

MICHIGAN MILITARY ACT (EXCERPT)
Act 150 of 1967

CHAPTER 7
RETIREMENT

32.801 Retirement; national guard and defense force personnel.

Sec. 401. Except in time of war or national emergency declared by the congress of the United States, officers, warrant officers and enlisted personnel shall be retired at the highest rank they have held, from active service with the national guard prior to/or upon reaching age 62, and their names shall be placed on the state military retired list. Officers, warrant officers and enlisted personnel of the defense force serving this state during an emergency or war are eligible for retirement and enrollment on the state military retired list under the same conditions as apply to officers, warrant officers and enlisted personnel of the national guard.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.803 Officers; transfers to the inactive national guard; discharge upon resignation.

Sec. 403. An officer not being under charges may be transferred to the inactive national guard, as provided by federal law and regulation, on his own application, or upon acceptance of his resignation he may be discharged.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.805 Retired national guard officers; enrollment on military retirement list.

Sec. 405. An officer who has served in the national guard, upon honorable retirement from active service whether on his own application or otherwise, may be carried on the state military retired list maintained in the office of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.806 Retired personnel; return to active service, removal from military retirement list.

Sec. 406. If due to a change of physical condition or a change in federal law, rule or regulation, a retired person again becomes eligible for service in the Michigan national guard or defense forces, and for federal recognition in the case of officers, and becomes active in the Michigan national guard or defense force, his name shall be removed from the retired list without prejudice to him.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.807 Retired personnel; pay or emoluments; recall to active duty; restoration to retirement status.

Sec. 407. Except as otherwise provided in this act, no person on the state military retired list is entitled to receive any pay or emolument from the state for military duty during the time he remains on the retired list. Nothing in this act shall be construed to prohibit the governor from recalling to active service an officer theretofore or hereafter retired or from temporarily removing the officer from the retired list for the purpose of recalling or recommissioning such officer for active service. The officer so recalled to active service or recommissioned shall be restored to his prior retirement status in the same or higher attained rank when he is relieved and applies for such retirement.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.809 Retired officers; eligibility for court detail or other specific temporary special duty; compensation; restoration to retirement status.

Sec. 409. Any retired officer is eligible for detail to any court constituted under orders of the governor and for any other specific temporary special duty for periods not to exceed 30 days without his consent when so ordered by the governor with pay and allowances of his rank when retired. His retired pay is suspended during the period he is serving on such special duty. The officer so recalled shall be restored to his prior retirement rank and status when relieved from such special duty.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.810 "Eligible surviving spouse" defined; retirement pay; survivor's benefit for eligible surviving spouse; retirement pay received from federal government for military service.

Sec. 410. (1) For purposes of this section, "eligible surviving spouse" means the person to whom the deceased officer or enlisted person was married preceding the death of the officer or enlisted person, or to whom the deceased retired officer or retired enlisted person was married at the time of retirement.

(2) An adjutant general or assistant adjutant general who retires or is relieved due to a new governor assuming office will receive pay and benefits as defined by section 306.

(3) If an adjutant general or assistant adjutant general who continues on special duty on or after the date the officer acquires 15 years of active service dies before retirement as provided in section 306 and subsection (2) and leaves an eligible surviving spouse, the eligible surviving spouse shall be paid a survivor's benefit equal to 67% of the retired pay to which the officer would have been authorized had the officer retired the day preceding death.

(4) If an adjutant general or assistant adjutant general who retires is receiving retirement pay as provided in section 306 and subsection (2) dies and leaves an eligible surviving spouse, the eligible surviving spouse shall begin receiving 50% of the retirement pay of the officer.

(5) Officers, other than the adjutant general and assistant adjutants general, who are appointed to state special duty prior to July 1, 2013 because of having reached the maximum age or because of federal law or regulation and retire shall receive retirement pay as provided in section 306. Retirement under this section requires not less than 20 years' active service with the national guard or state defense force, or both. Any retirement pay received from the federal government for military service shall be deducted when computing the amount received from this state. The deduction shall start on the first day of the month the person becomes eligible for federal retirement. Once established, the amount of the deduction shall not be changed.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1980, Act 145, Imd. Eff. June 5, 1980;—Am. 2013, Act 99, Imd. Eff. July 2, 2013.

