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By: **Delegates McKee and Shank**  
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 - National Guard Membership**

3 FOR the purpose of authorizing certain members of the State retirement and pension  
4 systems to receive service credit for military service as a member of the  
5 Delaware, District of Columbia, Pennsylvania, Virginia, or West Virginia  
6 National Guard; providing for a certain limit to the military service credit;  
7 altering a certain definition; and generally relating to military service credit for  
8 members of the Delaware, District of Columbia, Pennsylvania, Virginia, and  
9 West Virginia National Guard.

10 BY repealing and reenacting, with amendments,  
11 Article - State Personnel and Pensions  
12 Section 38-101(d) and 38-104  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2005 Supplement)

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

17 **Article - State Personnel and Pensions**

18 38-101.

19 (d) "Military service" means:

20 (1) induction into the armed forces of the United States for training and  
21 service under the Selective Training and Service Act of 1940 or a subsequent act of a  
22 similar nature;

23 (2) membership in a reserve component of the armed forces of the United  
24 States on active duty or ordered or assigned to active duty;

25 (3) enlistment into the armed forces of the United States;

26 (4) membership in the [Maryland] FOLLOWING National [Guard]

27 GUARDS:

- 1 (I) MARYLAND;
- 2 (II) DELAWARE;
- 3 (III) DISTRICT OF COLUMBIA;
- 4 (IV) PENNSYLVANIA;
- 5 (V) VIRGINIA; OR
- 6 (VI) WEST VIRGINIA; or

7 (5) with respect to a person separated from employment on or after July  
8 1, 1991, active duty with the commissioned corps of the Public Health Service, the  
9 National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey  
10 from:

- 11 (i) December 7, 1941, to December 31, 1946, both inclusive;
- 12 (ii) June 25, 1950, to January 31, 1955, both inclusive; or
- 13 (iii) December 22, 1961, to May 7, 1975, both inclusive.

14 38-104.

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

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

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

23 (i) credit for military service provided under:

- 24 1. the Social Security Act;
- 25 2. the National Railroad Retirement Act; or
- 26 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737  
27 of the United States Code; or

28 (ii) disability payments from a pension or retirement system.

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

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

5                   (III)       SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, FOR  
6 MILITARY SERVICE WITH THE DELAWARE, DISTRICT OF COLUMBIA, PENNSYLVANIA,  
7 VIRGINIA, OR WEST VIRGINIA NATIONAL GUARD, A MEMBER SHALL RECEIVE  
8 SERVICE CREDIT AT THE RATE OF 4 MONTHS FOR EACH FULL YEAR OF SERVICE WITH  
9 THE DELAWARE, DISTRICT OF COLUMBIA, PENNSYLVANIA, VIRGINIA, OR WEST  
10 VIRGINIA NATIONAL GUARD, NOT TO EXCEED A TOTAL OF 12 MONTHS.

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