
By: Senator Boozer

Introduced and read first time: January 9, 1997

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Military Service Credit - Membership in Maryland National Guard**

3 FOR the purpose of authorizing certain members of State and local retirement and
4 pension systems to receive service credit for military service as a member of the
5 Maryland National Guard; and providing for a certain limit to the military service
6 credit.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 38-101(d), 38-103(d), and 38-104
10 Annotated Code of Maryland
11 (1994 Volume and 1996 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 38-101.

16 (d) "Military service" means:

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

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

22 (3) enlistment into the armed forces of the United States; [or]

23 (4) MEMBERSHIP IN THE MARYLAND NATIONAL GUARD; OR

24 [(4)] (5) with respect to a person separated from employment on or after
25 July 1, 1991, active duty with the commissioned corps of the Public Health Service, the
26 National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey
27 from:

28 (i) December 7, 1941, to December 31, 1946, both inclusive;

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1 (ii) June 25, 1950, to January 31, 1955, both inclusive; or

2 (iii) December 22, 1961, to May 7, 1975, both inclusive.

3 38-103.

4 (d) (1) Subject to paragraph (2) of this subsection, a member of a State or local
5 retirement or pension system shall receive service credit for a period of absence from
6 employment while in military service if:

7 (i) the employment of the member under subsection (a)(2) of this
8 section is active or the employee is reinstated as a regular employee on a leave of
9 absence; and

10 (ii) membership in a State or local retirement or pension system is a
11 requirement of employment.

12 (2) (I) [For] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
13 PARAGRAPH, FOR an absence for military service on or after January 1, 1946, service
14 credit for the military service may not exceed 5 years.

15 (II) FOR MILITARY SERVICE WITH THE MARYLAND NATIONAL
16 GUARD, A MEMBER SHALL RECEIVE SERVICE CREDIT AT THE RATE OF 4 MONTHS
17 FOR EACH FULL YEAR OF SERVICE WITH THE MARYLAND NATIONAL GUARD, NOT
18 TO EXCEED A TOTAL OF 36 MONTHS.

19 38-104.

20 (a) Except as provided in subsection (b) of this section, a member of a State
21 system, who has not met the conditions set forth in § 38-103(a)(2) through (4) of this
22 subtitle, is entitled to receive service credit for military service only on the attainment of
23 10 years of creditable service.

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

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

28 (i) credit for military service provided under:

29 1. the Social Security Act;

30 2. the National Railroad Retirement Act; or

31 3. Title 3 or Title 10, Chapter 67, §§ 1331 through 1337 of the
32 United States Code; or

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

34 (3) (I) [Military] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
35 THIS PARAGRAPH, MILITARY service credit under this section may not exceed 5 years.

36 (II) FOR MILITARY SERVICE WITH THE MARYLAND NATIONAL
37 GUARD, A MEMBER SHALL RECEIVE SERVICE CREDIT AT THE RATE OF 4 MONTHS

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1 FOR EACH FULL YEAR OF SERVICE WITH THE MARYLAND NATIONAL GUARD, NOT
2 TO EXCEED A TOTAL OF 36 MONTHS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 1997.