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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - PENSIONS AND
BENEFITS -- DOMESTIC PARTNERS

Introduced By: Senators Connors, J Montalbano, Paiva-Weed, Perry, and C Levesque

Date Introduced: February 15, 2007

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 8-3-11, 8-3-13 and 8-3-15 of the General Laws in Chapter 8-3
2 entitled "Justices of Supreme, Superior, and Family Courts" are hereby amended to read as
3 follows:

4 ~~8-3-11. Allowances to surviving spouses or minor children of deceased justices~~

5 Allowances to surviving spouses, domestic partners or minor children of deceased justices. -

6 (a) Whenever any justice of the supreme court, the superior court, the family court, or the
7 district court dies after retirement or during active service while eligible for retirement, or during
8 active service after having served fifteen (15) years or more in office, his or her surviving spouse
9 or domestic partner shall receive annually thereafter, during his or her lifetime and so long as he
10 or she remains unmarried or not in a domestic partnership, an amount equal to one-half (1/2) of
11 the annual payment that the justice was receiving by way of salary or retirement pay at the time of
12 his or her death. Whenever a justice of any of the courts shall die without having become eligible
13 to retire either under section 8-3-7 or 8-3-8 and has served seven (7) years or more in office, his
14 or her surviving spouse or domestic partner shall receive annually thereafter, during his or her
15 lifetime and so long as he or she remains unmarried or not in a domestic partnership, one-third (
16 1/3) of the annual salary that the justice was receiving at the time of his or her death. Whenever a
17 justice of the courts shall die without having become eligible to retire either under section 8-3-7
18 or 8-3-8 and has not served seven (7) years in office, his or her surviving spouse or domestic

1 [partner](#) shall receive annually thereafter, during his or her lifetime and so long as he or she
2 remains unmarried [or not in a domestic partnership](#), one-fourth (1/4) of the annual salary that the
3 justice was receiving at the time of his or her death.

4 (b) In the event the deceased justice shall have no surviving spouse [or domestic partner](#),
5 or the surviving spouse [or domestic partner](#) should predecease their minor children, then the
6 benefits conferred by this section shall be received in equal shares by the minor children, if any,
7 until each shall attain the age of twenty-one (21) years. Any justice of the courts who retires
8 under the provisions of section 8-3-7, 8-3-8, or 8-3-12 may at his or her option elect to receive
9 three-fourths (3/4) of his or her retirement pay, and where such option is exercised by giving the
10 general treasurer notice in writing thereof within two (2) years after the date of his or her
11 retirement, his or her surviving spouse [or domestic partner](#) or minor children shall receive
12 annually one-half (1/2) of his or her retirement pay during his or her lifetime so long as he or she
13 remains unmarried [or not in a domestic partnership](#), or the children are under twenty-one (21)
14 years of age.

15 **8-3-13. Pension ~~for surviving spouses of judges dying prior to May 10, 1974~~ Pension**
16 **for surviving spouses or domestic partners of judges dying prior to May 10, 1974. --**

17 Whenever any justice of the superior court, having served as a justice for at least seven (7) years
18 who died prior to May 10, 1974 during active service, his or her surviving spouse [or domestic](#)
19 [partner](#) shall receive annually thereafter, during his or her lifetime and so long as he or she
20 remains unmarried [or not in a domestic partnership](#), an amount equal to one-third (1/3) of the
21 annual payment that the justice was receiving by way of salary or retirement pay at the time of his
22 or her death.

23 **8-3-15. Cost of living allowance. --** (a) All justices of the supreme court, superior court,
24 family court, or district court, or their surviving spouses [or domestic partners](#), who retire after
25 January 1, 1970 and who receive a retirement allowance pursuant to the provisions of this title
26 shall, on the first day of January next following the third anniversary date of retirement, receive a
27 cost-of-living retirement adjustment in addition to his or her retirement allowance in an amount
28 equal to three percent (3%) of the original retirement allowance. In each succeeding year
29 thereafter during the month of January, the retirement allowance shall be increased an additional
30 three percent (3%) of the original allowance, not compounded, to be continued during the lifetime
31 of the justice or his or her surviving spouse [or domestic partner](#). For the purpose of such
32 computation, credit shall be given for a full calendar year regardless of the effective date of the
33 retirement allowance.

34 (b) Any justice who retired prior to January 31, 1977 shall be deemed for the purpose of

1 this section to have retired on January 1, 1977.

2 SECTION 2. Chapter 8-3 of the General Laws entitled "Justices of Supreme, Superior,
3 and Family Courts" is hereby amended by adding thereto the following section:

4 **8-3-19. Domestic partner -- Definition.** – For purposes of this chapter, "domestic
5 partner" shall be defined as a person who, prior to the decedent's death, was in an exclusive,
6 intimate and committed relationship with the decedent, and who certifies by affidavit that their
7 relationship met the following qualifications:

8 (1) both partners were at least eighteen (18) years of age and were mentally competent to
9 contract;

10 (2) neither partner was married to anyone else;

11 (3) partners were not related by blood to a degree which would prohibit marriage in the
12 state of Rhode Island;

13 (4) partners resided together and had resided together for at least one year at the time of
14 death; and

15 (5) partners were financially interdependent as evidenced by at least two (2) of the
16 following:

17 (i) domestic partnership agreement or relationship contract;

18 (ii) joint mortgage or joint ownership of primary residence;

19 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
20 joint credit account; (D) joint lease; and/or

21 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
22 retirement contract or life insurance.

23 SECTION 3. Sections 88.2-11 and 8-8.2-12 of the General Laws in Chapter 88.2
24 entitled "Traffic tribunal" are hereby amended to read as follows:

25 **8-8.2-11. ~~Allowance to surviving spouses of deceased judges~~ Allowance to surviving**
26 **~~spouses or domestic partners of deceased judges.~~ --** Whenever any judge of the administrative
27 adjudication court or any judge of the administrative adjudication court who is reassigned by this
28 chapter to the traffic tribunal dies after retirement or during active service while eligible for
29 retirement, the ~~spouse's~~ judge's surviving spouse or domestic partner shall receive annually
30 thereafter during his or her lifetime and so long as he or she remains unmarried or not in a
31 domestic partnership, an amount equal to one third (1/3) of the annual payment that the
32 administrative judge was receiving by way of salary or retirement pay at the time of his or her
33 death. Whenever a judge of the administrative adjudication court or any judge of the
34 administrative adjudication court who is reassigned by this act to the traffic tribunal shall die

1 without having become eligible to retire under section 8-8.2-6 and has served ten (10) years or
2 more in office, his or her surviving spouse [or domestic partner](#) shall receive annually thereafter
3 during the spouse's [or domestic partner's](#) lifetime and so long as he or she remains unmarried [or](#)
4 [not in a domestic partnership](#), one fourth (1/4) of the annual salary that the judge was receiving at
5 the time of his or her death.

6 Any judge who retires under the provisions of section 8-8.2-6 may at his or her option
7 elect to receive three fourths (3/4) of his or her retirement pay, and where the option is exercised
8 by giving the general treasurer notice in writing thereof within two (2) years after the date of his
9 or her retirement, his or her surviving spouse [or domestic partner](#) shall receive annually one half
10 (1/2) of his or her retirement pay during the spouse's [or domestic partner's](#) lifetime so long as he
11 or she remains unmarried [or not in a domestic partnership](#).

12 ~~**8-8.2-12. Additional benefits payable to retired judges and their surviving spouses**~~

13 **Additional benefits payable to retired judges and their surviving spouses or domestic**

14 **partners.** -- (a) All judges of the administrative adjudication court and all judges of the
15 administrative adjudication court who have been reassigned to the traffic tribunal, or their
16 surviving spouses [or domestic partners](#), who retire after January 1, 1970 and who receive a
17 retirement allowance pursuant to the provisions of this title, shall, on the first day of January, next
18 following the third anniversary of the retirement, receive a cost of living retirement adjustment in
19 addition to his or her retirement allowance in an amount equal to three percent (3%) of the
20 original retirement allowance. In each succeeding year thereafter during the month of January, the
21 retirement allowance shall be increased an additional three percent (3%) of the original
22 allowance, compounded annually from the year cost of living adjustment was first payable to be
23 continued during the lifetime of the judge or his or her surviving spouse [or domestic partner](#). For
24 the purpose of such computation, credit shall be given for a full calendar year regardless of the
25 effective date of the retirement allowance.

26 (b) Any judge who retired prior to January 31, 1980, shall be deemed for the purpose of
27 this section to have retired on January 1, 1980.

28 SECTION 4. Chapter 8-8.2 of the General Laws entitled "Traffic tribunal" is hereby
29 amended by adding thereto the following section:

30 **8-8.2-20. Domestic partner -- Definition.** -- [For purposes of this chapter, "domestic](#)
31 [partner" shall be defined as a person who, prior to the decedent's death, was in an exclusive,](#)
32 [intimate and committed relationship with the decedent, and who certifies by affidavit that their](#)
33 [relationship met the following qualifications:](#)

34 [\(1\) both partners were at least eighteen \(18\) years of age and were mentally competent to](#)

- 1 contract;
- 2 (2) neither partner was married to anyone else;
- 3 (3) partners were not related by blood to a degree which would prohibit marriage in the
- 4 state of Rhode Island;
- 5 (4) partners resided together and had resided together for at least one year at the time of
- 6 death; and
- 7 (5) partners were financially interdependent as evidenced by at least two (2) of the
- 8 following:
- 9 (i) domestic partnership agreement or relationship contract;
- 10 (ii) joint mortgage or joint ownership of primary residence;
- 11 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
- 12 joint credit account; (D) joint lease; and/or
- 13 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
- 14 retirement contract or life insurance.

