

SENATE No. 1441

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1441) of Michael W. Pelletier, Robert D. Wetmore and Linda J. Melconian for legislation to provide certain creditable service for time spent in the military. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT PROVIDING CERTAIN CREDITABLE SERVICE FOR TIME SPENT IN THE MILITARY.

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 3 of chapter 32 of the General Laws is
2 hereby amended by inserting after subdivision 4A, inserted by
3 section 1 of chapter 333 of the acts of 1992, the following subdi-
4 vision:—

5 (4B) Credit for Teachers for Military Service. Any member in
6 service or any member inactive on authorized leave of absence of
7 a contributory retirement system who was previously engaged in
8 military service may, before the date a retirement allowance
9 becomes effective for him, pay into the annuity savings fund of
10 the system in one sum, or in installments, upon such terms and
11 conditions as the board may prescribe, an amount equal to that
12 which would have been upheld as regular deductions from his reg-
13 ular compensation for such period of military service, or most
14 recent portion thereof, as he may elect, had such service been ren-
15 dered in a governmental unit and had he been a member of a con-
16 tributory retirement system during the period such military service
17 was rendered. Payment shall not be made and no credit shall be
18 allowed for service in the military in excess of the total govern-
19 mental service to which the member would be entitled to receive
20 credit if he remained in service to age sixty-five, with a maximum
21 credit for service in the military not to exceed ten years; provided,
22 however, that no such credit shall be allowed and no payment

23 shall be accepted for any service on account of which the member
24 shall be entitled to receive a retirement allowance or other similar
25 payment from another contributory retirement system, the federal
26 government or any other source. In addition to the payment of
27 such sum, or installments thereof, such member shall also pay into
28 the annuity savings fund an amount of interest such that at the
29 completion of such payments, the value of his accumulated pay-
30 ments, together with regular interest thereon actually made on
31 account of such regular interest thereon actually made on account
32 of such previous military service, shall equal the value of his
33 accumulated regular deductions which would have resulted in
34 such regular deduction had been made when regular compensation
35 for such service was actually received. Upon completion of such
36 payments, such member shall receive the same credit for such
37 period of his previous military service, or portion thereof elected,
38 as he would have been allowed if such service had been rendered
39 by him in a governmental unit in the commonwealth. Such
40 member shall furnish the board with such information as it shall
41 require to determine the amount to be paid and the credit to be
42 allowed under this subdivision. At the time a retirement allowance
43 becomes due to a member or to a beneficiary under option (d) of
44 subdivision (2) of section twelve, if it is found that payment has
45 been accepted for any service for which the member is entitled to
46 a retirement allowance from any military service, the amount paid
47 for such service with accumulated interest shall also be refunded
48 with no retirement credit allowed.

1 SECTION 2. Subdivision (1) of section 4 of said chapter 32 is
2 hereby amended by inserting after paragraph (f $\frac{1}{2}$), inserted by sec-
3 tion 2 of said chapter 333, the following paragraph:—

4 (f $\frac{3}{4}$) Creditable service for such periods of military service in
5 the case of a member who has acquired the right to credit for such
6 service as a member of a contributory retirement system, shall be
7 allowed as provided for in subdivision (4B) of section three.