

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
PRESENTED BY:

**Ellen Story**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act To Promote Equity in Pension Benefits.**

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PETITION OF:

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT TO PROMOTE EQUITY IN PENSION BENEFITS.

*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. Notwithstanding paragraph (b) of subsection (2) of section 40 of chapter  
2 15A of the General Laws, or any other general or special law to the contrary, any employee who  
3 elected to participate in the optional retirement program provided in said section 40 because the  
4 option of marriage was unavailable to that employee prior to May 16, 2004\* may elect to  
5 withdraw from the optional retirement program and become a member of the state employees'  
6 retirement system by filing an application for this election no later than 1 year after the  
7 effective date of this act.

8           Section 2. Any employee who elects to become a member of the state employees' retirement  
9 system under section 1 shall take all necessary steps to effect the transfer of all funds held on the  
10 employee's account in custodial accounts or payable to the employee under individual or group  
11 annuity contracts established under section 40 of chapter 15A of the General Laws to the state  
12 employees' retirement system.

13 Section 3. The board of higher education and the state board of retirement shall promulgate  
14 regulations concerning this election and transfer of funds within 60 days after the effective date  
15 of this act.

16 Section 4. Notwithstanding any general or special law to the contrary, upon the transfer of funds  
17 specified in section 2, any employee who makes the election provided for in section 1 shall  
18 participate in the state employees' retirement system under chapter 32 of the General Laws as of  
19 the date that employee is considered to have entered service under section 5 of this act.

20 Section 5. For purposes of determining the percentage of regular compensation which shall be  
21 withheld under section 22 of chapter 32 of the General Laws for any employee making the  
22 election provided for in section 1, the employee shall be considered to have entered service (a) as  
23 of the effective date of the employee's appointment if the employee was initially appointed on or  
24 after the effective date of the optional retirement program, (b) as of the date the employee  
25 became a member in service before electing to participate in the optional retirement program if  
26 the employee transferred his accumulated total deductions and interest to the optional retirement  
27 program under paragraph (c) of subsection (3) of section 40 of chapter 15A of the General Laws,  
28 or (c) as of the date the employee became a member in service before electing to participate in  
29 the optional retirement program, if the employee withdrew his accumulated deductions upon  
30 electing to participate in the optional retirement program, but pays in a lump sum the amount of  
31 total accumulated contributions withdrawn, with interest, within 6 months of making the election  
32 provided for in section 1.

33 \*Effective date of Goodridge v. Department of Public Health, 440 Mass. 309, which was decided  
34 on November 18, 2003 and took effect 180 days later.