15 SECTION 5. Section 11-41-31 of the General Laws in Chapter 11-41 entitled "Theft,

16 Embezzlement, False Pretenses, and Misappropriation" is hereby amended to read as follows:

17 **11-41-31. Pension revocation.** -- (a) Notwithstanding any law to the contrary, any

18 person who is convicted or pleads guilty or nolo contendere to any offense, and the offense is

19 related to his or her public office of employment pursuant to section 36-10.1-2, the judge, as part

20 of any sentence imposed, may revoke or reduce any retirement or any benefit or payment to

21 which the public official or public employee is otherwise entitled under titles 36, 16, 45, and 8,

22 under chapter 30 of title 28, under chapter 43 of title 31 or under chapter 28 of title 42.

23 (b) (1) In determining whether the retirement or other benefit shall be revoked or

24 reduced the court shall consider and make a finding on the following factors:

25 (i) The fact that the allowance of retirement or other benefits or payments for service

26 under this title, under title 16, under title 45, under title 8, under chapter 30 of title 28, under

27 chapter 43 of title 31, and under chapter 28 of title 42 presumes and requires that the service shall

28 have been honorably rendered;

29 (ii) The severity of the crime related to public office or public employment of which the

30 public official or public employee has been convicted or to which the public official or public

31 employee has pleaded guilty or nolo contendere;

32 (iii) The amount of monetary loss suffered by the public official's or public employee's

33 employer or by any other person as a result of the subject crime related to public office or public

34 employment;

1 (iv) The degree of public trust reposed in the subject public official or public employee
2 by virtue of his or her public office or public employment; and

3 (v) Any other factors that, in the judgment of the superior court, justice may require.

4 (2) If the superior court determines that the retirement or other benefits or payments of a
5 public official or public employee should be revoked or reduced under this chapter, it may, in its
6 discretion and after taking into consideration the status of the pension as marital property and the
7 financial needs and resources of any innocent spouse, dependent and/or designated beneficiaries
8 of the public official or public employee, order that some or all of the revoked or reduced benefits
9 or payments be paid to any innocent spouse, dependent or beneficiary as justice may require.

10 (3) If the court determines that the retirement or other benefits or payments of a public
11 official or public employee should not be revoked or reduced under this chapter, it shall order that
12 the retirement or other benefits or payments be made to the public official or public employee.

13 (c) Prior to revoking or reducing the benefit, the court shall order a pre-sentence report
14 pursuant to section 12-19-6.

15 (d) Nothing in this section shall be construed to prohibit an innocent party from notifying
16 the court by motion of an interest in the pension benefit.

17 (e) For purposes of this chapter, "domestic partner" shall be defined as a person who,
18 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
19 decedent, and who certifies by affidavit that their relationship met the following qualifications:

20 (1) both partners were at least eighteen (18) years of age and were mentally competent to
21 contract;

22 (2) neither partner was married to anyone else;

23 (3) partners were not related by blood to a degree which would prohibit marriage in the
24 state of Rhode Island;

25 (4) partners resided together and had resided together for at least one year at the time of
26 death; and

27 (5) partners were financially interdependent as evidenced by at least two (2) of the
28 following:

29 (i) domestic partnership agreement or relationship contract;

30 (ii) joint mortgage or joint ownership of primary residence;

31 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
32 joint credit account; (D) joint lease; and/or

33 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
34 retirement contract or life insurance.

1 SECTION 6. Sections 16-16-1, 16-16-25, 16-16-26, 16-16-27 and 16-16-30 of the
2 General Laws in Chapter 16-16 entitled "Teachers' Retirement" are hereby amended to read as
3 follows:

4 **16-16-1. Definitions.** -- (a) The following words and phrases used in this chapter, unless
5 a different meaning is plainly required by the context, have the following meanings:

6 (1) "Active member" means any teacher as defined in this section for whom the
7 retirement system is currently receiving regular contributions pursuant to sections 16-16-22 and
8 16-16-22.1.

9 Except as otherwise provided in this section, the words and phrases used in this chapter,
10 so far as applicable, have the same meanings as they have in chapters 8 to 10 of title 36.

11 (2) "Beneficiary" means any person in receipt of annuity, benefit, or retirement
12 allowance from the retirement system as provided in this chapter.

13 (3) "Child" includes a stepchild of a deceased member who has been a stepchild for at
14 least one year immediately preceding the date on which the member died or an adopted child of a
15 deceased member without regard to the length of time the child has been adopted.

16 (4) "Former spouse divorced" means a person divorced from a deceased member, but
17 only if the person meets one of the following conditions:

18 (i) Is the mother or father of the deceased member's child(ren);

19 (ii) Legally adopted the deceased member's child(ren) while married to the deceased
20 member and while the child(ren) was under the age of eighteen (18) years; or

21 (iii) Was married to the deceased member at the time both of them legally adopted a
22 child(ren) under the age of eighteen (18) years.

23 (5) "Member" means any person included in the membership of the retirement system
24 under the provisions of this chapter.

25 (6) "Prior service" means service as a teacher rendered prior to the first day of July,
26 1949, certified on his or her prior service certificate and allowable as prior service under the
27 provisions of this chapter.

28 (7) "Retired teacher" means any teacher who retired prior to July 1, 1949, pursuant to the
29 provisions of G.L. 1938, ch. 195, as amended, and who on June 30, 1949, was in receipt of a
30 pension under the provisions of that chapter.

31 (8) "Retirement system" and "system" means the employees' retirement system of the
32 state of Rhode Island created by chapter 8 of title 36, and "retirement board" means the board
33 established under that chapter.

34 (9) "Salary" or "compensation" includes any and all salary paid for teaching services

1 regardless of whether any part of the salary or compensation is derived from any state or federal
2 grant or appropriation for teachers' salaries, as the term is defined in section 36-8-1(7).

3 (10) "Service" means service as a teacher as described in subdivision (12) of this section.
4 Periods of employment as teacher, principal, assistant principal, supervisor, superintendent, or
5 assistant superintendent shall be combined in computing periods of service and employment.

6 (11) "Spouse" means the surviving person who was married to a deceased member, but
7 only if the surviving person meets one of the following conditions:

8 (i) Was married to the deceased member for not less than one year immediately prior to
9 the date on which the member died;

10 (ii) Is the mother or father of the deceased member's child(ren);

11 (iii) Legally adopted the deceased member's child(ren) while married to the deceased
12 member and while the child(ren) was under the age of eighteen (18) years; or

13 (iv) Was married to the deceased member at the time both of them legally adopted a
14 child(ren) under the age of eighteen (18) years.

15 (12) "Teacher" means a person required to hold a certificate of qualification issued by or
16 under the authority of the board of regents for elementary and secondary education and who is
17 engaged in teaching as his or her principal occupation and is regularly employed as a teacher in
18 the public schools of any city or town in the state, or any formalized, commissioner approved,
19 cooperative service arrangement. The term includes a person employed as a teacher, supervisor,
20 principal, assistant principal, superintendent, or assistant superintendent of schools, director,
21 assistant director, coordinator, consultant, dean, assistant dean, educational administrator, nurse
22 teacher, and attendance officer or any person who has worked in the field of education or is
23 working in the field of education that holds a teaching or administrative certificate and any
24 teacher who serves during a school year at least three-quarters ($\frac{3}{4}$) of the number of days that
25 the public schools are required by law to be in session during the year. In determining the number
26 of days served by a teacher the total number of days served in any public school of any city or
27 town in the state may be combined for any one school year. The term also includes a school
28 business administrator whether or not the administrator holds a teaching or administrative
29 certificate, and also includes occupational therapists and physical therapists licensed by the
30 department of health and employed by a school committee in the state, or by any formalized,
31 commissioner approved, cooperative service arrangement.

32 (13) "Teaching" includes teaching, supervising, and superintending or assistant
33 superintending of schools.

34 (14) "Total service" means prior service as defined in subdivision (6) of this section, plus

1 service rendered as a member of the system on or after the first day of July, 1949.

2 (15) For purposes of this chapter, "domestic partner" shall be defined as a person who,
3 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
4 decedent, and who certifies by affidavit that their relationship met the following qualifications:

5 (i) both partners were at least eighteen (18) years of age and were mentally competent to
6 contract;

7 (ii) neither partner was married to anyone else;

8 (iii) partners were not related by blood to a degree which would prohibit marriage in the
9 state of Rhode Island;

10 (iv) partners resided together and had resided together for at least one year at the time of
11 death; and

12 (v) partners were financially interdependent as evidenced by at least two (2) of the
13 following:

14 (A) domestic partnership agreement or relationship contract;

15 (B) joint mortgage or joint ownership of primary residence;

16 (C) two (2) of: (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint
17 credit account; (IV) joint lease; and/or

18 (D) the domestic partner had been designated as a beneficiary for the decedent's will,
19 retirement contract or life insurance.

20 (b) The masculine pronoun wherever used shall also include the feminine pronoun.

21 **16-16-25. Eligibility for survivor's benefits -- Payment.** -- A member's dependents or
22 survivors shall be eligible to receive the benefits provided in sections 16-16-25 through 16-16-38
23 if the member shall have made regular contributions to the teachers' survivors benefit fund as
24 provided in section 16-16-34 for a period of at least six (6) consecutive calendar months prior to
25 his or her death or retirement, as the case may be. These benefits shall be payable the first of the
26 month following that month in which eligibility for the benefits occurs and shall be paid at the
27 same time as the regular retirement allowance payments are made. No payment shall be due for
28 the month in which ineligibility occurs. No widow's or mother's or domestic partner's benefit
29 payable under sections 16-16-25 through 16-16-38 shall be reduced because of benefits payable
30 to other dependents of the deceased member under the provisions of sections 16-16-25 through
31 16-16-38.

32 **16-16-26. ~~Spouse's benefits~~ Spouse's or domestic partner's benefits.** -- (a) Spouse's
33 and domestic partner's benefits are payable following the decease of a member as provided in
34 sections 16-16-25 through 16-16-38.

1 (b) The spouse [or domestic partner](#) shall be entitled to benefits upon attaining the age of
2 sixty (60) years.

3 (c) The spouse [or domestic partner](#) was living with the deceased member at the time of
4 the member's death. A spouse [or domestic partner](#) is deemed to have been living with the
5 deceased member if they were both members of the same household on the date of the deceased
6 member's death, or the spouse [or domestic partner](#) was receiving regular contributions from the
7 deceased member toward support on that date, or the deceased member had been ordered by a
8 court to contribute to the spouse's [or domestic partner's](#) support.

