Offered by Councillor CHARLES C. YANCEY and Turner

CITY OF BOSTON
IN CITY COUNCIL

HOME RULE PETITION

WHEREAS, Firefighter Allen Curry, Engine company 52, was severely injured on March 15, 1981, while on duty at the Franklin Field House; and

WHEREAS, In February 1982, The Boston Retirement Board ruled in favor of Allen Curry and granted a disability retirement at 72 percent; and

WHEREAS, As a result of a court judgment in Suffolk County Superior Court in June 1988, the City of Boston was negligent in the incident that resulted in the permanent disability to Allen Curry. *THEREFORE BE IT*

ORDERED, That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE:

AN ACT AUTHORIZING THE RETIREMENT BOARD OF THE CITY OF BOSTON TO GRANT CERTAIN RETIREMENT BENEFITS

Section 1.
Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, and in order to promote the public good, the State/Boston Retirement Board is hereby authorized and directed to increase the accidental disability retirement allowance payable to Allen Curry, a retired firefighter of the City of Boston who, as a result of injuries sustained by him while in the performance of his duties on March 15, 1981, is totally and permanently injured and incapacitated for further service as a firefighter.

Section 2.
The total annual amount of pension payable to Allen Curry shall be fixed at an amount equal to the regular rate of compensation which he would have received had he continued service as a

firefighter in the City of Boston at the grade held by him at the time of his retirement. Such increase in retirement shall become effective commencing on the date for which he received an accidental disability retirement from the State/Boston Retirement Board. Upon enactment, the State/Boston Retirement Board shall forthwith pay to said Allen Curry the amount credited to him as accumulated total deductions in the annuity savings fund of the State/Boston Retirement Board. Said Allen Curry shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of said injuries, pursuant to the provisions of Chapter 41 of the General Laws.

Section 3.
Upon the death of Allen Curry should his wife survive him, the State/Boston Retirement Board shall pay to her, so long as she remains unmarried, an annuity in the amount of three-fourths of the amount of pension payable to him, per month, at the time of his death. If said wife remarries, said City shall pay, in lieu of the aforesaid annuity to her, an annuity of $550.00 dollars per month to her. In the event that Allen Curry's wife does not survive him, then the City of Boston shall pay an annual amount equal to three-fourths of the amount of the pension payable to him at the time of his death for the benefit of the children of Allen Curry for such time as such child is either under 18 years of age, under 22 years of age and a full time student at an accredited educational institution, or physically or mentally incapacitated from working.

Section 4.
This act shall take effect upon its passage.