(PRE-FILED)

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By: **Senators Stone and Bromwell**
Requested: October 28, 1999
Introduced and read first time: January 12, 2000
Assigned to: Budget and Taxation

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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
6   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 and 1999 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,

1 the National Oceanic and Atmospheric Administration, or the Coast and Geodetic
2 Survey from:

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

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

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

6 38-103.

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

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

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

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

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

22 38-104.

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

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

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

31   (i)   credit for military service provided under:

32   1.   the Social Security Act;

33   2.   the National Railroad Retirement Act; or

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

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

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

6   (II)   FOR MILITARY SERVICE WITH THE MARYLAND NATIONAL
7 GUARD, A MEMBER SHALL RECEIVE SERVICE CREDIT AT THE RATE OF 4 MONTHS FOR
8 EACH FULL YEAR OF SERVICE WITH THE MARYLAND NATIONAL GUARD, NOT TO
9 EXCEED A TOTAL OF 36 MONTHS.

10   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2000.