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By: **Delegates Klausmeier, Redmer, and Ports**

Rules suspended

Introduced and read first time: March 13, 2001

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Military Service Credit - Membership in a Reserve Component of the Armed**  
3 **Forces of the United States**

4 FOR the purpose of authorizing certain members of the State retirement and pension  
5 systems to receive a certain amount of service credit for military service as a  
6 member of a reserve component of the armed forces of the United States; and  
7 generally relating to service credit in the State retirement and pension systems  
8 for military service.

9 BY repealing and reenacting, with amendments,  
10 Article - State Personnel and Pensions  
11 Section 38-104  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 2000 Supplement)

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

16 **Article - State Personnel and Pensions**

17 38-104.

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

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

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

26 (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 67, §§ 1331 through 1337 of the  
4 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, for military  
9 service with the Maryland National Guard OR A RESERVE COMPONENT OF THE  
10 ARMED FORCES OF THE UNITED STATES, a member shall receive service credit at the  
11 rate of 4 months for each full year of service with the Maryland National Guard OR  
12 THE RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, not to  
13 exceed a total of 36 months.

14       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2001.