

SENATE No. 1899

The Commonwealth of Massachusetts

SENATE, September 19, 1977.

The committee on Counties on the part of the Senate, to whom was referred the House Bill creating advisory councils to county retirement boards and providing for uniform election procedures for county retirement boards and reforming certain retirement board procedures (House, No. 6175), reports recommending that the same ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 1899).

For the Committee

B. JOSEPH TULLY

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-seven.

AN ACT CREATING ADVISORY COUNCILS TO COUNTY RETIREMENT BOARDS AND PROVIDING FOR UNIFORM ELECTION PROCEDURES FOR COUNTY RETIREMENT BOARDS AND REFORMING CERTAIN RETIREMENT BOARD PROCEDURES.

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 20 of Chapter 32 of the General Laws
2 is hereby amended in subdivision (3) by striking out para-
3 graph (b) and inserting in place thereof the following: —

4 (b) Each such county system shall be managed by a retire-
5 ment board which shall have the general powers and duties
6 set forth in subdivision (5) of this section. Said board shall
7 consist of three members as follows, the County Treasurer,
8 who shall be a member ex officio and serve as Chairman, one
9 member hereinafter referred to as the elected member, and
10 one member of the County Retirement Board Advisory Coun-
11 cil who shall be elected at a meeting of said council at a pub-
12 lic meeting called specifically for such election pursuant to
13 paragraph (g) of this subdivision.

14 No person except the County Treasurer shall be eligible to
15 serve as a member of the county retirement board for more
16 than two full consecutive terms after January 1, 1978. The
17 election of the elected member shall be run in accordance
18 with paragraph (h) of this subdivision.

19 The elected member shall be an active or retired member
20 of the county retirement system. Each member of the board
21 shall continue to serve in office until the expiration of his or
22 her term, and the qualification of his or her successor. Upon
23 the expiration of the term of office of any elected or appointed
24 member, or in the event of a vacancy in either of said offices,
25 his or her successor shall be elected as aforesaid for a term
26 of three years, or for the unexpired portion thereof, as the
27 case may be.

1 SECTION 2. Subdivision (3) of said Section 20 of said Chap-
2 ter 32 of the General Laws is hereby further amended by
3 striking out paragraph (c) and inserting in place thereof the
4 following: —

5 (c) The members of the board of any such county system
6 shall serve without compensation, but they shall be reimbursed
7 for any expense or loss of salary or wages which they may in-
8 cur through service on such board from the expense fund of
9 the system. Nothing in this paragraph shall prevent any
10 county treasurer from being compensated for services rend-
11 ered in the active administration of the system, in his capacity
12 as county treasurer but not as a member of the board; pro-
13 vided, that such compensation shall not exceed fifteen hun-
14 dred dollars per annum.

1 SECTION 3. Said subdivision (3) of Section 20 of Chapter
2 32 of the General Laws is hereby further amended, by strik-
3 ing out paragraph (e) and inserting in place thereof the fol-
4 lowing: —

5 (e) Any such county retirement board may employ an at-
6 torney from time to time as required, but such attorney shall
7 not be a member in service of the system or a member of the
8 retirement board.

1 SECTION 4. Said subdivision (3) of Section 20 of Chapter
2 32 of the General Laws is hereby further amended by strik-
3 ing out paragraph (d) and inserting in place thereof the fol-
4 lowing: —

5 (d) The retirement board chairman shall employ such cler-
6 ical and other assistants as may be required to transact the
7 business of the county retirement system. All such clerical
8 and other assistants, whether permanent or temporary em-
9 ployees, shall be removed from office only upon the two thirds
10 vote of the county retirement board. The county retirement
11 board shall classify and approve its employees in accordance
12 with the general personnel guidelines and pay scales adopted
13 for county personnel. All permanent employees employed pur-
14 suant to this paragraph shall be members of the county re-
15 tirement system, but shall not be eligible to be a member or
16 candidate for election to the county retirement board.

