

HOUSE No. 1401

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to treating veterans equally under the pension laws.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Kevin G. Honan

17th Suffolk

Michelle M. DuBois

10th Plymouth

HOUSE No. 1401

By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 1401) of Kevin G. Honan and Michelle M. DuBois for legislation to provide credit for public employee retirement purposes for certain active duty in the armed services of the United States. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to treating veterans equally under the pension laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 32 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by striking out, in line 121, the words “sections one to
3 twenty- eight inclusive”, and inserting in place thereof the following words : - this chapter.

4 SECTION 2. Said section 1 is hereby further amended by striking out, in line 299, the
5 words “sections one to twenty- eight, inclusive”, and inserting in place thereof the following
6 words: - this chapter.

7 SECTION 3. Said section 1 is hereby further amended by striking out, in line 306, the
8 words “sections one to twenty- eight inclusive”, and inserting in place thereof the following
9 words: - this chapter.

10 SECTION 4. Said section 1 is hereby further amended by striking out, in line 493 to 494,
11 the words “sections one to twenty-eight, inclusive”, and inserting in place thereof the following
12 words: - this chapter.

13 SECTION 5. Said section 1 is hereby further amended by inserting after the phrase “state
14 employees’ retirement system,” in the definition of “Member” the following: - judicial
15 retirement system.

16 SECTION 6. Paragraph (h) of subdivision (1) of section 4 of chapter 32 of the General
17 Laws, as so appearing, is hereby amended by striking out the fourth paragraph, and inserting in
18 place thereof the following paragraph: -

19 Notwithstanding the provisions of this chapter, including the provisions of sections 3 and
20 65D, or any other general or special law, rule or regulation to the contrary , a member in service
21 of any retirement system governed by the provisions of this chapter who served honorably in the
22 armed forces of the United States shall be entitled to credit for active service in the armed
23 services of the United States; provided, however, that such active service shall not be credited
24 until such member has paid into the annuity savings fund of such system, in one sum or in
25 installments, upon such terms and conditions as the board may prescribe, makeup payments , for
26 each year of credible service sought, of an amount equal to the ten percent of the regular annual
27 compensation of the member when said member entered the retirement system; and, provided
28 further that such creditable service shall not be allowed for any period of active service for which
29 said member has received credit pursuant to paragraph (h) of subsection (1) of section 4 of
30 chapter thirty-two of the General Laws or for which said member receives a federal military
31 pension. This act shall apply to National Guard and Active Reserve personnel, both former and
32 present. Creditable service time, both enlisted and commissioned may be applied toward
33 retirement on a ratio of five years guard service or five years active reserve service substitutable
34 for each year of active service. Notwithstanding any provision of this chapter or any provision
35 of this section, a Chief justice or any associate justice of the supreme judicial court or a chief

36 justice or any associate justice of the appeals court or any justice of the trial court of the
37 commonwealth shall apply the credit for military service only when being retired, for having
38 reached the mandatory retirement age as provided in Article 1 of Chapter 111 of Part the Second
39 of the Constitution , but not having served for ten years because of said mandatory retirement.