9 (d) Remarriage of the spouse [or domestic partner or establishment of a domestic](#)
10 [partnership](#) shall render him or her ineligible to receive current or future benefits under this
11 section.

12 (e) The spouse [or domestic partner](#) of a member, as defined in this section, shall be
13 entitled to monthly benefits payable in accordance with the following table:

14 Highest	Spouse's or Domestic Partner's
15 Annual Monthly Salary	Minimum Benefit
16 \$17,000 or less	\$750
17 \$17,001 to \$25,000	875
18 \$25,001 to \$33,000	1,000
19 \$33,001 to \$40,000	1,125
20 \$40,001 and over	1,250

21 (f) A yearly cost-of-living adjustment for spouse's [or domestic partner's](#) benefits shall be
22 based on the annual social security adjustment.

23 **16-16-27. Family benefits.** -- (a) Family benefits shall be payable upon the decease of
24 the member as provided in sections 16-16-25 through 16-16-38 if at the time of the member's
25 death the surviving spouse [or domestic partner](#):

26 (1) Has in his or her care a child of the deceased member entitled to child benefits;

27 (2) Is not entitled to a spouse's [or domestic partner's](#) benefit as provided in this chapter;

28 and

29 (3) Was living with the deceased member at the time of his or her death.

30 (b) Family benefits shall be payable in accordance with the following table. The monthly
31 benefit shall be equal to the benefit that would be available to a spouse [or domestic partner](#) under
32 section 16-16-26 multiplied by the following percentages:

33 Parent	Parent	Parent	One	Two	Three
34 and 1	and 2	and more	Child	Children	or more

1	Child	Children	than 2	Alone	Alone	Children
2			Children			Alone
3	150%	175%	175%	75%	150%	175%

4 (c) Family benefits as set forth in this section are payable to the former spouse or to a
5 former domestic partner divorced of a deceased member, if the former spouse or to a former
6 domestic partner divorced:

7 (1) Has in his or her care a child of the deceased member who is his or her son, daughter,
8 or legally adopted child entitled to child benefits payable on the basis of the deceased member's
9 salary;

10 (2) Was receiving from the deceased member, pursuant to agreement or court order, at
11 least one-half (1/2) of his or her support at the time of the deceased member's death;

12 (3) Is not entitled to a spouse's or domestic partner's benefit as provided in sections 16-
13 16-25 through 16-16-38.

14 (d) The family monthly benefit shall be payable in accordance with the table set forth in
15 this section. A spouse or domestic partner who no longer qualifies for benefits under this section
16 because his or her child or children have attained the age of eighteen (18) years or twenty-three
17 (23) years and a full time student shall be entitled to receive monthly benefits upon attaining sixty
18 (60) years of age in accordance with the benefits set forth in section 16-16-26. The family
19 benefits provided under this section shall cease upon the remarriage of the surviving spouse or
20 domestic partner or establishment of a domestic partnership.

21 **16-16-30. Parent's benefits.** -- (a) Parent's benefits are payable to the parent or parents
22 of a deceased member if the member did not leave a widow, widower, or child who could ever
23 qualify for monthly benefits on the member's wages and the parent:

24 (1) Has reached the age of sixty (60) years;

25 (2) Has not remarried or entered into a domestic partnership after the death of the
26 member;

27 (3) Was receiving at least one-half (1/2) of his or her support from the member at the
28 time of the member's death and filed proof of his or her support within two (2) years of the date
29 of death; and

30 (4) Is not entitled to a federal or state old age benefit based on his or her own earnings
31 equal to or greater than the amount he or she would be entitled to as the dependent parent of the
32 deceased member.

33 (b) A parent's benefit shall be payable monthly in accordance with the benefits set forth
34 in section 16-16-26.

1 SECTION 7. Sections 28-30-17 and 28-30-18 of the General Laws in Chapter 28-30
2 entitled "Workers' Compensation Court" are hereby amended to read as follows:

3 ~~28-30-17. Allowance to surviving spouses of deceased judges~~ **Allowance to surviving**
4 **spouses and domestic partners of deceased judges.** -- (a) Whenever any judge of the workers'
5 compensation court dies after retirement or during active service while eligible for retirement or
6 during active service after having served fifteen (15) years or more in office, his or her surviving
7 spouse or domestic partner shall receive annually thereafter during his or her lifetime and so long
8 as he or she remains unmarried or not in a domestic partnership, an amount equal to one-half (
9 1/2) of the annual payment that the judge was receiving by way of salary or retirement pay at the
10 time of his or her death.

11 (b) Whenever a judge of the workers' compensation court dies without having become
12 eligible to retire either under section 28-30-15 or 28-30-16 and has served seven (7) years or more
13 in office, his or her surviving spouse or domestic partner shall receive annually thereafter during
14 his or her lifetime and so long as he or she remains unmarried or not in a domestic partnership
15 one-third (1/3) of the annual salary that the judge was receiving at the time of his or her death.

16 (c) Any judge who retires under the provisions of section 28-30-15 or 28-30-16 may at
17 his or her option elect to receive three-fourths (3/4) of his or her retirement pay, and where that
18 option is exercised by giving the general treasurer notice in writing within two (2) years after the
19 date of his or her retirement, his or her surviving spouse or domestic partner or minor children
20 shall receive annually one-half (1/2) of his or her retirement pay during his or her lifetime so long
21 as the ~~spouse~~ he or she remains unmarried or not in a domestic partnership or the children are
22 under twenty-one (21) years of age.

23 (d) Whenever a judge of the workers' compensation court dies without having become
24 eligible to retire either under section 28-30-15 or 28-30-16 and has not served seven (7) years in
25 office, his or her surviving spouse or domestic partner shall subsequently receive annually during
26 his or her lifetime and so long as he or she remains unmarried or not in a domestic partnership,
27 one fourth (1/4) of the annual salary that the judge was receiving at the time of his or her death.

28 (e) In the event the deceased judge has no surviving spouse or domestic partner or the
29 surviving spouse or domestic partner predeceases their minor children, the benefits conferred by
30 this section shall be received in equal shares by the minor children, if any, until each attains the
31 age of twenty-one (21) years.

32 ~~28-30-18. Additional benefits payable to retired judges and their surviving spouses~~
33 **Additional benefits payable to retired judges and their surviving spouses or domestic**
34 **partners.** -- (a) All judges of the workers' compensation court, or their surviving spouses or

1 [domestic partners](#), who retire after January 1, 1970 and who receive a retirement allowance
2 pursuant to the provisions of this title, shall, on the first day of January next following the third
3 anniversary date of their retirement, receive a cost of living retirement adjustment in addition to
4 his or her retirement allowance in an amount equal to three percent (3%) of the original
5 retirement allowance. In each succeeding subsequent year during the month of January the
6 retirement allowance shall be increased an additional three percent (3%) of the original
7 allowance, compounded annually from the year the cost of living adjustment was first payable to
8 be continued during the lifetime of that judge or his or her surviving spouse [or domestic partner](#).
9 For the purpose of that computation, credit shall be given for a full calendar year regardless of the
10 effective date of the retirement allowance.

11 (b) Any judge who retired prior to January 31, 1980, shall be deemed for the purpose of
12 this section to have retired on January 1, 1980.

13 SECTION 8. Chapter 28-30 of the General Laws entitled "Workers' Compensation
14 Court" is hereby amended by adding thereto the following section:

15 **28-30-24. Domestic partner -- Definition.** -- [For purposes of this chapter, "domestic](#)
16 [partner" shall be defined as a person who, prior to the decedent's death, was in an exclusive,](#)
17 [intimate and committed relationship with the decedent, and who certifies by affidavit that their](#)
18 [relationship met the following qualifications:](#)

19 [\(1\) both partners were at least eighteen \(18\) years of age and were mentally competent to](#)
20 [contract;](#)

21 [\(2\) neither partner was married to anyone else;](#)

22 [\(3\) partners were not related by blood to a degree which would prohibit marriage in the](#)
23 [state of Rhode Island;](#)

24 [\(4\) partners resided together and had resided together for at least one year at the time of](#)
25 [death; and](#)

26 [\(5\) partners were financially interdependent as evidenced by at least two \(2\) of the](#)
27 [following:](#)

28 [\(i\) domestic partnership agreement or relationship contract;](#)

29 [\(ii\) joint mortgage or joint ownership of primary residence;](#)

30 [\(iii\) two \(2\) of: \(A\) joint ownership of motor vehicle; \(B\) joint checking account; \(C\)](#)
31 [joint credit account; \(D\) joint lease; and/or](#)

32 [\(iv\) the domestic partner had been designated as a beneficiary for the decedent's will,](#)
33 [retirement contract or life insurance.](#)

34 SECTION 9. Sections 30-22-1 and 30-22-3 of the General Laws in Chapter 30-22

1 entitled "Extension of Veterans' Benefits" are hereby amended to read as follows:

2 **30-22-1. World War II veterans.** -- The provisions of all of the statutes of this state
3 granting benefits or privileges to veterans of any war in which the United States of America has
4 heretofore been engaged, or to the widow or widower or domestic partner or other surviving kin
5 of deceased veterans of that war, shall hereafter be construed to provide for like benefits and
6 privileges for any veteran of world war II who has heretofore or may hereafter be honorably
7 discharged from the armed forces of this nation, and to the widow or widower or domestic partner
8 or other surviving kin of deceased veteran of that war.

9 **30-22-3. Veterans of undeclared wars or campaigns.** -- The provisions of all of the
10 statutes of this state granting benefits, privileges or bonuses to veterans of any war in which the
11 United States of America has heretofore been engaged, or to the widow or widower or domestic
12 partner or other surviving kin of deceased veterans of that war, shall hereafter be construed to
13 provide for like benefits, privileges and bonuses for any man or woman of the armed forces who
14 has been engaged heretofore, is now, or may hereafter be engaged in the active conduct of and/or
15 fighting in the Korean campaign or the conflict in Viet Nam or any following campaign or war,
16 declared or undeclared, which the armed forces of the United States of America conduct or in
17 which those forces have a part, and who, having been actively engaged as hereinbefore described,
18 has heretofore or may hereafter be honorably discharged from the armed forces of this nation, and
19 to the widow or widower or domestic partner or other surviving kin of any such deceased veteran
20 of that campaign or war.