32.811 Retirement on completion of not less than 20 years of active service; eligibility; annual amount; amount to be received by spouse upon death of person.

Sec. 411. (1) A person who has completed not less than 20 years of active service with the national guard or defense force, or both, may retire and receive retirement pay under 1 or more of the following circumstances:

(a) Attainment of 62 years of age.

(b) Ineligibility, because of federal law or regulation, for further federal recognition in the person's current grade because of age or length of service, and termination of the person's commission or enlistment in the national guard of the United States.

(c) Withdrawal of the person's federal recognition and termination of the person's commission or enlistment in the national guard of the United States because of physical disqualification from further service.

(d) Separation from the national guard or defense force under an honorable circumstance.

(2) A person who retires under subsection (1)(a) shall receive pay of \$600.00 per year. A person who retires under subsection (1)(b), (c), or (d) shall receive pay of \$600.00 per year upon reaching 55 years of age.

(3) Upon the death of a person who has completed not less than 20 years of active service with the national guard or defense force, or both, and who before his or her death met 1 of the circumstances described in subsection (1)(b), (c), or (d), or was still in active service, a surviving spouse shall receive \$500.00 per year until death.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1980, Act 280, Imd. Eff. Oct. 9, 1980;—Am. 1996, Act 497, Imd. Eff. Jan. 9, 1997;—Am. 2000, Act 472, Imd. Eff. Jan. 11, 2001.

32.815 Retirement pay; limitations on eligibility.

Sec. 415. Any person receiving retirement pay under the provisions of sections 306, 410 or 431 shall not be eligible for retirement pay under provisions of section 411.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.817 Active service; definition.

Sec. 417. For the purposes of establishing eligibility for retirement pay, "active service" shall consist of any of the following:

(a) Active service in the Michigan national guard or Michigan defense force as an officer or enlisted man or both.

(b) Federal service in response to a call or order of the president in time of declared national emergency when such service is not voluntary.

(c) Voluntary active duty in the service of the United States by members of the state military establishment, not in response to a call or order of the president in time of declared national emergency, shall be considered as active service only when such duty is in support of a national guard mission. Any fractional part of a year amounting to 6 months or more is counted as a complete year. Active service is terminated by an honorable separation from the Michigan national guard or defense force.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.821 Repealed. 2000, Act 427, Imd. Eff. Jan. 9, 2001.

Compiler's note: The repealed section pertained to special retirement board.

32.825 Retirement of full-time employees of military establishment; exceptions; state employees' retirement system.

Sec. 425. Full-time employees of the military establishment, except the adjutant general, the assistant adjutants general and persons holding other unclassified military positions, shall receive retirement as provided for in the Michigan state employees' retirement system.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.831 Previously retired personnel; retirement pay; deductions; service credits, accrual.

Sec. 431. The retired status of officers, warrant officers and enlisted personnel previously retired under the provisions of Act No. 84 of the Public Acts of 1909, as amended, being sections 32.1 to 32.85 of the Compiled Laws of 1948, shall be continued under the provisions of this act, but the rate of such retirement pay shall not be increased or decreased because of the provisions of this act. The deductions made from retirement pay by evidence of federal retirement as provided in section 49c of Act No. 84 of the Public Acts of 1909, as presently or subsequently established shall remain the same and shall not change the retirement pay received from the state. Personnel of the military establishment who, on the effective date of this act, have been members of the national guard or defense force or both for a period of not less than 15 years, shall receive service credits earned and shall continue to accrue credits for retirement purposes under the provisions of Act No. 84 of the Public Acts of 1909, as amended, which requires 10 years of actual duty service. Retirement compensation of warrant officers and enlisted men shall be computed in the same manner as retirement compensation of officers notwithstanding the provisions of section 49 of Act No. 84 of the Public Acts of 1909, being section 32.49 of the Compiled Laws of 1948. Those persons who have not had 15 years service with the national guard or defense force on the effective date of this act shall not continue to accrue service credits toward retirement under previous legislation unless they are full-time employees of the state military establishment as provided in this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.833 Transfer of officer, warrant officer or enlisted person to state civil service; election as to transfer of retirement credits; computation of retirement; forfeiture of other retirement.

