

SENATE . . . No. 388

The Commonwealth of Massachusetts.

SENATE, May 10, 1926.

The committee on Bills in the Third Reading to whom was referred the House Bill relative to membership in the state retirement association of employees whose state employment was preceded by employment paid for wholly or partly by a county having a contributory retirement system and of employees paid partly by the commonwealth and partly by such a county (House, No. 1440), report recommending that the same be amended by substituting therefor a new draft with the same title (Senate, No. 388), and that, when so amended, the same will be correctly drawn.

For the committee,

CHARLES N. HARTSHORN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Six.

An Act relative to Membership in the State Retirement Association of Employees whose State Employment was preceded by Employment paid for Wholly or Partly by a County having a Contributory Retirement System and of Employees paid partly by the Commonwealth and partly by such a county.

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 two of chapter thirty-two
2 of the General Laws, as amended by section one
3 of chapter four hundred and thirty-nine, and by
4 sections four and five of chapter four hundred
5 and eighty-seven, all of the acts of nineteen hun-
6 dred and twenty-one, by chapter two hundred and
7 sixty-four of the acts of nineteen hundred and
8 twenty-four and by chapter twelve of the acts of
9 nineteen hundred and twenty-five, is hereby fur-
10 ther amended by adding at the end thereof the
11 seven following new paragraphs:—

12 (11) Employees in service paid partly by the
13 commonwealth and partly by a county having a
14 contributory retirement system established by
15 law shall continue to be members of the associa-

16 tion, and employees so paid at the time of the
17 establishment by any county of such a system,
18 employees who enter such service from the exclu-
19 sive service of such a county after such establish-
20 ment and who are members of the retirement sys-
21 tem of such county or eligible to join the same,
22 and employees under age fifty-five who shall here-
23 after enter such first mentioned service, shall, ex-
24 cept as hereinafter provided, become such mem-
25 bers; but no such person shall remain in such
26 service after reaching age seventy. Such mem-
27 bers shall be assessed on the salaries or wages
28 paid by the commonwealth and by the county, and
29 the assessments on the salary or wages paid by
30 the county shall be deducted by the county treas-
31 urer and shall immediately be transferred by
32 him to the state treasurer to be credited to the
33 annuity fund of the association. When the com-
34 bined assessments on the salary or wages paid in
35 part by the commonwealth and in part by the
36 county would exceed the maximum annual assess-
37 ment provided for by section four (2)A the
38 amount due from each shall be in the same pro-
39 portion as the annual salary or wage rates pay-
40 able by each. Every employee who has left or
41 shall leave, by transfer or otherwise, the service
42 of a county immediately to enter the state service
43 and who at the time of terminating such county
44 service was or shall be an active member of a
45 county contributory retirement association estab-
46 lished by law shall, except as hereinafter pro-
47 vided, become a member of the association as of
48 the date on which he last entered the state ser-
49 vice, irrespective of his age, but shall not remain

50 in the state service after reaching age seventy;
51 and, upon written notice from the board, the
52 county treasurer shall transfer the account of
53 such employee to the annuity fund of the asso-
54 ciation from the annuity fund of such county con-
55 tributory retirement association. No employee
56 shall become a member of the association under
57 this paragraph who has at any time withdrawn
58 an account from the association or from a county
59 contributory retirement association unless and
60 until he shall repay in one sum to the annuity
61 fund of the association all amounts so withdrawn
62 and not otherwise repaid, together with the in-
63 come which said amounts would have earned from
64 the date of his last entry into the exclusive state
65 service or a service paid for partly by the com-
66 monwealth and partly by a county having a
67 contributory retirement system, established by
68 law, as the case may be, to the date of repay-
69 ment, had said amounts been paid to the an-
70 nuity fund of the association at the date of such
71 entry.

72 (12) A member enrolled under paragraph
73 (11) or a member who has entered or shall enter
74 the exclusive state service from service paid for
75 partly by the commonwealth and partly by a
76 county having a contributory retirement system
77 established by law shall be credited with all his
78 continuous service rendered for the common-
79 wealth and for such a county, whether paid for
80 by either or both, to the same extent as if all
81 such continuous service had been rendered solely
82 for the commonwealth, except as hereinafter pro-
83 vided.

