

By Mr. Natsios of Holliston, petition of Barney Frank, Andrew S. Natsios and another for legislation to prohibit members of the retirement system from membership on the Retirement Law Commission. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT REMOVING ADMINISTRATION OF THE MASSACHUSETTS PUBLIC RETIREMENT LAW FROM CONTROL BY MEMBERS OF THE RETIREMENT SYSTEM.

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. Chapter 6 of the General Laws is hereby amended
2 by striking out section 102 and inserting in place thereof the
3 following section:—

4 *Section 102.* There shall be a retirement law commission [of
5 seven members,] consisting of [the executive secretary of the state
6 board of retirement, the executive secretary of the teachers' retire-
7 ment board, and] five members appointed by the governor, [with
8 the advice and consent of the council] none of whom shall be a
9 member or former member of a retirement system under chapter
10 thirty-two or have any personal interest, direct or indirect, in any
11 such system. The members shall serve without compensation but
12 shall receive their necessary expenses incurred in the discharge of
13 their official duties. The chairman of said commission shall be
14 designated from time to time by the governor. Upon the expiration
15 of the term of an appointive member, his successor shall be
16 appointed in the manner aforesaid for a term of five years.

Underscoring indicates new material.
[] Brackets indicates material stricken.

1 SECTION 2. Members of the retirement law commission on
2 the effective date of this act and qualified to serve in accordance
3 with its provisions shall continue to serve without interruption for
4 the remainder of their terms.

1 SECTION 3. Section 18 of said chapter 10 is hereby amended
2 by striking out section 18 and inserting in place thereof the follow-
3 ing section:—

4 *Section 18.* There shall be a state board of retirement serving in
5 the department for the purpose of administering the state
6 employees' retirement system established under the provisions of
7 chapter thirty-two. Such board shall consist of [~~three~~] five
8 members as follows: the state treasurer or his designee, who shall
9 be a member ex officio [~~and who shall serve as chairman~~], a second
10 member who shall be elected by the members in or retired from
11 service of such system from among their number in such manner
12 and for such term, not exceeding three years, as the commissioner
13 of insurance shall determine, and [~~a third member who shall be~~
14 ~~chosen by the other two for a term of three years.~~] three members to
15 be appointed by the governor, none of whom shall be a member or
16 former member of a retirement system under this chapter. Future
17 elections of the second member shall be held under the supervision
18 of such retirement board. [~~and the term of the second member~~
19 ~~shall be so arranged as not to expire in the year of expiration of the~~
20 ~~term of the third member. If a third member is not chosen by the~~
21 ~~other two members within thirty days after the expiration of the~~
22 ~~term of the third member, the governor shall appoint a third~~
23 ~~member for a term of three years.~~] Each member of such retirement
24 board shall continue to hold office until the expiration of his term
25 and until the qualification of his successor. Upon the expiration of
26 the term of office of any elected, [~~chosen~~] or appointed member or
27 in case of a vacancy in [~~either~~] any of said offices, his successor shall
28 be elected, [~~chosen~~] or appointed as aforesaid for a three-year term
29 or for the unexpired portion thereof, as the case may be. [~~except~~
30 ~~that in no event shall the term of the second member expire in the~~
31 ~~same year as the term of the third member.~~]

32 The board by majority vote shall elect one of its members other
33 than an ex officio or elected member to serve as chairman until the

34 election of his successor and shall appoint a secretary who may be,
35 but need not be, one of its members. The board shall employ such
36 clerical and other assistants as may be required to transact the
37 business of the system.

1 SECTION 4. The two additional members to be appointed to
2 the state board of retirement under section 18 of chapter 10 of the
3 General Laws, as amended by this act, shall serve for terms of two
4 and three years, respectively. The third member of the board in
5 office on the effective date of this act shall continue to serve for an
6 additional year, any provision of said section 18 to the contrary
7 notwithstanding, and until his successor is appointed for a term of
8 three years.