21 SECTION 10. Chapter 30-22 of the General Laws entitled "Extension of Veterans'
22 Benefits" is hereby amended by adding thereto the following section:

23 **30-22-6. Domestic partner defined.** -- For purposes of this chapter, "domestic partner"
24 shall be defined as a person who, prior to the decedent's death, was in an exclusive, intimate and
25 committed relationship with the decedent, and who certifies by affidavit that their relationship
26 met the following qualifications:

27 (1) both partners were at least eighteen (18) years of age and were mentally competent to
28 contract;

29 (2) neither partner was married to anyone else;

30 (3) partners were not related by blood to a degree which would prohibit marriage in the
31 state of Rhode Island;

32 (4) partners resided together and had resided together for at least one year at the time of
33 death; and

34 (5) partners were financially interdependent as evidenced by at least two (2) of the

1 following:

2 (i) domestic partnership agreement or relationship contract;

3 (ii) joint mortgage or joint ownership of primary residence;

4 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
5 joint credit account; (D) joint lease; and/or

6 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
7 retirement contract or life insurance.

8 SECTION 11. Sections 36-10-9.1, 36-10-18, 36-10-19.1 and 36-10-20 of the General
9 Laws in Chapter 36-10 entitled "Retirement System-Contributions and Benefits" are hereby
10 amended to read as follows:

11 **36-10-9.1. Retirement on service allowance -- Legislators.** -- (a) Every person who
12 shall have served as a member of the senate or of the house of representatives, or in combination
13 of both the senate and the house of representatives, and/or other employment as defined in section
14 36-9-20, and/or including up to four (4) years of military service as defined in section 36-9-31,
15 for a period in the aggregate of eight (8) years, and having attained the age of fifty-five (55) years
16 shall be entitled to receive a retirement allowance, as in section 36-10-10.1 upon application
17 therefor to the retirement board; provided, however, that any person who shall have served as a
18 member of the senate or of the house of representatives, or in combination of both the senate and
19 the house of representatives, and/or other employment as defined in section 36-9-20, and/or
20 including up to four (4) years of military service as defined in section 36-9-31, for a period in the
21 aggregate of twenty (20) years or more shall be entitled to receive a retirement allowance as in
22 section 36-10-10.1 regardless of his or her age upon completion of the twenty (20) years;
23 provided further, however, that if any person who shall have served as a member of the senate or
24 the house of representatives, or in combination of both the senate or the house of representatives,
25 and/or other employment as defined in section 36-9-20, for a period in the aggregate of eight (8)
26 years dies leaving a surviving spouse or domestic partner, the benefit as provided by section 36-
27 10-10.1 shall be payable to his or her spouse or domestic partner to be continued for his or her
28 lifetime or remarriage or establishment of a domestic partnership.

29 (b) No legislator shall be eligible for benefits under this section unless the legislator shall
30 have served a minimum of four (4) years as a member of the senate or the house of
31 representatives or in combination of both the senate and the house of representatives.

32 (c) Except as hereinafter provided, any legislator, elected at the general election in 1988
33 or thereafter to serve as a member of the general assembly shall not be eligible for benefits under
34 subsection (a) of this section unless the legislator shall have served a minimum of eight (8) years

1 as a member of the senate or the house of representatives or in combination of both the senate and
2 the house of representatives; provided however, that the provisions of this subsection shall not
3 apply to any legislator who was elected to serve as a member of the general assembly prior to the
4 general election of 1988.

5 (d) Service credits earned prior to January 5, 1993, by a person as a member of the
6 senate or of the house of representatives or in combination of both the senate and the house of
7 representatives may be utilized by that person for any retirement purpose permitted under current
8 law.

9 (e) Service credits earned on or after January 5, 1993, by a person as a member of the
10 senate or of the house of representatives or in combination of both the senate and the house of
11 representatives may be utilized by that person only for the purposes of section 36-10-10.1.

12 **36-10-18. Optional benefits.** -- (a) A beneficiary, or, if the beneficiary be an
13 incompetent, then the beneficiary's spouse [or domestic partner](#) or if there is no spouse [or domestic](#)
14 [partner](#), a guardian of the beneficiary's estate, may elect to receive the benefit in a retirement
15 allowance, payable throughout life, or the beneficiary may then elect to receive the actuarial
16 equivalent, at that time, of the beneficiary's retirement allowance in a lesser retirement allowance
17 as determined by actuarial calculation, which shall be payable throughout life with the provision
18 that:

19 (1) Option 1. - Upon the beneficiary's death, the beneficiary's lesser retirement allowance
20 shall be continued throughout the life of and paid to such person having an insurable interest in
21 the beneficiary's life, as the beneficiary, the beneficiary's spouse [or domestic partner](#), or the
22 beneficiary's guardian so electing, shall nominate by written designation duly acknowledged and
23 filed with the retirement board at the time of his or her retirement.

24 (2) Option 2. - Upon the beneficiary's death, one-half (1/2) of the beneficiary's lesser
25 retirement allowance shall be continued throughout the life of and paid to such person, having an
26 insurable interest in the beneficiary's life, as the beneficiary, the beneficiary's spouse [or domestic](#)
27 [partner](#), or the beneficiary's guardian so electing, shall nominate by written designation duly
28 acknowledged and filed with the retirement board at the time of the beneficiary's retirement.

29 (b) (1) For purposes of any election under this section or section 36-10-19.1, the
30 member, member's spouse [or domestic partner](#), or guardian, as the case may be, may designate
31 more than one person to receive benefits after the member's death, provided that the designation
32 shall specify the portion of the actuarial equivalent of the member's retirement allowance to be
33 paid to each person, and provided further that the aggregate actuarial value of the portions shall
34 not exceed the actuarial equivalent of the member's retirement benefit determined:

1 (i) In the case of an election under this section) as of the date of the member's retirement;
2 or

3 (ii) In the case of an election under section 36-10-19.1 as of the member's date of death.

4 (2) A member selecting more than one person to receive benefits under this section or
5 section 36-10-19.1 may only select beneficiaries from among his or her children, adopted
6 children, step-children, and/or spouse [or domestic partner](#).

7 **36-10-19.1. Optional annuity protection -- In service.** -- (a) Upon the death of a
8 member having at least ten (10) years of membership service, the spouse [or domestic partner](#) of
9 the member shall have the option to elect to receive option one as provided in section 36-10-18(a)
10 in lieu of a return of contributions, provided the spouse [or domestic partner](#) is the designated
11 beneficiary of the member's retirement account. The election shall be based upon the amount of
12 retirement allowance or actuarial equivalent that may accrue at the date of death of the member.

13 (b) The election under option one of section 36-10-18(a) for a person other than the
14 spouse [or domestic partner](#) of the member may be made by the member, while in service,
15 provided the member has at least ten (10) years of membership service and before retirement, on
16 a form prescribed by the retirement board. The election shall be based upon the amount of
17 retirement allowances or actuarial equivalents that may accrue at the date of death of the member,
18 provided that the election form is executed and filed with the retirement board prior to the date of
19 death. The election may be revoked or modified by the member at any time prior to the date of
20 retirement on a form prescribed by the retirement board.

21 (c) Upon the death of a member, the option shall become effective thirty (30) days after
22 the first day of the calendar month next following the date of death of the member if death occurs
23 while in an employee status. Should death occur while in an inactive member status, the option
24 under this section shall become payable on the first of the month next succeeding that in which
25 the designated beneficiary attains the age of sixty (60) years.

26 **36-10-20. Accidental death benefits.** -- Upon the accidental death of a member while in
27 service before retirement, provided that evidence shall be submitted to the retirement board
28 proving that the death of the member was the natural and proximate result of an accident while in
29 the performance of duty at some definite time and place, and that the death was not the result of
30 willful negligence on his or her part, his or her accumulated contributions, including interest on
31 all contributions to the date of death of the member, shall be paid to the person having an
32 insurable interest in his or her life as the member shall have nominated by written designation
33 duly executed and filed with the retirement board, or if the member has filed no nomination or if
34 the person so nominated shall have died, then to the estate of the deceased member, and upon

1 application by or on behalf of the dependents of the deceased member the retirement board shall
2 grant a benefit equal to one-half (1/2) of the rate of annual compensation of the member at date of
3 death:

4 (1) To the member's widow or widower or domestic partner for life unless he or she
5 remarries or enters into a domestic partnership;

6 (2) If there be no widow, or widower or domestic partner or if the widow or widower or
7 domestic partner dies or remarries or enters into a domestic partnership before any child of the
8 deceased member shall have attained the age of eighteen (18) years, then to the member's child or
9 children under the age of eighteen (18) years, divided in such manner as the retirement board in
10 its discretion shall determine, to continue as a joint and survivor annuity equal to one-half (1/2) of
11 the member's rate of annual compensation at the date of death until every child dies or attains the
12 age of eighteen (18) years; or

13 (3) If there be no widow or widower or domestic partner or child under the age of
14 eighteen (18) years surviving the deceased member, then to his or her dependent father or mother
15 as the deceased member shall have nominated by written designation duly acknowledged and
16 filed with the retirement board; or, if there be no nomination, then to his or her dependent father
17 or to his or her dependent mother as the retirement board in its discretion shall direct, to continue
18 for life.