84 (13) Any member who receives credit for
85 continuous service under paragraph (12), if he
86 rendered a part of such service solely for such
87 a county during any period between June first,
88 nineteen hundred and twelve and the operative
89 date of the county contributory retirement sys-
90 tem in such county, shall upon retirement receive
91 from the commonwealth for service during such
92 period an extra pension for life as large as the
93 amount of the annuity and pension which could
94 be purchased under section five (2) *B (a)* by
95 contributions at the rate he was contributing to
96 the county retirement association immediately
97 prior to his membership in the association and
98 if such contributions had been accumulated with
99 regular interest, as defined in section one, up
100 to the date of his retirement.

101 (14) Any member who receives credit for con-
102 tinuous service under paragraph (12), if he ren-
103 dered a part of such service after June first, nine-
104 teen hundred and twelve and prior to the opera-
105 tive date of the county contributory retirement
106 association in such a county, which was paid for
107 partly by the commonwealth and partly by such
108 a county, shall receive from the commonwealth for
109 service during such period an extra pension for
110 life as large as the amount of the annuity and
111 pension which could be purchased under section
112 five (2) *B (a)* by contributions at the rate he was
113 contributing to the annuity fund of the associa-
114 tion on the date of his retirement by means of
115 deductions from the salary or wages paid by
116 each and if such contributions has been accumu-
117 lated with regular interest, as defined in section
118 one, up to the date of his retirement.

119 (15) The rates of contribution and interest
120 provided in paragraph (13) or (14) shall be the
121 basis of computing the pension under section five
122 (2) *C (b)* for service rendered prior to June first,
123 nineteen hundred and twelve for such a county,
124 or for service rendered prior thereto and paid
125 for partly by the commonwealth and partly by
126 such a county by means of deductions from the
127 salary paid by each, as the case may be.

128 (16) Any additional amount required to pro-
129 vide the minimum annual retirement allowance
130 payment set forth in section five *E* shall be paid
131 by the commonwealth and by the county in the
132 same proportions as the actual computed pen-
133 sions to be borne ultimately by the commonwealth
134 and by such county, said amount to be paid in
135 the first instance by the commonwealth and reim-
136 bursed by the county to the extent of its said
137 proportion. Employment by the city of Boston
138 shall not be deemed county employment within
139 the meaning of paragraphs eleven to seventeen in-
140 clusive.

141 (17) When any member entering the asso-
142 ciation under paragraph eleven retires or is re-
143 tired, the state treasurer shall each year on July
144 first be reimbursed by the treasurer of the county
145 for which such member rendered service, as afore-
146 said, whether paid for solely by such county or
147 paid for partly by said county and partly by the
148 commonwealth, an amount equal to all the pen-
149 sion payments to such retired member for the
150 previous calendar year which were computed on
151 the salary or wages or part thereof which was
152 paid to him by said county, and such additional

153 amount as may be required by paragraph six-
154 teen, and the total of such amounts shall be
155 credited to the appropriation for said year for
156 the payment of pensions provided for by section
157 four *B*.

1 SECTION 2. Said section two of said chapter
2 thirty-two, amended as aforesaid, is hereby fur-
3 ther amended by striking out paragraph six.

1 SECTION 3. Section five of said chapter thirty-
2 two, as amended by sections three and four of
3 chapter three hundred and forty-one of the acts
4 of nineteen hundred and twenty-two, by sections
5 one and two of chapter two hundred and five of
6 the acts of nineteen hundred and twenty-three, by
7 sections one and two of chapter two hundred and
8 forty-four of the acts of nineteen hundred and
9 twenty-five, and by chapter of the acts
10 of the current year, is hereby further amended
11 by striking out the paragraph included in the
12 seventy-second to the seventy-seventh lines, in-
13 clusive, as printed in the General Laws.

SENATE, May 10, 1926.

Passed to be engrossed.

Sent down for concurrence.

WILLIAM H. SANGER, *Clerk*.

