

HOUSE BILL 251

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SB 119/97 - B&T

1998 Regular Session  
8lr0183  
CF 8lr0275

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By: **Delegates Conway, Bozman, McClenahan, Rudolph, W. Baker, and Hutchins**

Introduced and read first time: January 28, 1998  
Assigned to: Appropriations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 25, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Military Service Credit - Membership in ~~Maryland~~ the 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~~ a unit of the National Guard; and providing for a certain limit to the  
6 military service 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 (1997 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 38-101.

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;

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

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

4 (4) MEMBERSHIP IN ~~THE MARYLAND~~ A UNIT OF THE NATIONAL GUARD;  
5 OR

6 [(4)] (5) with respect to a person separated from employment on or after  
7 July 1, 1991, active duty with the commissioned corps of the Public Health Service,  
8 the National Oceanic and Atmospheric Administration, or the Coast and Geodetic  
9 Survey from:

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

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

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

13 38-103.

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

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

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

22 (2) (I) For an absence for military service on or after January 1, 1946,  
23 service credit for the military service may not exceed 5 years.

24 (II) SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, FOR  
25 MILITARY SERVICE WITH ~~THE MARYLAND~~ A UNIT OF THE NATIONAL GUARD WHILE  
26 THE MEMBER WAS A MEMBER OF A STATE OR LOCAL RETIREMENT OR PENSION  
27 SYSTEM, A MEMBER SHALL RECEIVE SERVICE CREDIT AT THE RATE OF 4 MONTHS  
28 FOR EACH FULL YEAR OF SERVICE WITH ~~THE MARYLAND~~ A UNIT OF THE NATIONAL  
29 GUARD, NOT TO EXCEED A TOTAL OF 36 MONTHS.

30 38-104.

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

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

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

5 (i) credit for military service provided under:

6 1. the Social Security Act;

7 2. the National Railroad Retirement Act; or

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

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

11 (3) (I) Military service credit under this section may not exceed 5  
12 years.

13 (II) SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, FOR  
14 MILITARY SERVICE WITH ~~THE MARYLAND~~ A UNIT OF THE NATIONAL GUARD WHILE  
15 THE MEMBER WAS A MEMBER OF A STATE OR LOCAL RETIREMENT OR PENSION  
16 SYSTEM, A MEMBER SHALL RECEIVE SERVICE CREDIT AT THE RATE OF 4 MONTHS  
17 FOR EACH FULL YEAR OF SERVICE WITH ~~THE MARYLAND~~ A UNIT OF THE NATIONAL  
18 GUARD, NOT TO EXCEED A TOTAL OF 36 MONTHS.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 1998.