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By: **Delegates G. Clagett, Aumann, Barkley, Bohanan, Boschert, Brown, Cadden, Cluster, Conroy, C. Davis, DeBoy, Donoghue, Edwards, Frank, Haynes, James, Jennings, Jones, Levy, Love, Madaleno, McHale, Paige, Proctor, Sossi, Stull, and Weldon**

Introduced and read first time: February 6, 2006

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Military Service Credit - Eligibility**

3 FOR the purpose of repealing certain limitations and certain exceptions for members  
4 of the State Retirement and Pension System receiving credit for certain military  
5 service credit; and generally relating to members of the State Retirement and  
6 Pension System receiving military service credit.

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 and 2005 Supplement)

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] A member of a  
17 State system, who has not met the conditions set forth in § 38-103(a)(2) through (4) of  
18 this subtitle, is entitled to receive service credit for military service only on the  
19 attainment 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:

- 1                                   1.       the Social Security Act;
- 2                                   2.       the National Railroad Retirement Act; or
- 3                                   3.       Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737
- 4 of the United States Code; or
- 5                                   (ii)     disability payments from a pension or retirement system.
- 6                   (3)]     (i)     Military service credit under this section may not exceed 5
- 7 years.
- 8                                   (ii)     Subject to subparagraph (i) of this paragraph, a member of the
- 9 Maryland National Guard who has not been activated under Title 10 of the United
- 10 States Code, shall receive service credit at the rate of 4 months for each full year of
- 11 service with the Maryland National Guard, not to exceed a total of 36 months.

12     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2006.