19 SECTION 12. Chapter 36-10 of the General Laws entitled "Retirement System-
20 Contributions and Benefits" is hereby amended by adding thereto the following section:

21 **36-10-40. Domestic partner -- Definition.** -- For purposes of this chapter, "domestic
22 partner" shall be defined as a person who, prior to the decedent's death, was in an exclusive,
23 intimate and committed relationship with the decedent, and who certifies by affidavit that their
24 relationship met the following qualifications:

25 (1) both partners were at least eighteen (18) years of age and were mentally competent to
26 contract;

27 (2) neither partner was married to anyone else;

28 (3) partners were not related by blood to a degree which would prohibit marriage in the
29 state of Rhode Island;

30 (4) partners resided together and had resided together for at least one year at the time of
31 death; and

32 (5) partners were financially interdependent as evidenced by at least two (2) of the
33 following:

34 (i) domestic partnership agreement or relationship contract;

- 1 (ii) joint mortgage or joint ownership of primary residence;
2 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
3 joint credit account; (D) joint lease; and/or
4 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
5 retirement contract or life insurance.

6 SECTION 13. Sections 36-10.1-2 and 36-10.1-3 of the General Laws in Chapter 36-10.1
7 entitled "Rhode Island Public Employee Pension Revocation and Reduction Act" are hereby
8 amended to read as follows:

9 **36-10.1-2. Definitions.** -- (a) "Crime related to public office or public employment" shall
10 mean any of the following criminal offenses:

- 11 (1) The committing, aiding, or abetting of an embezzlement of public funds;
12 (2) The committing, aiding, or abetting of any felonious theft by a public officer or
13 employee from his or her employer;
14 (3) Bribery in connection with employment of a public officer or employee; and
15 (4) The committing of any felony by a public officer or employee who, willfully and
16 with the intent to defraud, realizes or obtains, or attempts to realize or obtain, a profit, gain, or
17 advantage for himself or herself or for some other person through the use or attempted use of the
18 power, rights, privileges, duties, or position of his or her public office or employment position.

19 (b) "Public official" or "public employee" shall mean any current or former state or
20 municipal elected official as defined in section 36-14-2(10), state or municipal appointed official
21 as defined in section 36-14-2(4), and any employee of state or local government, of boards,
22 commissions or agencies as defined in section 36-14-2(8)(i), (ii), who is otherwise entitled to
23 receive or who is receiving retirement benefits under this title, under title 16, under title 45, under
24 title 8, under chapter 30 of title 28, under chapter 43 of title 31, or under chapter 28 of title 42,
25 whether that person is acting on a permanent or temporary basis and whether or not compensated
26 on a full-time or part-time basis. For the purposes of this chapter, all these persons are deemed to
27 be engaged in public employment.

28 (c) As used in this chapter, the phrase "pleads guilty or nolo contendere" shall not
29 include any plea of nolo contendere which does not constitute a conviction by virtue of section
30 12-10-12 or 12-18-3.

31 (d) For purposes of this chapter, "domestic partner" shall be defined as a person who,
32 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
33 decedent, and who certifies by affidavit that their relationship met the following qualifications:

- 34 (1) both partners were at least eighteen (18) years of age and were mentally competent to

- 1 contract;
2 (2) neither partner was married to anyone else;
3 (3) partners were not related by blood to a degree which would prohibit marriage in the
4 state of Rhode Island;
5 (4) partners resided together and had resided together for at least one year at the time of
6 death; and
7 (5) partners were financially interdependent as evidenced by at least two (2) of the
8 following:
9 (i) domestic partnership agreement or relationship contract;
10 (ii) joint mortgage or joint ownership of primary residence;
11 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
12 joint credit account; (D) joint lease; and/or
13 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
14 retirement contract or life insurance.

15 **36-10.1-3. Revocation and reduction of benefits.** -- (a) Notwithstanding any other
16 provision of law, any retirement or other benefit or payment of any kind to which a public official
17 or public employee is otherwise entitled under this chapter, under title 16, under title 45, under
18 title 8, under chapter 30 of title 28, under chapter 43 of title 31, or under chapter 28 of title 42
19 shall be revoked or reduced, in accordance with the provisions of this chapter, or section 11-41-
20 31 if, after January 1, 1993, the public official or public employee is convicted of or pleads guilty
21 or nolo contendere to any crime related to his or her public office or public employment. Any
22 such conviction or plea shall be deemed to be a breach of the public officer's or public employee's
23 contract with his or her employer.

24 (b) Whenever any public official or public employee is convicted of or pleads guilty or
25 nolo contendere to any crime related to his or her public office or public employment, the
26 retirement board, if no finding is made by the judge in the criminal action pursuant to section 11-
27 41-31, shall:

28 (1) Initiate a civil action in the superior court for the revocation or reduction of any
29 retirement or other benefit or payment to which the public official or public employee is
30 otherwise entitled under this title, under title 16, under title 45, under title 8, under chapter 30 of
31 title 28, under chapter 43 of title 31, or under chapter 28 of title 42.

32 (2) The superior court shall order the public official or employee to appear and show
33 cause as to why any retirement or other benefit or payment to which the public official or public
34 employee is otherwise entitled under this title, under title 16, under title 45, under title 8, under

1 chapter 30 of title 28, under chapter 43 of title 31, or under chapter 28 of title 42 should not be
2 withheld pending adjudication of the civil action in the superior court.

3 (3) Legal standing is hereby conferred upon the retirement board to initiate and maintain
4 a civil action, and jurisdiction over that civil action is hereby conferred upon the superior court.

5 (c) (1) In any civil action under this chapter for the revocation or reduction of retirement
6 or other benefits or payments, the superior court shall determine:

7 (i) Whether the public employee has been convicted of or pled guilty or nolo contendere
8 to any crime related to his or her public office or public employment and, if so;

9 (ii) Whether the retirement or other benefits or payments to which the public official or
10 public employee is otherwise entitled should be revoked or diminished and, if so;

11 (iii) In what amount or by what proportion such revocation or reduction should be
12 ordered.

13 (2) In rendering its decision hereunder, the superior court shall consider and address each
14 of the following factors:

15 (i) The fact that the allowance of retirement or other benefits or payments for service
16 under this title, under title 16, under title 45, under title 8, under chapter 30 of title 28, under
17 chapter 43 of title 31, and under chapter 28 of title 42 presumes and requires that the service shall
18 have been honorably rendered;

19 (ii) The severity of the crime related to public office or public employment of which the
20 public official or public employee has been convicted or to which the public official or public
21 employee has pled guilty or nolo contendere;

22 (iii) The amount of monetary loss suffered by the public official's or public employee's
23 employer or by any other person as a result of the subject crime related to public office or public
24 employment;

25 (iv) The degree of public trust reposed in the subject public official or public employee
26 by virtue of his or her public office or public employment; and

27 (v) Any such other factors as, in the judgment of the superior court, justice may require.

28 (d) If the superior court determines that the retirement or other benefits or payments of a
29 public official or public employee should be revoked or reduced under this chapter, it may, in its
30 discretion and after taking into consideration the financial needs and resources of any innocent
31 spouse [or domestic partner](#), dependents and/or designated beneficiaries of the public official or
32 public employee, order that some or all of the revoked or reduced benefits or payments be paid to
33 any innocent spouse [or domestic partner](#), dependent or beneficiary as justice may require.

34 (e) If the superior court determines that the retirement or other benefits or payments of a

1 public official or public employee should not be revoked or reduced under this chapter, it shall
2 order that the retirement or other benefits or payments be made to the public official or public
3 employee as if the initiation of the civil action had not occurred.

4 SECTION 14. Section 42-28-21 of the General Laws in Chapter 42-28 entitled "State
5 Police" is hereby amended to read as follows:

6 **42-28-21. Injury and death benefits.** -- (a) If any member of the division whose service
7 is terminated on or after January 1, 1960 shall have in the course of performance of his or her
8 duties suffered injury causing disability or causing death, that member or his or her surviving
9 dependent relatives, whose dependence shall be determined from time to time by the
10 superintendent subject to confirmation by the governor, shall be entitled to an annual pension of
11 seventy-five percent (75%) of the annual salary paid to that member at the time of his or her
12 termination of service by reason of injury or death. In the event that the member thus disabled or
13 killed in the performance of his or her official duties is the superintendent, then confirmation and
14 determination provided by this section shall be made by the governor. The provisions of chapters
15 29 -- 38, inclusive, of title 28, shall not apply to members of the division.

16 (b) Upon the death of a member due to any cause other than that incurred while in the
17 course of performance of his or her duties, occurring while in service or after retirement, if that
18 member shall have rendered at least ten (10) years of service as a member of the Rhode Island
19 state police, his or her surviving widow or domestic partner shall be entitled to a ~~widow's~~ pension
20 equal to two percent (2%) of his or her last annual salary as determined by the provision of
21 section 42-28-22 as amended herein for each year of service as a member of the state police,
22 subject to a minimum pension of twenty-five percent (25%) of salary, and subject to the
23 following conditions:

24 (1) The widow or widower or domestic partner shall have been married to or a domestic
25 partner of the member at least one year on the date of death of the member or on the date of
26 retirement, whichever first occurs, and in any event while the member was in active service; (2)
27 the widow shall be at least forty (40) years of age, otherwise payment of the annuity shall be
28 deferred until she attains such age; (3) the annuity shall terminate in any event when ~~the widow~~
29 he or she remarries or enters into a domestic partnership or dies.

30 (c) If a widow or widower or domestic partner shall have minor children in his or her
31 care, payment of the ~~widow's~~ annuity shall commence immediately regardless of whether the
32 widow or widower a domestic partner shall have attained age forty (40) years or not. In such a
33 case, the payment to the widow or widower or domestic partner shall be increased one-third (1/3)
34 on account of each minor child, provided that the maximum payment shall be fifty percent (50%)

1 of annual salary.

2 (d) Allowances on account of minor children shall terminate upon their attainment of age
3 eighteen (18) and if unemancipated and a full time student to age twenty-two (22) years, death, or
4 marriage, whichever first occurs. In the event a widow or widower or domestic partner remarries
5 or enters into a domestic partnership or dies, payment on account of minor children shall be
6 increased to twice the amounts previously payable on account of the children, subject to a
7 combined payment to all children equal to fifty percent (50%) of the final salary of the member.

