or retirement allowance as security for any refund which  
35 such statement when filed may show to be payable under this  
36 section. Any person who files under this section a statement  
37 which is false shall make such refund as a true statement would  
38 have shown to be payable under this section.