

2021 -- H 6311

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO EDUCATION -- TEACHERS' RETIREMENT

Introduced By: Representatives Fellela, Hull, Messier, and Serpa

Date Introduced: May 07, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-16-1 and 16-16-26 of the General Laws in Chapter 16-16 entitled  
2 "Teachers' Retirement [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" are  
3 hereby amended to read as follows:

4 **16-16-1. Definitions.**

5 (a) The following words and phrases used in this chapter, unless a different meaning is  
6 plainly required by the context, have the following meanings:

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

9 Except as otherwise provided in this section, the words and phrases used in this chapter, so  
10 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 allowance  
12 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 least  
14 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 only  
17 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

1 member and while the child(ren) was under the age of eighteen (18) years; ~~or~~

2 (iii) Was married to the deceased member at the time both of them legally adopted a  
3 child(ren) under the age of eighteen (18) years; or

4 (iv) Was married to the deceased member for ten (10) or more years and to whom the  
5 deceased member was required by a court order to contribute post-divorce support.

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

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

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

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

17 (9) "Salary" or "compensation" includes any and all salary paid for teaching services  
18 regardless of whether any part of the salary or compensation is derived from any state or federal  
19 grant or appropriation for teachers' salaries, as the term is defined in § 36-8-1(8). "Average  
20 compensation" shall be defined in accordance with section 36-8-1(5)(a).

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

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

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

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

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

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

33 (12) "Teacher" means a person required to hold a certificate of qualification issued by or  
34 under the authority of the board of regents for elementary and secondary education and who is

1 engaged in teaching as his or her principal occupation and is regularly employed as a teacher in the  
2 public schools of any city or town in the state, or any formalized, commissioner approved,  
3 cooperative service arrangement. The term includes a person employed as a teacher, supervisor,  
4 principal, assistant principal, superintendent, or assistant superintendent of schools, director,  
5 assistant director, coordinator, consultant, dean, assistant dean, educational administrator, nurse  
6 teacher, and attendance officer or any person who has worked in the field of education or is working  
7 in the field of education that holds a teaching or administrative certificate. In determining the  
8 number of days served by a teacher the total number of days served in any public school of any city  
9 or town in the state may be combined for any one school year. The term also includes a school  
10 business administrator whether or not the administrator holds a teaching or administrative  
11 certificate, and also includes occupational therapists and physical therapists licensed by the  
12 department of health and employed by a school committee in the state, or by any formalized,  
13 commissioner approved, cooperative service arrangement.

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

16 (14) "Total service" means prior service as defined in subdivision (6) of this section, plus  
17 service rendered as a member of the system on or after the first day of July, 1949.

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

21 (i) Both partners were at least eighteen (18) years of age and were mentally competent to  
22 contract;

23 (ii) Neither partner was married to anyone else;

24 (iii) Partners were not related by blood to a degree which would prohibit marriage in the  
25 state of Rhode Island;

26 (iv) Partners resided together and had resided together for at least one year at the time of  
27 death; and

28 (v) Partners were financially interdependent as evidenced by at least two (2) of the  
29 following:

30 (A) Domestic partnership agreement or relationship contract;

31 (B) Joint mortgage or joint ownership of primary residence;

32 (C) Two (2) of: (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint  
33 credit account; (IV) joint lease; and/or

34 (D) The domestic partner had been designated as a beneficiary for the decedent's will,

1 retirement contract or life insurance.

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

3 (c) Any term not specifically defined in this chapter and specifically defined in chapters  
4 36-8 -- 36-10 shall have the same definition as set forth in chapters 36-8 -- 36-10.

5 **16-16-26. ~~Spouse's or domestic partner's benefits~~ Spouse's, former spouse divorced,**  
6 **or domestic partner's benefits.**

7 (a) Spouse's, former spouse divorced, and domestic partner's benefits are payable following  
8 the decease of a member as provided in §§ 16-16-25 -- 16-16-38.

9 (b) The spouse, former spouse divorced, or domestic partner shall be entitled to benefits  
10 upon attaining the age of sixty (60) years.

11 (c) The spouse, former spouse divorced, or domestic partner was living with the deceased  
12 member at the time of the member's death. A spouse or domestic partner is deemed to have been  
13 living with the deceased member if they were both members of the same household on the date of  
14 the deceased member's death, or the spouse or domestic partner was receiving ~~regular~~ contributions  
15 from the deceased member toward support on that date, or the deceased member had been ordered  
16 by a court to contribute to the spouse's, former spouse divorced, or domestic partner's support.

17 (d) Remarriage of the spouse, former spouse divorced, or domestic partner or establishment  
18 of a domestic partnership shall render him or her ineligible to receive current or future benefits  
19 under this section.

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

Highest Annual Salary	Spouse's or Domestic Partner's Monthly Minimum Benefit
\$17,000 or less	\$825
\$17,001 to \$25,000	\$963
\$25,001 to \$33,000	\$1,100
\$33,001 to \$40,000	\$1,238
\$40,001 and over	\$1,375

29 (f) The former spouse divorced shall be entitled to monthly benefits, payable in accordance  
30 with the table provided in subsection (e) of this section, only if there are no dependent children,  
31 parents, or other spouse or domestic partner entitled to benefits.

32 ~~(f)~~(g) A yearly cost-of-living adjustment for spouse's, former spouse divorced, or domestic  
33 partner's benefits shall be based on the annual social security adjustment.

34 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would for purposes of teachers' retirement benefits, amend the definition of  
2 "former spouse divorced" to include someone who was married to a deceased member for ten (10)  
3 or more years and the deceased member was required by court order to contribute support post-  
4 divorce. It would also include the "former spouse divorced" in the spouse and domestic partner's  
5 benefits statute.

6           This act would take effect upon passage.

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