1 SECTION 5. Section 16 of said chapter 15 is hereby amended
2 by striking out section 16 and inserting in place thereof the follow-
3 ing section: —

4 *Section 16.* There shall be a teachers' retirement board for the
5 purpose of administering the teachers' retirement system estab-
6 lished under the provisions of chapter thirty-two. Such board shall
7 consist of five members as follows: the commissioner of educaion,
8 or his designee, who shall be a member ex officio [and who shall
9 serve as chairman,] a second member [who shall be appointed by
10 the governor for a term of four years, and who shall be a retired
11 former public school teacher within the commonwealth, two
12 members] who shall be elected by the members in service in such
13 system from among their number in such manner and for such
14 term, not exceeding [four] three years, as the commissioner of
15 insurance shall determine, and [a fifth member who shall be chosen
16 by the other four for a term of four years.] three members to be
17 appointed by the governor for terms of three years, none of whom
18 shall be a member or former member of a retirement system under
19 this chapter. Future elections of the [third and fourth members]
20 second member shall be held under the supervision of such retire-
21 ment board. [and the terms of the third and fourth members shall
22 be arranged so as not to expire in the year of expiration of the term
23 of the fifth member. If a fifth member is not chosen by the other
24 four members within thirty days after the expiration of the term of

25 the fifth member, the governor shall appoint a fifth member for a
26 term of four years.] Each member of such retirement board shall
27 continue to hold office until the expiration of his term and until the
28 qualification of his successor. Upon the expiration of the term of
29 office of an elected, [chosen] or appointed member or in case of a
30 vacancy in [either] any of said offices, his successor shall be elected
31 [chosen] or appointed as aforesaid for a [four] three year term or
32 for the unexpired portion thereof, as the case may be. [except that
33 in no event shall the term of the fifth member expire in the same
34 year as the term of either the third or fourth member.]

35 The board by majority vote shall elect one of its members other
36 than an ex officio or elected member to serve as chairman until the
37 election of his successor and shall appoint a secretary who may be
38 but need not be, one of its members. The board shall employ such
39 clerical and other assistants as may be required to transact the
40 business of the system.

1 SECTION 6. The member of the teachers retirement board
2 appointed by the governor in office on the effective date of this act
3 shall continue to serve for an additional year, any provision of
4 section 16 of chapter 15, as amended by this act to the contrary
5 notwithstanding, and until his successor is appointed for a term of
6 three years. The two additional members to be appointed by the
7 governor under said section 16 shall serve for terms of two and
8 three years, respectively.

1 SECTION 7. Sub-section (4) of section 20 of said chapter 32 is
2 hereby amended by striking out paragraph (b), as most recently
3 amended by chapter 364 of the acts of 1978, and inserting in place
4 thereof the following paragraph: —

5 (b) Each such city or town system shall be managed by a retire-
6 ment board which shall have the general powers and duties set
7 forth in subdivision (5) of this section. Such board shall consist of
8 [three] five members as follows: — the city auditor or town account-
9 ant or other officer having similar powers and duties, or his
10 designee, who shall be a member ex officio, a second member who
11 shall be elected by the members in or retired from service of such
12 system from among their number [in such manner and for such
13 term, not exceeding three years, as the mayor in a city or the board

14 of selectmen in a town shall determine], and [a third member who
15 shall be chosen by the other two members of the board for a term of
16 three years] three members to be appointed, in a city, by the mayor,
17 subject to confirmation by the city council, and in a town by the
18 board of selectmen or as otherwise provided by by-law or vote of
19 the town, for terms of three yeears, none of whom shall be a
20 member or former member of a retirement system under this
21 chapter. [If the third member is not chosen by the other two
22 members within thirty days after the expiration of the term of the
23 third member, said member shall be appointed in a city by the
24 mayor, subject to confirmation by the city council, or in a town by
25 the board of selectmen.] [Future elections] Elections of the second
26 member shall be held under the supervision of such retirement
27 board [and the term of the second member shall be so arranged as
28 not to expire in the year of expiration of the term of the third
29 member]. Each member of such retirement board shall continue to
30 hold office until the expiration of his term and until the qualifica-
31 tion of his successor. Upon the expiration of the term of office of
32 any elected or appointed member or in case of a vacancy in [either]
33 any of said offices, his successor shall be elected or appointed as
34 aforsaid for a three-year term or for the unexpired portion
35 thereof, as the case may be [, except that in no event shall the term
36 of the second member expire in the same year as the term of the
37 third member].