Sec. 433. (1) An officer, warrant officer or enlisted person who enters a civilian position and is transferred to state civil service by virtue of this act and who has not less than 5 years of actual duty service as defined in Act No. 84 of the Public Acts of 1909, as amended, being sections 32.35 to 32.49c of the Michigan Compiled Laws, shall make a written statement within 60 days of the effective enactment date of this act, declaring whether he elects to remain under the military retirement system as outlined in Act No. 84 of the Public Acts of 1909, as amended, or transfer his retirement credits to the state employees' retirement system. Credits shall be so transferred without the employee being required to pay back employee costs and these credits shall be credited as employed years when computing retirement under the state employees' retirement system.

(2) An officer, warrant officer, or enlisted person who has not less than 5 years of actual duty service, having entered a position under state civil service before June 30, 1967, may transfer his retirement credits earned as of June 30, 1967 under Act No. 84 of the Public Acts of 1909, as amended, to the state employees' retirement system. A person making this election shall pay into the state employees' retirement system the same percentage of his basic military pay earned for the years being transferred as would be paid into the system if the same amount was earned as of the effective date of this act. Credits so transferred shall be credited as employed years when computing retirement under the state employees' retirement system. A person making this election will forfeit any retirement otherwise entitled to under this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967;—Am. 1975, Act 282, Imd. Eff. Nov. 26, 1975.

32.835 Retirement pay at age sixty; eligibility; deductions from state benefits.

Sec. 435. Those eligible on or after the effective date of this act as provided in Act No. 84 of the Public Acts of 1909, as amended, shall receive retirement pay upon reaching age 60, provided they have been separated from the national guard or defense force for age, physical reasons or as a result of federal law or regulation and such separation was honorable and not self-generated. Deduction from state benefits made on evidence at federal retirement as provided in section 49c of Act No. 84 of the Public Acts of 1909, as amended by Act No. 134 of the Public Acts of 1952, shall continue to be made.

History: 1967, Act 150, Imd. Eff. June 30, 1967.

32.851 Repeals.

Sec. 451. Sections 1 to 7, 7a, 7b, 7c, 8 to 33, 36 to 41, 43, 44, 45, 45a, 45c, 46, 47, 47a, 48, 50 to 53, 61 to 66, 68 to 81, 83 and 85 of Act No. 84 of the Public Acts of 1909, as amended, being sections 32.1 to 32.7, 32.7a, 32.7b, 32.7c, 32.8 to 32.33, 32.36 to 32.41, 32.43, 32.44, 32.45, 32.45a, 32.45c, 32.46, 32.47, 32.47a, 32.48, 32.50 to 32.53, 32.61 to 32.66, 32.68 to 32.81, 32.83 and 32.85 of the Compiled Laws of 1948, Act No. 237 of the Public Acts of 1909, being section 32.141 of the Compiled Laws of 1948, Act No. 198 of the Public Acts of 1909, being section 32.121 of the Compiled Laws of 1948, Act No. 174 of the Public Acts of 1909, being sections 32.151 to 32.153 of the Compiled Laws of 1948, Act No. 200 of the Public Acts of 1909, being section 32.171 of the Compiled Laws of 1948, Act No. 7 of the Public Acts of 1912, being sections 32.191 to 32.195 of the Compiled Laws of 1948, Act No. 6 of the Public Acts of 1899, being section 32.201 of the Compiled Laws of 1948, Act No. 250 of the Public Acts of 1915, being sections 32.211 and 32.212 of the Compiled Laws of 1948, section 4 of Act No. 172 of the Public Acts of 1913, as amended by Act No. 31 of the Public Acts of 1952, being section 32.224 of the Compiled Laws of 1948 and Act No. 345 of the Public Acts of 1927, being sections 32.251 to 32.256 of the Compiled Laws of 1948, are repealed.

History: 1967, Act 150, Imd. Eff. June 30, 1967.