

SENATE. No. 1475

The Commonwealth of Massachusetts

MEMORANDUM OF THE SECRETARY OF THE
COMMONWEALTH RELATIVE TO THE PETITION OF
JOHN D. O'BRIEN AND GARY M. COON FOR LEGISLATION
RELATIVE TO THE ANDOVER FIREMEN'S RELIEF
ASSOCIATION

February 2, 1995.

To the Honorable Senate and House of Representatives:

On January 30, 1995 the Clerk of the Senate transmitted the above referenced petition and bill to me with a request for a memorandum pursuant to General Laws Chapter 3, § 7.

By way of background the Andover Firemen's Relief Association (hereinafter referred to as the "Association") was formed on November 15, 1917 in accordance with Chapter 628 of the Acts of 1911 for the purpose of paying a death or funeral benefit to its members not exceeding two hundred dollars (\$200.00) and disability benefits not exceeding ten dollars (\$10.00) per week.

Its charter was amended by Chapter 540 of the Acts of 1965 which authorized the corporation to pay a sum not exceeding fifteen hundred dollars (\$1500.00) to members in good standing upon retirement. Finally, Chapter 226 of the Acts of 1969 authorized a member of the corporation upon retirement to elect to receive a sum equal to and in lieu of the death benefit provided in the bylaws of the Association. Alternatively, a member with twenty years service could elect to receive one half the benefit upon retirement and keep the balance payable as a death benefit. Upon such an election the member would thereafter pay one half the membership dues.

The bill before you seeks to broaden the purposes of the corporation to include:

1. the provision to members of any benefits authorized by General Laws Chapter 176;
2. the provision of hardship benefits to members;

3. safety education for the general public;
4. promoting the social welfare of the citizens of Andover;
5. honoring active, separated, and deceased members of the Association; and
6. improving the amenities available to the Association.

The bill also seeks to broaden the type of investments the Association may invest in, provide for the indemnification of officers, directors, employees and other agents, contract with insurance companies for the payment of benefits and subject the Association to the provisions of General Laws Chapter 176, § 49.

The subject of the proposed legislation falls within the purview of the Commissioner of Insurance. It is respectfully suggested an opinion be sought from that office.

Special legislation is necessary to accomplish the desired result. This office has no opinion on the merits of the proposed legislation. No fee is required to be paid to the Commonwealth by this corporation.

Respectfully,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT PROVIDING FOR MODIFICATION OF THE PURPOSES OF, AND THE INVESTMENTS PERMITTED TO, THE ANDOVER FIREMEN'S RELIEF ASSOCIATION.

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. In addition to its existing purposes, the Andover
2 Firemen's Relief Association will have the following purposes:

3 1) To provide to its members any benefit which may be pro-
4 vided by a fraternal benefit society chartered under General Laws,
5 Chapter 176 as in effect from and after January 1, 1959, or any
6 successor statute.

7 2) To provide in its by-laws payments for the relief of a
8 member or the spouse or children of a deceased member suffering
9 from extraordinary hardship. Such payments will not exceed fifty
10 percent of the death benefit then in force during any twelve month
11 period, and will be subject to further restrictions as provided in
12 such by-laws.

13 3) To educate and inform the community on public safety
14 issues and the role of members in the public safety services of the
15 Town of Andover, Massachusetts.

16 4) To promote and encourage social welfare within the commu-
17 nity of Andover, Massachusetts.

18 5) To honor and memorialize the service of active, separated
19 and deceased members of the public safety services.

20 6) To improve the amenities available during public safety duty
21 performance to members of the Association who are active mem-
22 bers of the Andover Fire Department; and to all Association mem-
23 bers during Association duty performance.

1 SECTION 2. In addition to the investments permitted to fra-
2 ternal benefit societies pursuant to General Laws, Chapter 176 as

3 in effect on December 31, 1958, the Andover Firemen's Relief
4 Association may invest its funds in:

5 1) Any security included in the list of legal investments pur-
6 suant to General Laws, Chapter 167, Section 15A, or any suc-
7 cesssor statute, as published and from time to time amended by the
8 Office of Commissioner of Banks or any successor agency.

9 2) Any security or contract in which the funds of retirement
10 systems of counties, cities, towns, etc. may be invested pursuant
11 to General Laws, Chapter 32, Section 23, subdivision (2), or any
12 successor statute.

1 SECTION 3. The Andover Firemen's Relief Association, Inc.,
2 may provide for indemnification of directors, officers, employees
3 and other agents and persons who serve at its request to the extent
4 specified in a by-law adopted for that purpose by the members of
5 the Association.

1 SECTION 4. The Andover Firemen's Relief Association, Inc.
2 may provide for the payment of any part of all of the benefits
3 payable to its members by contracting with one or more insurance
4 companies qualified to provide policies of the appropriate nature
5 in Massachusetts.

1 SECTION 5. The Andover Firemen's Relief Association will
2 be subject to General Laws, Chapter 176, Section 49, as added by
3 St. 1958, Chapter 540, Section 1, as it may from time to time be
4 amended and any successor statute.