
By: **Delegates G. Clagett, Boschert, Costa, Jennings, Parrott, Proctor,
Rudolph, Smigiel, Sossi, and Wood**

Introduced and read first time: February 10, 2005

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Civilian Pilots of the Department of State Police - Military Service Credit**

3 FOR the purpose of authorizing civilian pilots of the Department of State Police to
4 receive military service credit for certain service for which the member will
5 receive other retirement benefits; and generally relating to military service
6 credit for civilian pilots of the Department of State Police.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 38-104
10 Annotated Code of Maryland
11 (2004 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - State Personnel and Pensions**

15 38-104.

16 (a) Except as provided in subsection (b) of this section, a member of a State
17 system, who has not met the conditions set forth in § 38-103(a)(2) through (4) of this
18 subtitle, is entitled to receive service credit for military service only on the attainment
19 of 10 years of creditable service.

20 (b) (1) A member of a State system may not receive credit for that military
21 service if the member receives credit for military service from another retirement
22 system for which retirement benefits have been or will be received by the member.

23 (2) Paragraph (1) of this subsection does not apply to:

24 (i) credit for military service provided under:

25 1. the Social Security Act;

UNOFFICIAL COPY OF HOUSE BILL 961

1 2. the National Railroad Retirement Act; or

2 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737
3 of the United States Code; [or]

4 (ii) disability payments from a pension or retirement system; OR

5 (III) A CIVILIAN PILOT WHO WAS HIRED TO OPERATE AN AIRCRAFT
6 BY THE DEPARTMENT OF STATE POLICE.

7 (3) (i) Military service credit under this section may not exceed 5
8 years.

9 (ii) Subject to subparagraph (i) of this paragraph, a member of the
10 Maryland National Guard who has not been activated under Title 10 of the United
11 States Code, shall receive service credit at the rate of 4 months for each full year of
12 service with the Maryland National Guard, not to exceed a total of 36 months.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2005.