1 SECTION 8. Said sub-section (4) of seciton 20 is hereby further
2 amended by striking out paragraph (d) and inserting in place
3 thereof the following paragraph:—

4 (d) The board by majority vote shall elect one of its members
5 other than an ex officio or elected member to serve as chairman
6 until the election of his successor and shall appoint a secretary who
7 may be, but need not be, one of its members. The board shall
8 employ such clerical and other assistants as may be required to
9 transact the business of the system.

1 SECTION 9. The two additional members to be appointed to
2 each retirement board of a city or town under paragraph (b) of
3 subsection (4) of section 20 of chapter 32 of the General Laws, as

4 amended by this act, shall serve for terms of two and three years,
5 respectively. The third member of the board in office on the
6 effective date of this act shall continue to serve for an additional
7 year, any provision of said paragraph (b) to the contrary notwith-
8 standing, and until his successor is appointed for a term of three
9 years.

1 SECTION 10. Section 16 of said chapter 32 is hereby amended
2 by striking out subdivision (4) and inserting in place thereof the
3 following: —

4 (4) There shall be an unpaid contributory retirement appeal
5 board which shall consist of [three] five members as follows: [the
6 director of the bureau of accounts or an assistant who shall be
7 designated in writing from time to time by the commissioner of
8 revenue,] the commissioner of insurance or an assistant who shall
9 be designated in writing from time to time by said commissioner,
10 [and] an assistant attorney general who shall be designated in
11 writing from time to time by the attorney general, and three
12 members appointed by the governor for terms of three years, one of
13 whom shall be designated by the governor from time to time as
14 chairman. None of the appointive members shall be a member or
15 former member of a retirement system under this chapter or have
16 any personal interest, direct or indirect, in any such system. The
17 members shall serve without compensaiton but shall receive their
18 necessary expenses incurred in the discharge of their official duties.
19 On matters other than those subject to review by the district court
20 as provided for a subdivision (3) of this section, or other than those
21 which would have been subject to such review had the requirement
22 for the minimum period of creditable service been fulfilled, any
23 person aggrieved by any action taken or decision of a board
24 rendered, or by the failure of a board to act, may appeal to the
25 contributory retirement appeal board by filing therewith a claim in
26 writing within fifteen days of such action or decision of the board,
27 or may so appeal within fifteen days after the expiration of the time
28 specified in sections one to twenty-eight inclusive, within which a
29 board must act upon a written request thereto, or within fifteen
30 days after the expiration of one month following the date of filing a

31 written request with the board if no time for action thereon is
32 specified, in case the board failed to act thereon within the time
33 specified within one month, as the case may be. The contributory
34 retirement appeal board, after giving due notice, shall not less than
35 ten nor more than sixty days after the filing of any such claim of
36 appeal, assign such appeal to the division of hearing officers for a
37 hearing. The contributory retirement appeal board shall pass upon
38 the appeal within six months after the conclusion of such hearing,
39 and its decision shall be final and binding upon the board involved
40 and upon all other parties, and shall be complied with by such
41 board and by such parties. Any person, upon taking an appeal
42 involving disability to the contributory retirement appeal board,
43 shall, if otherwise eligible, be permitted to retire for superannua-
44 tion pending the decision of said board, but in no event shall such
45 action prejudice the petitioner from receiving any further benefits
46 which said board may grant in its decision.

1 SECTION 11. The three members of the contributory retire-
2 ment appeal board first named by the governor under subdivision
3 (4) of section 16 of chapter 32 of the General Laws, as inserted by
4 this act, shall serve for a term of one year, one for a term of two
5 years and one for a term of three years for terms of one, two and
6 three years, respectively, and their successor shall serve for three
7 years.

