

By Mr. Buglione of Methuen, petition of Nicholas J. Buglione, Dennis J. Duffin, Edward W. Connelly and others reglative to increasing survivor benefits for spouses and children of public employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT INCREASING SURVIVOR BENEFITS FOR SPOUSES AND CHILDREN.

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 12 of Chapter 32 of the General Laws, as
2 most recently amended by Chapter 793 of the Acts of 1972, is
3 hereby amended by striking out paragraph 10 of option (d) of
4 subdivision (2) and inserting in place thereof the following para-
5 graph: —

6 The normal monthly member-survivor allowance provided for
7 under this option to a spouse of a deceased member shall not be less
8 than three hundred dollars, subject to the provisions of paragraph
9 (e) of section one hundred and two, provided; the deceased
10 member was a member in service as described in subparagraph (i)
11 of paragraph (a) subdivision 1 of section 3 on the date of death and
12 that the member had not less than two full years of creditable
13 service and had been married to such spouse for not less than one
14 year, and provided, further, that such member and such spouse
15 were living together on the date of death of the member, or that the
16 board finds that they were living apart of justifiable cause other
17 than desertion or moral turpitude on the part of such spouse.

1 SECTION 2. Section 12B of Chapter 32 of the General Laws,
2 as most recently amended by Chapter 793 of the Acts of 1972, is
3 hereby amended by striking out the first paragraph and inserting in
4 place thereof the following paragraph: —

5 If a member in service, as described in subparagraph (i) of
6 paragraph (a) of subdivision (1) of section three, including such a
7 member in the uniformed division of the state police, who has not
8 nominated a beneficiary under option (d) of subdivision (2) of
9 section twelve other than the spouse of such member and who has
10 two full years of creditable service dues and leaves spouse to whom
11 such member has been married for at least one year and with whom
12 such member was living at the time of the death of such member, or
13 who the board finds had been living apart from said member for
14 justifiable cause other than desertion or moral turpitude on the
15 part of such spouse, who is eligible to receive a member-survivor
16 allowance under the provisions of option (d) of subdivision (2) of
17 section twelve, and so elects, and if there are any surviving children
18 of said deceased member who are under eighteen or over said age
19 and physically or mentally incapacitated from earning on the date
20 of death of the member, or under age 21, if a full-time student, shall
21 be paid to such spouse for the benefit of all such children an
22 additional allowance of one hundred eighty dollars a month for
23 one child plus an allowance of one hundred twenty dollars a month
24 for each additional child subject to the provisions of paragraph (e)
25 of section one hundred and two.

1 SECTION 3. Section 12B of Chapter 32 of the General Laws,
2 as most recently amended by Chapter 793 of the Acts of 1972, is
3 hereby amended by striking out the third paragraph and inserting
4 in place thereof the following paragraph: —

5 If a spouse remarries the allowances payable for the benefit of
6 any children under this section shall terminate and thereafter there
7 shall be paid to a legally appointed guardian for the benefit of each
8 eligible surviving child three hundred dollars a month subject to
9 the provisions of paragraph (e) of section one hundred and two.