

HOUSE BILL 23

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2002 Regular Session
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(PRE-FILED)

By: **Delegates K. Kelly, Taylor, Edwards, and Boschert**

Requested: August 23, 2001

Introduced and read first time: January 9, 2002

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Pensions - Military Service Credit - Membership in United States Reserves**

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

7 BY repealing and reenacting, without amendments,
8 Article - State Personnel and Pensions
9 Section 38-101
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Personnel and Pensions
14 Section 38-104
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2001 Supplement)

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

19 **Article - State Personnel and Pensions**

20 38-101.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) "Accumulated contributions":

23 (1) when used in relation to a State system, has the meaning stated in §
24 20-101 of this article; and

1 (2) when used in relation to a local retirement or pension system, has the
2 meaning most closely analogous to the meaning stated in § 20-101 of this article
3 within the context of the local retirement or pension system.

4 (c) "Member":

5 (1) when used in relation to a State system, has the meaning stated in §
6 20-101 of this article; and

7 (2) when used in relation to a local retirement or pension system, has the
8 meaning most closely analogous to the meaning stated in § 20-101 of this article
9 within the context of the local retirement or pension system.

10 (d) "Military service" means:

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

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

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

17 (4) membership in the Maryland National Guard; or

18 (5) with respect to a person separated from employment on or after July
19 1, 1991, active duty with the commissioned corps of the Public Health Service, the
20 National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey
21 from:

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

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

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

25 (e) "Regular interest":

26 (1) when used in relation to a State system, has the meaning stated in §
27 20-101 of this article; and

28 (2) when used in relation to a local retirement or pension system, has the
29 meaning most closely analogous to the meaning stated in § 20-101 of this article
30 within the context of the local retirement or pension system.

31 (f) "State or local retirement or pension system" means a retirement or
32 pension system operated under the laws of the State or a political subdivision of the
33 State.

1 (g) "State system" means a retirement or pension system that is included in
2 the State Retirement and Pension System under § 21-102 of this article other than
3 the Legislative Pension Plan except to the extent provided by the joint resolution
4 submitted to the General Assembly by the General Assembly Compensation
5 Commission under Article III, § 15 of the Maryland Constitution.

6 38-104.

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

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

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

15 (i) credit for military service provided under:

16 1. the Social Security Act;

17 2. the National Railroad Retirement Act; or

18 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737
19 of the United States Code; or

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

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

23 (ii) Subject to subparagraph (i) of this paragraph, for military
24 service with the Maryland National Guard OR A RESERVE COMPONENT OF THE
25 ARMED FORCES OF THE UNITED STATES, a member shall receive service credit at the
26 rate of 4 months for each full year of service with the Maryland National Guard OR A
27 RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, not to
28 exceed a total of 36 months.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2002.