

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Morrissey, Michael (SEN)**

*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 relative to ordinary disability retirements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Morrissey, Michael (SEN)	Norfolk and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01611 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO ORDINARY DISABILITY RETIREMENTS.

*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 6 of chapter 32 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended in lines 57 and 59 by inserting after  
3 the word “fifty-five” the following words:- or upon acceptance by a retirement system, age sixty.

4           SECTION 2. Said subdivision (2) of section 6 of chapter 32, as so appearing, is hereby further  
5 amended in paragraph (a) by inserting at the end thereof the following sentences:- Acceptance of  
6 the age sixty option provided for by this paragraph shall be by a majority vote of the board of  
7 each such system, subject to the approval of the legislative body. For the purposes herein,  
8 “legislative body” shall mean, in the case of a city, the city council in accordance with its charter,  
9 in the case of a town, the town meeting, in the case of a county, the county retirement board  
10 advisory council, in the case of a region, the regional retirement board advisory council, in the  
11 case of a district, the district members, and, in the case of an authority, the governing body.

12 Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with  
13 the commission. For purposes herein, the state teachers' and state employees' retirement  
14 systems shall be deemed to have accepted the age sixty option.

15 SECTION 3. Said subdivision (2) of section 6 of chapter 32, as so appearing, is hereby further  
16 amended in paragraph (b) by deleting subparagraph (ii) and inserting in place thereof the  
17 following subparagraph:-

18 (ii) A yearly amount of pension equal to one-half of the average annual rate of his regular  
19 compensation for the twelve-month period for which he last received regular compensation  
20 immediately preceding the date his retirement allowance becomes effective; provided, that if he  
21 has not attained the age fifty-five or, upon acceptance by a retirement system as provided for by  
22 this subdivision, age sixty on or before such date, the normal yearly amount of such allowance  
23 shall in no event be less than that to which he would be entitled if he were retired under the  
24 provisions of paragraph (a) of this subdivision, and provided, that if he has attained age fifty-five  
25 or upon acceptance by a retirement system as provided for by this subdivision, age sixty on or  
26 before such date, the normal yearly amount of such allowance shall in no event be less than that  
27 to which he would be entitled if he were to be retired for superannuation under the provisions of  
28 section five as prescribed for a member of his group; and provided, that the normal yearly  
29 amount of such allowance shall not exceed four-fifths of the average annual rate of his regular  
30 compensation during the five-year period of his creditable service subsequent to June thirtieth,  
31 nineteen hundred and thirty-two, for which such rate was the highest, anything in this section to  
32 the contrary notwithstanding.

33 Acceptance of this provision by a retirement system shall be by a majority vote of the board of  
34 each such system, subject to the approval of the legislative body. For the purposes herein,  
35 “legislative body” shall mean, in the case of a city, the city council in accordance with its charter,  
36 in the case of a town, the town meeting, in the case of a county, the county retirement board  
37 advisory council, in the case of a region, the regional retirement board advisory council, in the  
38 case of a district, the district members, and, in the case of an authority, the governing body.  
39 Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with  
40 the commission. For purposes herein, the state teachers’ and state employees’ retirement  
41 systems shall be deemed to have accepted this provision.

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