8 (e) For purposes of this chapter, "domestic partner" shall be defined as a person who,
9 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
10 decedent, and who certifies by affidavit that their relationship met the following qualifications:

11 (1) both partners were at least eighteen (18) years of age and were mentally competent to
12 contract;

13 (2) neither partner was married to anyone else;

14 (3) partners were not related by blood to a degree which would prohibit marriage in the
15 state of Rhode Island;

16 (4) partners resided together and had resided together for at least one year at the time of
17 death; and

18 (5) partners were financially interdependent as evidenced by at least two (2) of the
19 following:

20 (i) domestic partnership agreement or relationship contract;

21 (ii) joint mortgage or joint ownership of primary residence;

22 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
23 joint credit account; (D) joint lease; and/or

24 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
25 retirement contract or life insurance.

26 SECTION 15. Sections 45-19-4, 45-19-7, 45-19-8, 45-19-12, 45-19-12.2, 45-19-14 and
27 45-19-15 of the General Laws in Chapter 45-19 entitled "Relief of Injured and Deceased Fire
28 Fighters and Police Officers" are hereby amended to read as follows:

29 **45-19-4. Annuities to dependents of deceased police officers and appropriations to**
30 **nondependent parents of police officers.** -- (a) If an active or retired member of the police force
31 of a city or town is killed or dies from injuries received while in the performance of his or her
32 duty as a member, or dies of a heart condition or any condition derived from hypertension while
33 still a member, there shall be paid out of the police officer's relief fund of Rhode Island to the
34 following dependents of the deceased person, the following sums of money:

1 (1) To the widow or widower [or domestic partner](#) an annuity not exceeding three
2 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments
3 determined by the board and continuing as long as he or she remains unmarried [or not in a](#)
4 [domestic partnership](#) and commencing with the date of death but not more than six (6) months
5 prior to the date of filing of the petition by the widow or widower [or domestic partner](#); provided,
6 that if the member died more than six (6) months prior to the filing of the petition then the
7 payments are to commence no sooner than six (6) months prior to the date of petition;

8 (2) An additional annuity of twelve hundred dollars (\$1,200) a year, payable in the
9 number of regular installments determined by the board, for each child of the deceased person
10 during the time that the child is under the age of eighteen (18) years, or over the age and
11 physically or mentally incapacitated from earning. If there is any child and no widow or widower
12 [or domestic partner](#) or the widow or widower [or domestic partner](#) dies later, the sum and the
13 annuity that would have been payable to the widow or widower [or domestic partner](#) had there
14 been one or had he or she lived, to or for the benefit of the child or of the children, in equal
15 shares, during the time previously stated;

16 (3) If there is any child and the widow or widower [or domestic partner](#) remarries [or](#)
17 [enters in a domestic partnership](#), in lieu of the previously stated annuity to him or her, an annuity
18 not exceeding twelve hundred dollars (\$1,200) to or for the benefit of each child during the time
19 previously stated;

20 (4) If there is no widow or widower [or domestic partner](#) and no child the total sum of ten
21 thousand dollars (\$10,000) payable in a lump sum for the benefit of the father and/or mother of
22 the deceased, if not dependent upon him or her for support at the time of his or her death; and

23 (5) If there is no widow or widower [or domestic partner](#) and no child, the sum of three
24 thousand six hundred dollars (\$3,600) payable in regular installments by the board of police
25 officer's relief to or for the benefit of the father or mother of the deceased, if dependent upon him
26 or her for support at the time of his or her death, and commencing with the date of death but not
27 more than six (6) months prior to the date of filing the petition; provided, that if the member died
28 more than six (6) months prior to the filing of the petition then the payments are to commence no
29 sooner than six (6) months prior to the date of the petition and continuing so long as the
30 beneficiary is unable to support himself or herself and does not remarry [or enter into a domestic](#)
31 [partnership](#), an annuity not exceeding three thousand six hundred dollars (\$3,600) a year, payable
32 in regular installments determined by the board. The amount of the annuity shall, from time to
33 time, be determined within the limits previously stated by the board.

34 (b) For the purpose of this section the words "police officer" mean and include any

1 active or retired member of the state police or the police of any city or town regularly employed
2 at a fixed salary or wage.

3 (c) The provisions of this section apply in the case of any dependent receiving benefits in
4 accordance with the provisions of this section as it was in effect prior to April 25, 1960.

5 (d) The provisions of this section apply in the case of any active or retired police officer
6 who from and after January 1, 1935, was killed or died from injuries received while in the
7 performance of duty, or dies of a heart condition or any condition derived from hypertension.

8 (e) The amount of the annuity shall not be reduced by reason of receipt of an annuity
9 and/or other payments to any beneficiaries from any other source.

10 (f) Upon the death of a member, the police chief shall immediately notify the widow or
11 widower or domestic partner of the member by registered or certified mail, return receipt
12 requested, of the widow or widower's or domestic partner's possible eligibility for benefits under
13 this chapter and the time restriction for filing a claim for these benefits.

14 (g) For purposes of this chapter, "domestic partner" shall be defined as a person who,
15 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
16 decedent, and who certifies by affidavit that their relationship met the following qualifications:

17 (1) both partners were at least eighteen (18) years of age and were mentally competent to
18 contract;

19 (2) neither partner was married to anyone else;

20 (3) partners were not related by blood to a degree which would prohibit marriage in the
21 state of Rhode Island;

22 (4) partners resided together and had resided together for at least one year at the time of
23 death; and

24 (5) partners were financially interdependent as evidenced by at least two (2) of the
25 following:

26 (i) domestic partnership agreement or relationship contract;

27 (ii) joint mortgage or joint ownership of primary residence;

28 (iii) two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
29 joint credit account; (D) joint lease; and/or

30 (iv) the domestic partner had been designated as a beneficiary for the decedent's will,
31 retirement contract or life insurance.

32 **45-19-7. Appropriations for relief of fire fighters and dependents.** -- The general
33 assembly shall annually appropriate any sum that it deems necessary for the relief of any fire
34 fighter and for the relief of the widow or widower or domestic partner and children of any fire

1 fighter killed in the performance of his or her duty. The controller, upon the receipt of proper
2 vouchers approved by the director of labor and training or the director's authorized agent, is
3 hereby authorized and directed to draw his or her orders upon the general treasurer for the
4 payment of the sum or sums that may be required from time to time.

5 **45-19-8. Administration of fire fighter's relief.** -- The fund shall be used for the relief
6 of fire fighters, injured in the performance of their duty at a fire or in going to or returning from
7 the fire, and for the relief of the widows, widowers, [or domestic partners](#) and children of fire
8 fighters killed in the performance of their duty, in the manner and to the amount determined by
9 the board of fire fighter's relief in the department of labor and training, which board shall
10 administer the fund for the relief of fire fighters as provided in this chapter.

11 **45-19-12. Annuities to dependents of deceased fire fighters and appropriations to**
12 **nondependent parents of deceased fire fighters.** -- (a) If an active or retired member of the fire
13 force of a city or town or fire fighter for the town of North Smithfield is killed or dies from
14 injuries received while in the performance of his or her duty as a member or dies of a heart
15 condition, respiratory ailments, or any condition derived from hypertension while still a member,
16 there shall be paid out of the fire fighter's relief fund of Rhode Island to the following dependents
17 of the deceased person, the following sums of money:

18 (1) To the widow or widower [or domestic partner](#) an annuity not exceeding three
19 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments
20 determined by the board and continuing as long as he or she remains unmarried [or not in a](#)
21 [domestic partnership](#) and commencing with the date of death but not more than six (6) months
22 prior to the date of filing of the petition by the widow or widower [or domestic partner](#);

23 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable
24 in the number of regular installments determined by the board, for each child of the deceased
25 person during the time that the child is under the age of eighteen (18) years, or over the age and
26 physically or mentally incapacitated from earning;

27 (3) If there is no widow or widower [or domestic partner](#) and no child, the total sum of ten
28 thousand dollars (\$10,000), payable in a lump sum for the benefit of the father and/or mother of
29 the deceased, if not dependent upon him or her for support at the time of his or her death;

30 (4) If there is any child and no widow or widower [or domestic partner](#) or the widow or
31 widower [or domestic partner](#) dies later, the sum and the annuity that should have been payable to
32 the widow or widower [or domestic partner](#) had there been one or had he or she lived, to or for the
33 benefit of the child or of the children, in equal shares during the previously stated time;

34 (5) If there is any child, and the widow or widower [or domestic partner](#) remarries [or](#)

1 [enters into a domestic partnership](#), in lieu of the previously stated annuity to him or her, an
2 annuity not exceeding one thousand two hundred dollars (\$1,200) to or for the benefit of each
3 child during the time previously stated; and

4 (6) If there is no widow or widower [or domestic partner](#) and no child, the sum of three
5 thousand six hundred dollars (\$3,600) payable in regular installments by the board of fire fighter's
6 relief, to or for the benefit of the father or mother of the deceased, if dependent upon him or her
7 for support at the time of his or her death, and commencing with the date of death but not more
8 than six (6) months prior to the date of filing of the petition and continuing so long as the
9 beneficiary is unable to support himself or herself and does not remarry [or enter into a domestic](#)
10 [partnership](#), an annuity not exceeding three thousand six hundred dollars (\$3,600) a year, payable
11 in the number of regular installments determined by the board.

12 (b) The amount of the annuity shall, from time to time, be determined within the limits
13 previously stated by the board.

14 (c) The provisions of this section shall in the case of any active or retired member of the
15 fire force of any city or town or fire fighter for the town of North Smithfield who, from and after
16 January 1, 1935, is killed or dies from injuries received while in the performance of his or her
17 duty, or dies of a heart condition, respiratory ailments, or any condition derived from
18 hypertension. The provisions of this section shall only be construed to apply prospectively.

19 (d) The amount of the annuity shall not be reduced by reason of receipt of any annuity
20 and/or other payments to any beneficiary from any other source.

21 (e) Upon the death of a member, the fire chief shall immediately notify the widow or
22 widower [or domestic partner](#) of the member, in writing, by registered or certified mail, return
23 receipt requested, of the widow or widower's [or domestic partner's](#) possible eligibility for benefits
24 under this chapter and the time restriction for filing a claim for the benefits.

