

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tolman, Steven (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 to Provide Accountability, Efficiency and Equity in Retirement Systems.

PETITION OF:

NAME:

Tolman, Steven (SEN)

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT TO PROVIDE ACCOUNTABILITY, EFFICIENCY AND EQUITY IN RETIREMENT SYSTEMS.

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 11 of Chapter 32 of the General Laws is hereby amended by inserting the
2 following subparagraph on paragraph (1):-

3 (d) If a member is entitled to a return of his accumulated total deductions and requests such a
4 return from the board on the proscribed form, prior to the return of such accumulated total
5 deductions, the board shall contact such member's employer to determine whether such member
6 owes an obligation to the employer under the terms of any employee benefit plan, including a
7 cafeteria plan established pursuant to section 125 of Title 26 of the United States Code. If it is
8 determined that the member owes the employer under the terms of any such plan, the board shall
9 not return the accumulated total deductions until it has received notice from the employer that
10 the obligation has been satisfied.

11 SECTION 2. Section 13 of chapter 32 of the general laws is hereby amended by inserting after
12 the second paragraph, the following:

13 (c) A retirement board may require any member entitled to receive a retirement allowance to
14 designate a financial institution to which shall be directly deposited any payments under any
15 annuity, pension or retirement allowance.

16 SECTION 3. Section 19A of Chapter 32 is hereby amended by striking the first paragraph
17 thereof and inserting it its place the following:

18 Section 19A. Any employee of the commonwealth, a city, town, district or other member unit of
19 a retirement system who is retired under this chapter shall, upon the request of the retiring
20 authority paying such pension or retirement allowance, or otherwise may, by assignment made in
21 writing authorize the retiring authority paying such pension or retirement allowance to withhold
22 each month such amount as he may designate for the payment of subscriber premiums applicable
23 to any hospitalization, medical or surgical insurance in effect with a non-profit hospital and
24 medical service corporation or insurance company at the time of his retirement. In the event that
25 the amount of a retiree's pension check is insufficient to accommodate the entire deduction and
26 upon notice from the retirement board, the employer for whom the retiree last worked and from
27 whom he is retired shall bill the retiree for the employee share of the premiums.

28 SECTION 4. Paragraph (5) of Section 20 of Chapter 32 of the General Laws is hereby amended
29 by inserting at the end thereof the following: (m) A retirement board may create, designate, or
30 approve agencies or instrumentalities to provide members with information about retirement
31 planning and options and to provide retirees with information about benefits and to do all other
32 things necessary and desirable to support the purposes of the retirement system.

33 SECTION 5. Paragraph (6) of said section 20 of Chapter 32 of the General Laws is hereby
34 amended by striking, each time they appear, the words “three thousand” and inserting in place
35 thereof the following:- up to seven thousand five hundred.

36 SECTION 6. Said section 20 of Chapter 32 of the general laws is hereby amended by inserting at
37 the end thereof the following:-

38 Notwithstanding the provisions of any general or special law to the contrary, a member of a
39 retirement board may participate in a meeting of the board and may cast votes on matters
40 considered at such meetings via telephone.

41 SECTION 7. Section 9 of Chapter 32B of the general laws is hereby amended by inserting at the
42 end thereof the following:- No municipality shall deny a retiree the right to enroll in such
43 municipality’s group health insurance plan by reason of the fact that such retiree had not enrolled
44 in such plan prior to retirement.

45 SECTION 8. Section 9E of Chapter 32B is hereby amended by inserting at the end thereof the
46 following:

47 No city, town, district, regional school district, veterans service district, welfare district or health
48 district shall reduce a subsidiary or additional rate paid for the group life, hospital, surgical,
49 medical, dental or other health insurance for employees retired from such, city, town, district,
50 regional school district, veterans service district, welfare district or health district until a hearing
51 has been held for the specific purpose of reducing the subsidiary or additional rate and for which
52 all retirees affected by such action have been notified in writing at least 30 days in advance of
53 said hearing.

54 Notwithstanding the provisions of any general or special law to the contrary a retiree or spouse
55 of a retiree shall qualify for health insurance benefits pursuant to this chapter at any time said
56 retiree or spouse continues to collect a pension or retirement benefit pursuant to chapter 32.

57 SECTION 9. Section 16 of Chapter 32B of the general laws is hereby amended by inserting at
58 the end thereof the following:- No municipality shall deny a retiree the right to enroll in such
59 municipality's group health insurance plan by reason of the fact that such retiree had not enrolled
60 in such plan prior to retirement.

61 SECTION 10. Chapter 32B of the general laws is hereby amended by inserting at the end
62 thereof a new section.

63 Section 17. Any rights provided pursuant to Chapter 32B to an employee retired from service or
64 the surviving spouse or dependant of such retired employee may be enforced by the retirement
65 board from which said retired employee, surviving spouse or dependant receives a pension or
66 retirement allowance. Any retirement board may vote, by a majority of its members, to enforce
67 the rights granted pursuant to Chapter 32B.

68 SECTION 11. Section 19 of Chapter 34B of the General laws is hereby amended by striking in
69 paragraph (6) (h) the word "five" each time it appears and inserting in place thereof the
70 following:- twenty-five

71 SECTION 12. Said section 19 of Chapter 34B of the general laws is hereby further amended by
72 inserting at the end thereof the following:-

73 (m) Notwithstanding the provisions of any general or special law to the contrary, a member of a
74 regional retirement board may participate in a meeting of the board and may cast votes on
75 matters considered at such meetings via telephone.

76 SECTION 13. Notwithstanding the provisions of any general or special law to the contrary, no
77 provisions of this act shall be applicable until they have been adopted by a majority vote of a
78 retirement board.