1 SECTION 5. Subdivision (3) of Section 20 of Chapter 32 of
2 the General Laws is hereby amended by adding the following
3 new paragraphs: —

4 (g) There shall be a county retirement board advisory
5 council, in this subdivision called the council, consisting of
6 all the qualified treasurers, elected or appointed, of each town,
7 unit or district belonging to the county retirement system. A
8 chairman shall be elected from among the members. The
9 council shall meet at the call of the chairman, but in no event
10 less than twice in each year. The county treasurer shall be a
11 member of the county retirement board advisory council. The
12 council shall be responsible for supervising and certifying the
13 procedures involved in the election of the elected member of
14 the county retirement board, as provided in paragraphs (b)
15 and (h) of this subdivision. Upon certification by the county
16 retirement board and the council, the actuary of the division
17 of insurance shall be furnished with an estimate of the ex-
18 penses and costs of administration of the system for the en-
19 suing year. The actuary shall, on or before December fifteen
20 in each year, specify by written notice to the council and the
21 board the amounts so required to be paid from the Pension
22 Fund, the Annuity Reserve Fund, the Military Service Fund,
23 and the Administration Fund, as provided in subsection (7) of
24 Section 22 of this Chapter. The actuary shall also advise and
25 determine the amounts to be allocated to each governmental
26 unit for the aforementioned amounts.

27 The county retirement board advisory council, at a meeting
28 called specifically for that purpose, shall elect one of its mem-
29 bers as a member of the county retirement board at the ex-
30 piration of the current appointed member's term, as provided
31 in paragraph (b) of this subdivision.

32 (h) The election of the elected member shall be supervised
33 by the County Retirement Board Advisory Council, which
34 shall serve as the Election Board. The council shall make
35 available nomination papers to any member in service so re-
36 questing and shall require that such nomination papers be
37 signed by the candidate, and returned to the office of the
38 county retirement board for safe keeping until the election
39 board shall meet. The county treasurer or his agent shall give

40 a duplicate receipt for such nomination papers to each candi-
41 date. Completed nomination papers shall contain the signa-
42 tures and addresses of at least five active or retired members
43 of said retirement system. The election board shall determine
44 whether each candidate has filed nomination papers contain-
45 ing the signatures and addresses of at least five active or re-
46 tired members of said system. If, after investigation, the elec-
47 tion board determines that a candidate has filed nomination
48 papers containing less than five signatures as required, the
49 election board shall declare said nomination papers invalid
50 and shall notify said candidate of such determination. If, af-
51 ter investigation, the election board determines that only one
52 candidate has filed the requisite number of signatures, the
53 election board shall declare said candidate to be the elected
54 member of the county retirement board. If, after investiga-
55 tion, the election board determines that more than one candi-
56 date has obtained the requisite number of valid signatures, the
57 election board shall notify said candidates of such determina-
58 tion and shall immediately prepare election ballots, and set
59 the date for the election, which shall be held within forty days.

60 The election board shall mail ballots to all members of the
61 retirement system, whether active or retired. The election
62 board shall instruct each member to place an appropriate
63 marking on the face of the printed ballot next to the name of
64 one candidate, insert said ballot into "ballot envelope" and
65 said ballot envelope into the prestamped envelope, seal said
66 prestamped envelope and mail said envelope to the election
67 board in care of the county retirement board, within twenty
68 days after they were mailed. Any envelope postmarked later
69 than twenty days after such mailing shall not be used to de-
70 termine the elected member. The election board shall notify
71 each candidate of the time and location of the tabulation of
72 the ballots and shall permit all such candidates to be present
73 at said tabulation. At the specified time for tabulation, the
74 election board shall assemble all envelopes and inspect said
75 envelopes. Any envelope which has been opened prior to said
76 date, or which has not been signed on the rear by the appro-
77 priate addressee shall be invalidated and shall not be used to
78 determine the elected member. The election board shall as-

79 seemle all properly signed, unopened envelopes and shall open
80 each envelope and separate the enclosed "ballot" from said
81 envelope. The election board shall assemble all ballots and
82 shall tabulate the vote for each candidate. Any ballot which
83 contains a marking for more than the number of vacancies
84 shall be declared invalid.

85 The election board shall notify each candidate in writing of
86 the results of said election. All envelopes and ballots received
87 by the election board, including those determined to be in-
88 valid, shall be preserved by the election board for two years.
89 The costs incurred by the election board in administering the
90 election shall be paid from the county retirement system ad-
91 ministration fund.

1 SECTION 6. Pursuant to this act, the elected member of the
2 county retirement board's term shall expire on December 31,
3 1979, and the elected member after that date shall serve a
4 full three year term. Pursuant to this act, the first term of
5 the member elected by the County Retirement Board Ad-
6 visory Council shall expire on December 31, 1980, and after
7 that each such member shall serve a full three year term.