25 **45-19-12.2. Annuities to dependents of deceased auxiliary and volunteer fire fighters**
26 **and appropriations to nondependent parents of deceased auxiliary and volunteer fire**
27 **fighters.** -- (a) If an active member of a volunteer or auxiliary fire force or volunteer crash rescue
28 or ambulance corps is killed or dies from injuries received while in the performance of his or her
29 duty there, shall be paid out of the fire fighter's relief fund of Rhode Island to the following
30 dependents of the deceased person, the following sums of money:

31 (1) To the widow or widower [or domestic partner](#) beginning at the death, an annuity not
32 exceeding three thousand six hundred dollars (\$3,600) a year, payable in regular installments as
33 may be determined by the board and continuing as long as he or she remains unmarried [or not in](#)
34 [a domestic partnership](#);

1 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable
2 in regular installments determined by the board, for each child of the deceased person during the
3 time that the child is under the age of eighteen (18) years, or over that age and physically or
4 mentally incapacitated from earning;

5 (3) If there is any child and no widow or widower [or domestic partner](#) or the widow or
6 widower [or domestic partner](#) dies later, the sum and annuity that should have been payable to the
7 widow or widower [or domestic partner](#) had there been one or had he or she lived, to or for the
8 benefit of the child or of the children, in equal shares during the previously stated time;

9 (4) If there is any child and the widow or widower [or domestic partner](#) remarries [or](#)
10 [enters into a domestic partnership](#), in lieu of the previously stated annuity to him or her, an
11 annuity not exceeding one thousand two hundred dollars (\$1,200) to or for the benefit of each
12 child during the previously stated time;

13 (5) If there is no widow or widower [or domestic partner](#) and no child, the total sum of ten
14 thousand dollars (\$10,000) payable in a lump for the benefit of the father and/or mother of the
15 deceased, if not dependent upon him or her for support at the time of his or her death; and

16 (6) If there is no widow or widower [or domestic partner](#) and no child, the sum of three
17 thousand six hundred dollars (\$3,600) payable in regular installments by the board of fire fighter's
18 relief, to or for the benefit of the father or mother of the deceased, if dependent upon him or her
19 for support at the time of his or her death, and beginning at the death and continuing so long as
20 the beneficiary is unable to support himself or herself and does not remarry [or enter into a](#)
21 [domestic partnership](#), an annuity not exceeding three thousand six hundred dollars (\$3,600) a
22 year, payable in regular installments determined by the board.

23 (b) The provisions of this section shall be retroactive to July 1, 1988.

24 **45-19-14. Appropriations by towns to dependents of deceased police officers and fire**
25 **fighters.** -- The several cities and towns are authorized and empowered to make a special
26 appropriation to surviving widows or widowers [or domestic partners](#), or other surviving
27 dependents, of a deceased fire fighter or police officer who has been in the service of a city or
28 town for a period of at least two (2) years and has lost his or her life, or received injuries resulting
29 in permanent disability, or incurred illness resulting in death, while in the line of duty as a fire
30 fighter or police officer. This appropriation may be in addition to any service pension granted to
31 the widows or widowers [or domestic partners](#) of any fire fighters or police officers under the
32 provisions of any law or any ordinance of any city or town; provided, that the appropriation does
33 not exceed the sum of five thousand dollars (\$5,000) for any one person.

34 **~~45-19-15. Extension of provisions to widows or widowers of other deceased police~~**

1 ~~officers and fire fighters~~ **Extension of provisions to widows or widowers or domestic**
2 **partners of other deceased police officers and fire fighters.** -- The legislative body of any city
3 or town may, by ordinance, provide that the provisions of sections 45-19-4 and 45-19-12 apply in
4 the case of any unremarried widow or widower or domestic partner, of any police officer or fire
5 fighter which police officer or fire fighter died while in service or was retired from the police or
6 fire force of a city or town on pensions prior to his or her death. The annuities shall be paid to the
7 widow or widower or domestic partner by the proper authority of the city or town in which the
8 police officer or fire fighter was employed at the time of his or her retirement.

9 SECTION 16. Sections 45-21-2, 45-21-25, 45-21-30, 45-21-51 and 45-21-51.1 of the
10 General Laws in Chapter 45-21 entitled "Retirement of Municipal Employees" are hereby
11 amended to read as follows:

12 **45-21-2. Definitions.** -- The following words and phrases as used in this chapter have the
13 following meanings unless a different meaning is plainly required by the context:

14 (1) "Accumulated contributions" means the sum of all amounts deducted from the
15 compensation of a member and credited to his or her individual account in the members'
16 contribution reserve account.

17 (2) "Actuarial reserve" means the present value of all payments to be made on account of
18 any annuity, retirement allowance, or benefit, computed upon the basis of mortality tables
19 adopted by the retirement board with regular interest.

20 (3) "Beneficiary" means any person in receipt of a retirement allowance, annuity, or
21 other benefit as provided by this chapter.

22 (4) "Effective date of participation" means the date on which the provisions of this
23 chapter have become applicable to a municipality accepting the provisions of the chapter in the
24 manner stated in section 45-21-4.

25 (5) "Employee" means any regular and permanent employee or officer of any
26 municipality, whose business time at a minimum of twenty (20) hours a week is devoted to the
27 service of the municipality, including elective officials and officials and employees of city and
28 town housing authorities. Notwithstanding the previous sentence, the term "employee", for the
29 purposes of this chapter, does not include any person whose duties are of a casual or seasonal
30 nature. The retirement board shall decide who are employees within the meaning of this chapter,
31 but in no case shall it deem as an employee any individual who annually devotes less than twenty
32 (20) business hours per week to the service of the municipality and who receives less than the
33 equivalent of minimum wage compensation on an hourly basis for his or her services, except as
34 provided in section 45-21-14.1. Casual employees mean those persons hired for an occasional

1 period to perform special jobs or functions not necessarily related to the work of regular
2 employees. Any commissioner of a municipal housing authority, or any member of a part-time
3 state board commission, committee or other authority is not deemed to be an employee within the
4 meaning of this chapter.

5 (6) "Final compensation" means the average annual compensation, pay, or salary of a
6 member for services rendered during the period of three (3) consecutive years within the total
7 service of the member when the average was highest, and as the term average annual
8 compensation is further defined in section 36-8-1(4).

9 (7) "Fiscal year" means the period beginning on July 1 in any year and ending on June
10 30 of the next succeeding year.

11 (8) "Full actuarial costs" or "full actuarial value" mean the lump sum payable by a
12 member claiming service credit for certain employment for which payment is required, which is
13 determined according to the age of the member and his or her annual rate of compensation at the
14 time he or she applies for service credit, and which is expressed as a rate percent of the annual
15 rate of compensation to be multiplied by the number of years for which he or she claims the
16 service credit, as prescribed in a schedule adopted by the retirement board, from time to time, on
17 the basis of computation by the actuary.

18 (9) "Governing body" means any and all bodies empowered to appropriate monies for,
19 and administer the operation of, the units as defined in subdivision (1) of this section.

20 (10) "Member" means any person included in the membership of the retirement system
21 as provided in section 45-21-8.

22 (11) "Municipality" means any town or city in the state of Rhode Island, any city or town
23 housing authority, fire, water, sewer district, regional school district, public building authority as
24 established by chapter 14 of title 37, or any other municipal financed agency to which the
25 retirement board has approved admission in the retirement system.

26 (12) "Participating municipality" means any municipality which has accepted this
27 chapter, as provided in section 45-21-4.

28 (13) "Prior service" means service as a member rendered before the effective date of
29 participation as defined in this section, certified on his or her prior service certificate, and
30 allowable as provided in section 45-21-15.

31 (14) "Regular interest" means interest compounded annually as determined by the
32 retirement board based upon the experience of the system.

33 (15) "Retirement allowance" or "annuity" means the amounts paid to any member of the
34 municipal employees' retirement system of the state of Rhode Island, or a survivor of the

1 member, as provided in this chapter. All retirement allowances or annuities shall be paid in equal
2 monthly installments for life, unless otherwise specifically provided.

3 (16) "Retirement board" means the state retirement board created by chapter 8 of title 36.

4 (17) "Retirement system" means the "municipal employees' retirement system of the
5 state of Rhode Island" as defined in section 45-21-32.

6 (18) "Service" means service as an employee of a municipality of the state of Rhode
7 Island as defined in subdivision (5).

8 (19) "Total service" means prior service as defined in subsection (13) plus service
9 rendered as a member on or after the effective date of participation.

10 (20) "Active member" means any employee of a participating municipality as defined in
11 this section for whom the retirement system is currently receiving regular contributions pursuant
12 to sections 45-21-41, 45-21-41.1 or 45-21.2-14.

13 (21) For purposes of this chapter, "domestic partner" shall be defined as a person who,
14 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
15 decedent, and who certifies by affidavit that their relationship met the following qualifications:

16 (i) both partners were at least eighteen (18) years of age and were mentally competent to
17 contract;

18 (ii) neither partner was married to anyone else;

19 (iii) partners were not related by blood to a degree which would prohibit marriage in the
20 state of Rhode Island;

21 (iv) partners resided together and had resided together for at least one year at the time of
22 death; and

23 (v) partners were financially interdependent as evidenced by at least two (2) of the
24 following:

25 (A) domestic partnership agreement or relationship contract;

26 (B) joint mortgage or joint ownership of primary residence;

27 (C) two (2) of: (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint
28 credit account; (IV) joint lease; and/or

29 (D) the domestic partner had been designated as a beneficiary for the decedent's will,
30 retirement contract or life insurance.

