

**SENATE . . . . . No. 1085**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Patricia D. Jehlen**

*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 increasing the cost of living adjustment (cola) base.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	Second Middlesex
Martha M. Walz	8th Suffolk
Timothy J. Toomey, Jr.	26th Middlesex
Joyce A. Spiliotis	12th Essex
Susan C. Fargo	Third Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Jennifer M. Callahan	18th Worcester
Mark V. Falzone	9th Essex
Thomas M. Stanley	9th Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
Cynthia Stone Creem	First Middlesex and Norfolk
Brian A. Joyce	Norfolk, Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01515 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 INCREASING THE COST OF LIVING ADJUSTMENT (COLA) BASE.

*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 (1) of section 22C of chapter 32 of the General Laws, as  
2 amended by section 1 of chapter 377 of the acts of 2008, is hereby further amended by striking  
3 out, in the first sentence of the second paragraph thereof, the words “June 30, 2025” and  
4 inserting in place thereof the following words, June 30, 2028.

5           **SECTION 2.** Section 22D of said chapter 32, as appearing in the 2006 Official Edition,  
6 is amended by inserting in line 29 after the word “approve” the following words: - provided  
7 further, however, that in the event that a system has accepted the provisions of paragraph (j) of  
8 Section 103, the funding schedule, and any updates thereto, shall be designed to reduce the  
9 unfunded actuarial liability of said system to zero as of such year, that may be subsequent to June  
10 30, 2028, as the commission shall approve.

11           **SECTION 3.** Paragraph (c) of section 102 of said chapter 32, as appearing in the 2006  
12 Official Edition, is amended by striking out in lines 32, 36 and 43 the dollar amount “\$12,000”  
13 and inserting in place thereof the following dollar amount: - \$16,000.

14           **SECTION 4.** Section 103 of said chapter 32 is amended by inserting the following new  
15 paragraph: -

16 (j) Notwithstanding the provisions of paragraph (a) to the contrary, the board of any system may,  
17 by accepting the provisions of this paragraph as hereinafter provided, elect to pay a cost-of-living  
18 adjustment on a base amount greater than \$12,000. Acceptance of this paragraph shall be by a  
19 majority vote of the board of such system, subject to the approval of the legislative body. For the  
20 purpose of this paragraph, “legislative body” shall mean, the city council in accordance with its  
21 charter, in the case of a town, the town meeting, in the case of a county or region, the county or  
22 regional retirement board advisory council, in the case of a district, the district members, and, in  
23 the case of an authority, the governing body. Acceptance of this paragraph shall be deemed to  
24 have occurred upon the filing of the certification of such vote with the commission. A decision to  
25 accept the provisions of this paragraph may not be revoked. Notwithstanding the provisions of  
26 subdivision (6A) of Section 22 or Section 22D to the contrary, for each system that has accepted  
27 the provisions of this paragraph, the board, in consultation with the commission, shall prepare a  
28 funding schedule which shall reflect the costs and the actuarial liabilities attributable to the cost  
29 of living allowance that may be paid in accordance with the provisions of this paragraph and said  
30 schedule shall be designed to reduce the applicable retirement system’s pension liability to zero  
31 by such year, that may be subsequent to June 30, 2028, as approved by the commission. The  
32 board shall file revised funding schedules triennially with the joint committee on public service  
33 until such costs and liabilities are reduced to zero.

34           **SECTION 5.** The provisions of sections one and three of this act shall take effect for  
35 cost of living adjustments to be made, in accordance with the provisions of section 102 of said  
36 chapter 32, commencing July 1, 2009.