

SENATE . . . . . No. 621

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**The Commonwealth of Massachusetts**

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SENATE, May 8, 1961.

The committee on Ways and Means, to whom was committed the House Bill providing for an increased allowance for earnings of a person pensioned or retired for disability (House, No. 2861, amended), — report recommending that the same ought to pass, with an amendment substituting a new draft entitled “An Act increasing the amount which may be earned by a person pensioned or retired for disability without refunding any of his pension or retirement allowance” (Senate, No. 621).

For the committee,

NEWLAND H. HOLMES.

## The Commonwealth of Massachusetts

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

AN ACT INCREASING THE AMOUNT WHICH MAY BE EARNED FROM GAINFUL OCCUPATION BY A PERSON PENSIONED OR RETIRED FOR DISABILITY WITHOUT REFUNDING ANY OF HIS PENSION OR RETIREMENT ALLOWANCE.

*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 91A of chapter 32 of the General Laws  
2 is hereby amended by striking out the first paragraph, as  
3 amended by section 1 of chapter 504 of the acts of 1959, and  
4 inserting in place thereof the following paragraph: — Every  
5 person receiving a pension or retirement allowance under any  
6 general or special law for disability, including accidental dis-  
7 ability, shall in each year before the last day of January sub-  
8 scribe under the penalties of perjury and file with the board  
9 or officer from whom he receives such pension or retirement  
10 allowance a statement, in such form as such board or officer  
11 shall prescribe, certifying the full amount of his earnings from  
12 gainful occupation during the preceding year. If the amount  
13 of such earnings after deducting therefrom the amounts of  
14 federal and state income taxes paid or payable on said earn-  
15 ings, the amounts of social security contributions withheld  
16 from said earnings, and the amounts deducted therefrom for  
17 membership in an approved hospital or medical insurance plan,  
18 exceed, or when added to his adjusted pension or retirement  
19 allowance in such preceding year exceed, the regular compensa-  
20 tion which would have been payable to such person in such  
21 preceding year had he continued in service in the grade held  
22 by him at the time he was pensioned or retired, he shall refund  
23 his adjusted pension or retirement allowance for such preceding  
24 year or a portion thereof equal to such excess, as the case may  
25 be; and until such refund is made, his pension or retirement

26 allowance shall be withheld as security therefor. As used in  
27 this section, the term "adjusted pension or retirement allow-  
28 ance remaining after deduction of such part thereof as repre-  
29 sents the actuarial equivalent of accumulated deductions at  
30 time of retirement and any additional annuity obtained by  
31 special purchase.

1 SECTION 2. This act shall take effect on January first,  
2 nineteen hundred and sixty-two, and shall apply to earnings  
3 for the year nineteen hundred and sixty-one.

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