31 **45-21-25. Accidental death benefits.** -- Upon the accidental death of a member before
32 retirement; provided, that evidence is submitted to the retirement board proving that the death of
33 the member was the natural and proximate result of an accident while in the performance of duty
34 at some definite time and place, and that the death was not the result of willful negligence on the

1 member's part, the member's accumulated contributions shall be paid to the member's estate, or to
2 the person having an insurable interest in the member's life that the member has nominated by
3 written designation, duly executed and filed with the retirement board, and, upon application by
4 or on behalf of the dependents of the deceased member, the retirement board shall grant a benefit
5 equal to one-half (1/2) the rate of compensation of the member in effect at the date of death:

6 (1) To his or her widow or widower [or domestic partner](#), to continue for life unless he or
7 she remarries [or enters into a domestic partnership](#); or

8 (2) If there is no widow or widower [or domestic partner](#), or if the widow or widower [or](#)
9 [domestic partner](#) dies or remarries [or enters into a domestic partnership](#) before any child of the
10 deceased member has attained the age of eighteen (18) years, then to his or her child or children
11 under that age, divided in any manner that the retirement board in its discretion determines, to
12 continue as a joint and survivor annuity of one-half (1/2) of that compensation until every child
13 dies or attains that age; or

14 (3) If there is no widow, widower, [or domestic partner](#) or child under the age of eighteen
15 (18) years surviving the deceased member, then to his or her dependent father or mother, as the
16 deceased member has nominated by written designation, duly acknowledged and filed with the
17 retirement board; or if there is no nomination, then to his or her dependent father or to his or her
18 dependent mother, as the retirement board in its discretion directs, to continue for life.

19 **45-21-30. Optional benefits on service retirement.** -- (a) A beneficiary, or, if the
20 beneficiary is an incompetent, then his or her spouse [or domestic partner](#), or if he or she has no
21 spouse [or domestic partner](#), a guardian of the beneficiary's estate, may elect to receive a benefit in
22 a retirement allowance, payable throughout life, or the beneficiary may then elect to receive the
23 actuarial equivalent, at that time, of the beneficiary's retirement allowance in a lesser retirement
24 allowance as determined by actuarial calculation, which shall be payable throughout life with the
25 provision that:

26 (1) Option 1. - A reduced retirement allowance payable during the beneficiary's life, with
27 the provisions that after the beneficiary's death, it shall continue during the life of and be paid to
28 the person that the beneficiary has nominated by written designation duly acknowledged and filed
29 with the retirement board at the time of retirement; or

30 (2) Option 2. - A reduced retirement allowance payable during the beneficiary's life, with
31 the provision that after the beneficiary's death an allowance equal to one-half (1/2) of the
32 beneficiary's reduced allowance shall continue during the life of and be paid to the person that the
33 beneficiary has nominated by written designation duly acknowledged and filed with the board at
34 the time of retirement.

1 (b) This section does not apply to any person who elects the social security supplemental
2 option related in section 45-21-17.2.

3 (c) This section is exempt from the provisions of sections 45-13-6 -- 45-13-10.

4 **45-21-51. Persons eligible for optional benefits -- Time of election -- Modification or**
5 **revocation -- Effective date.** -- (a) The optional provisions of section 45-21-30 are applicable
6 only to a member applying for a service retirement allowance and an accidental disability
7 retirement allowance and an ordinary disability retirement allowance or any inactive member
8 applying for retirement under vested rights. The election under option 1 or 2 is made at the time
9 of retirement of the member as part of his or her application for a retirement allowance. The
10 election is based upon the amount of retirement allowances that may accrue at the date of death of
11 the member, and may be revoked or modified by the member at any time after retirement on a
12 form prescribed by the retirement board, provided that during this time, the named beneficiary
13 has not been divorced from the member [or entered into a domestic partnership](#). The option in the
14 case of death of a retired member becomes effective on the next day following the death of the
15 member and payment of benefits made in accordance with the provisions of this section, subject
16 to the limitations prescribed in section 45-21-30; provided, further, that this section does not
17 apply to anyone who elects the social security supplemental option as provided by section 45-21-
18 17.2.

19 (b) This section is exempt from the provisions of sections 45-13-6 -- 45-13-10.

20 **45-21-51.1. Optional annuity protection -- Election of option by member.** -- (a) Upon
21 death of a member having at least ten (10) years of membership service, the spouse [or domestic](#)
22 [partner](#) of the member has the option to elect to receive option one as provided in section 45-21-
23 30 in lieu of a return of contributions, provided the spouse [or domestic partner](#) is the designated
24 beneficiary of the member's retirement account. The election is based upon the amount of
25 retirement allowance or actuarial equivalent that may accrue at the date of death of the member.

26 (b) The election under option one for a person other than the spouse of the member may
27 be made by the member, while in service; provided, that the member has at least ten (10) years of
28 membership service and before retirement, on a form prescribed by the retirement board. The
29 election is based upon the amount of retirement allowances or actuarial equivalents that may
30 accrue at the date of death of the member; provided, that the election form is executed and filed
31 with the retirement board prior to the date of death. The election may be revoked or modified by
32 the member at any time prior to the date of retirement, on a form prescribed by the retirement
33 board.

34 (c) Upon the death of a member, the option becomes effective thirty (30) days after the

1 first day of the next calendar month following the date of death of the member if death occurs
2 while in an employee status. Should death occur while in an inactive member status, the option
3 under this section becomes payable on the first day of the next succeeding month that in which
4 the designated beneficiary attains the age of sixty (60) years.

5 SECTION 17. Section 45-21.1-1 of the General Laws in Chapter 45-21.1 entitled
6 "Municipal Fire Fighters' Pensions" is hereby amended to read as follows:

7 **45-21.1-1. Benefits.** – (a) Whenever, under any general law or special act, any town or
8 city has established a pension system for the fire fighters of the town or city, funded in whole or
9 in part by contributions from those fire fighters, then upon the death of a fire fighter, whether
10 before or after his or her retirement, there is due from the fire fighter's pension fund of the town
11 or city to the person or persons as he or she has nominated by written designation, and, if no
12 designation was made, to the widow or widower or domestic partner of the fire fighter, if any, an
13 amount equal to the total contributions made to the pension fund by the deceased fire fighter less
14 any benefits received by the fire fighter from the fund. If there is no designation and no widow or
15 widower or domestic partner surviving the fire fighter, payments under the provisions of this
16 section are paid to the estate of the deceased fire fighter in an amount equal to the total
17 contributions made to the pension fund by the deceased fire fighter less any benefits received by
18 the fire fighter from the fund; provided, that if the amount due to the estate of a deceased fire
19 fighter under the provisions of this section is one thousand dollars (\$1,000) or less, then, in lieu of
20 making the payment due under the provisions of this section to the estate, the payment may be
21 made to the widow or widower or domestic partner (for his or her sole use) of the deceased fire
22 fighter; and provided, further, that this section does not apply in the case of any pension fund
23 which provides benefits for the dependents or survivors of a deceased fire fighter.

24 (b) The term "domestic partner" shall have the same meaning as that provided for in
25 section 45-21-2.

26 SECTION 18. Sections 45-21.2-11 and 45-21.2-12 of the General Laws in Chapter 45-
27 21.2 entitled "Optional Retirement for Members of Police Force and Fire Fighters" are hereby
28 amended to read as follows:

29 **45-21.2-11. Accidental death benefits.** -- Upon the accidental death of a member before
30 retirement; provided, that evidence shall be submitted to the retirement board proving that the
31 death of the member was a natural and proximate result of an accident while in the performance
32 of duty at some definite time and place, and that the death was not the result of willful negligence
33 on the member's part, that member's accumulated contribution shall be paid to that member's
34 estate, or to the person having an insurable interest in the member's life as the member nominated

1 by written designation, duly executed and filed with the retirement board, and upon application
2 by or on behalf of the dependents of the deceased member, the retirement board shall grant a
3 benefit equal to one-half (1/2) of the rate of compensation of the member in effect at the date of
4 death:

5 (1) To his or her widow or widower [or domestic partner](#) to continue for life unless he or
6 she remarries [or enters into a domestic partnership](#), together with an amount equal to ten percent
7 (10%) of the rate of compensation for each child of the member under the age of eighteen (18),
8 subject to a total family benefit of sixty-six and two-thirds percent (66 2/3%) of salary; or

9 (2) If there is no widow or widower [or domestic partner](#) or if the widow or widower [or](#)
10 [domestic partner](#) dies or remarries [or enters into a domestic partnership](#) before any child of the
11 deceased member has attained the age of eighteen (18), then to the member's child or children
12 under that age, a benefit for each of fifteen percent (15%) of the rate of compensation of the
13 member subject to a total family benefit of fifty percent (50%) of salary.

14 **45-21.2-12. Ordinary death benefit.** -- Upon death of a member occurring while in
15 service and prior to retirement from any cause other than accidental death arising directly out of
16 and in the course of employment, a payment shall be made consisting of:

17 (1) The sum of eight hundred dollars (\$800) for each year of service subject to a
18 minimum payment of four thousand dollars (\$4,000) and a maximum payment of sixteen
19 thousand dollars (\$16,000); and

20 (2) An annuity to his or her widow or widower [or domestic partner](#) to continue for life
21 unless he or she remarries [or enters into a domestic partnership](#) equal to thirty percent (30%) of
22 the rate of compensation plus an allowance of ten percent (10%) of the compensation on account
23 of each child of the member under age eighteen (18), subject to a total family benefit of fifty
24 percent (50%) of final compensation; or if there is no widow or widower [or domestic partner](#), or
25 if the widow or widower [or domestic partner](#) dies or remarries [or enters into a domestic](#)
26 [partnership](#) before any child of the deceased member has attained the age of eighteen (18) years,
27 then an annuity with respect to each child of fifteen percent (15%) of the member's final
28 compensation subject to a maximum family benefit of fifty percent (50%) of final compensation.

29 (3) The benefit under subsection (2) of this section is not payable if the member elected
30 the provisions of section 45-21.2-21.

31 SECTION 19. This act shall take effect upon passage.

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LC02036
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - PENSIONS AND
BENEFITS -- DOMESTIC PARTNERS

1 This act would provide to domestic partners of certain state and municipal employees
2 pension, death and other retirement benefits, which benefits are currently available to spouses of
3 such employees.

4 This act would take effect upon passage.

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