

SENATE No. 1096

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

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 passage of the accompanying bill:

An Act authorizing certain public employees creditable retirement service for service in the armed forces.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas P. Kennedy	Second Plymouth and Bristol
Michael Brady	9th Plymouth
Allen J. McCarthy	7th Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING CERTAIN PUBLIC EMPLOYEES CREDITABLE RETIREMENT SERVICE FOR SERVICE IN THE ARMED FORCES.

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. Paragraph (h) of subdivision (1) of section 4 of chapter 32 of the General
2 Laws, as last amended by section (2) of chapter 71 of the acts of 1996, is hereby amended in the
3 first sentence of the last paragraph by striking out the words “is a veteran who served in the
4 armed services of the United States” and inserting in place thereof the words:— has received an
5 honorable discharge from the armed services of the United States.

6 SECTION 2. Paragraph (h) of subdivision (1) of section 4 of chapter 32 of the General
7 Laws, as so appearing, is hereby further amended in the last paragraph by striking out the second
8 to last sentence on lines 125 to 127 and inserting in place thereof the following new sentence:—
9 A member in service in the retirement system as defined in section one who was honorably
10 discharged or who is currently serving in the Massachusetts National Guard or an Active Reserve
11 component of the armed services of the United States and who has completed ten or more years
12 of membership service shall receive creditable service pursuant to this subdivision, provided,
13 however that in the case of a member presently serving in the Massachusetts National Guard at

14 the time of his retirement has honorably served in the Massachusetts National Guard and
15 provided, further, that in the case of a member who is presently serving in an Active Reserve
16 component has received an honorable discharge from the armed services of the United States at
17 the time of his retirement.

18 SECTION 3. For the retirement system of any political sub-division, the provisions of
19 this act shall take effect on the effective date of this act by majority vote of the board of such
20 system and by the local legislative body. For the purposes of this paragraph, local legislative
21 body shall mean a town meeting for a town system, the city council subject to the provisions of
22 its charter for a city system, the county commissioners for a county system, the district members
23 for a district system and the governing body of an authority for an authority system. Acceptance
24 shall be deemed to have occurred upon the filing of a certification of such vote with the
25 commissioner.

26 Members in service of a retirement system eligible for said creditable service under this act shall
27 make application for said creditable service within one hundred and eighty days of being notified
28 by the retirement board of their eligibility after becoming vested in the retirement system, or for
29 currently eligible members, within one hundred and eighty days of the acceptance of this act by
30 the local legislative body.

31 Terms used in this act shall have the same meaning as those terms defined in section one of
32 chapter thirty-two of the General Laws.

33 SECTION 4. The provisions of this act shall not apply to those members who previously
34 benefited from the creditable service provisions of Chapter 71 of the Acts of 1996.