

SENATE No. 1542

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 adoption of the accompanying bill:

An Act relative to Parkinson's disease disability and death in firefighters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/28/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>1/28/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>1/30/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/31/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/1/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/6/2019</i>

SENATE No. 1542

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 1542) of Anne M. Gobi, Michael D. Brady, Walter F. Timilty, Marc R. Pacheco and other members of the General Court for legislation relative to Parkinson's disease disability and death in firefighters. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to Parkinson's disease disability and death in firefighters.

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 26 of chapter 31 of the General Laws as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in line 106, the words "and ninety-four B"
3 and inserting in place thereof the following words:

4 " ,ninety-four B and ninety-four C."

5 SECTION 2. Chapter 32 of the General Laws are hereby amended by inserting after
6 section 94B the following section:-

7 Section 94C. (1) Notwithstanding the provisions of any general or special law to the
8 contrary affecting the non-contributory or contributory retirement system, any condition of
9 impairment of health caused by Parkinson's Disease, resulting in total or partial disability or
10 death to a uniformed member of a paid fire department, or a member of the state police assigned
11 to the fire investigation unit of the department of fire services, or a member of the state police K9
12 unit, or to any permanent crash crewman, crash boatman, fire controlman or assistant fire

13 controlman employed at the General Edward Lawrence Logan International Airport, members of
14 the 104th fighter wing fire department or members of the Joint Base Cape Cod fire department,
15 shall, if he successfully passed a physical examination on entry into such service or subsequent
16 to such entry, which examination failed to reveal any evidence of such condition, be presumed to
17 have been suffered in the line of duty, unless it is shown by a preponderance of the evidence that
18 non-service connected risk factors or non-service connected accidents or hazards undergone, or
19 any combination thereof, caused such incapacity.

20 (2) The provisions of this section shall not apply to any person serving in such positions
21 for fewer than five years at the time that such condition is first discovered, or should have been
22 discovered. Any person first discovering any such condition prior to or within five years from the
23 date on which such person has reached the maximum retirement age shall be eligible to apply for
24 benefits hereunder, and such benefits, if granted, shall be payable as of the date on which the
25 employee last received regular compensation. The provisions of this section shall not apply to
26 any person serving in such position unless such person shall first establish that he has regularly
27 responded to calls of fire or their investigation at the scene during some portion of the period of
28 his service in such position.

29 (3) Nothing herein shall preclude a member from applying for and receiving benefits
30 under section seven or section nine, subject to the provisions of said sections.

31 SECTION 3. Section 100 of chapter 32 of the General Laws as appearing in the 2016
32 Official Edition, is hereby amended by striking out, in line 79, the words "and ninety-four B" and
33 inserting in place thereof the following words:

34 ",ninety-four B and ninety-four C."

35 SECTION 4. Section 100A of chapter 32 of the General Laws as appearing in the 2016
36 Official Edition, is hereby amended by striking out, in line 34, the words "and 94B" and inserting
37 in place thereof the following words:

38 ",94B and 94C."

39 SECTION 5. The provisions of section two shall not be construed to affect the
40 interpretation of the provisions of sections ninety-four, ninety-four A or ninety-four B of chapter
41 thirty-two of the General Laws.

42 SECTION 6. The provisions of this act shall be effective in every retirement system
43 established by or operating under the provisions of chapter thirty-two of the General Laws or
44 under the similar provisions of any other general or special law, and for every governmental unit
45 which is a member of such retirement system, notwithstanding the provisions of section twenty-
46 seven C of chapter twenty-nine of the General Laws.

47 SECTION 7. The provisions of this act shall apply only to a person actively employed as
48 a uniformed member of a paid fire department, or a member of the state police assigned to the
49 fire investigation unit of the department of fire services, or a member of the state police K9 unit,
50 or to any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman
51 employed at the General Edward Lawrence Logan International Airport, members of the 104th
52 fighter wing fire department or members of the Joint Base Cape Cod fire department on or after
53 the date exactly 5 years prior to the date this law becomes effective.