

# HOUSE . . . . No. 1657

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By Mr. Davis of Marblehead, petition of H. M. Perkins for making certain changes in the contributory retirement law in respect to member survivor allowance. Pensions and Old Age Assistance.

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## The Commonwealth of Massachusetts

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

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AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATIVE  
TO CONTRIBUTORY RETIREMENT OF PUBLIC EMPLOYEES.

*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. Subdivision (2) of section 12 of chap-  
2 ter 32 is hereby amended by striking out option (d),  
3 as most recently amended by chapter 670 of the acts  
4 of 1950, and inserting in place thereof the following  
5 option (d).  
6 *Option (d). Member Survivor Allowance.* — At any  
7 time a member, upon his written notice on a pre-  
8 scribed form filed with the board prior to his death  
9 may designate an eligible beneficiary and an alternate  
10 eligible beneficiary, who if such member dies after  
11 attaining age fifty-five and before being retired, shall  
12 receive two thirds of the yearly amount of said option  
13 (c) allowance to which such member would have been  
14 entitled had his retirement taken place on the date  
15 of his death. The alternate beneficiary will partici-

16 pate in said benefits only upon the death of the  
17 eligible beneficiary. A member may at any time  
18 cancel the appointment of a beneficiary nominated  
19 under this option by a written notice filed with the  
20 board prior to his death. If such member dies as a  
21 result of an accident while in the performance of his  
22 duties, with a resultant death benefit as provided for  
23 in section nine, such section shall govern.

24 No person shall be eligible for nomination as bene-  
25 ficiary under this option unless such person is the  
26 spouse, child, father, mother or is the unmarried,  
27 widowed or divorced sister, or invalid brother of  
28 such member.

29 If a member dies before attaining age fifty-five and  
30 before being retired, the eligible beneficiary shall  
31 receive two thirds of the yearly amount of said  
32 option (c) allowance to which such member would  
33 have been entitled had he attained age fifty-five at  
34 the time of his death.

35 If a member dies before being retired, or within  
36 thirty days following the date his retirement  
37 became effective, without an eligible beneficiary  
38 nominated under either this option or under option (c)  
39 of this section, and without a beneficiary other than  
40 his spouse nominated under paragraph (c) of sub-  
41 division (2) of section eleven, and without having  
42 otherwise made disposition for his accumulated  
43 total deductions to any person other than his spouse,  
44 an election may be made by his spouse on a prescribed  
45 form filed with the board within sixty days of the  
46 date of death of the member to either receive his  
47 accumulated total deductions in one sum as a cash  
48 refund under said subdivision (2) of section eleven  
49 or to receive the member survivor benefits under this

50 option; provided, that said spouse and the deceased  
51 member were living together at the time of his death,  
52 or that the board finds that they had been living  
53 apart for justifiable cause other than desertion or  
54 moral turpitude on the part of the spouse.

1 SECTION 2. Subdivision (2) of section 12 of chap-  
2 ter 32 is hereby amended by adding the words "in-  
3 valid brother" to the last paragraph of option (c), so  
4 that said paragraph will read as follows:—

5 No person shall be eligible for nomination as bene-  
6 ficiary under this option unless such person is the  
7 spouse, child, father, mother or is the unmarried,  
8 widowed or divorced sister, or invalid brother of such  
9 member.

