

By Mr. Costello of Boston, petition of Walter F. Costello for preventing the arbitrary nullification of the voluntary selection of alternative rights to either pension or workmen's compensation by an employee or his dependents. Labor and Industries.

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**The Commonwealth of Massachusetts**

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

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AN ACT TO PREVENT THE ARBITRARY NULLIFICATION OF THE VOLUNTARY SELECTION OF ALTERNATIVE RIGHTS TO EITHER PENSION OR WORKMEN'S COMPENSATION BY AN EMPLOYEE OR DEPENDENTS.

*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 73 of chapter 152 of the General Laws, as most  
2 recently amended by chapter 209 of the acts of 1950, is hereby  
3 further amended by inserting after the words "chapter  
4 thirty-two" in the first sentence, the following words:—  
5 and any person who has made a selection, as above, shall not  
6 be required by any governmental agency to proceed in the  
7 alternative manner as a condition precedent to an award of  
8 pension or compensation.,—so as to read as follows:—  
9 "Section 73. Any person entitled under section sixty-nine to  
10 receive compensation from the commonwealth, or from such  
11 county, city, town or district, and who is also entitled to a  
12 pension by reason of the same injury, shall elect whether he  
13 will receive such compensation or such pension and shall not  
14 receive both, except in the manner and to the extent provided  
15 by section fourteen of chapter thirty-two, and any person  
16 who has made a selection, as above, shall not be required by  
17 any governmental agency to proceed in the alternative manner  
18 as a condition precedent to an award of pension or compensation.

The Constitution of the United States

Article I, Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.