
By: **Delegates Mohorovic, Barkley, Benson, Bohanan, Boutin, Burns, Conroy, Edwards, Elliott, Finifter, Flanagan, Hecht, Heller, Howard, Hubers, Hurson, James, Kach, Love, Malone, Mandel, Minnick, Montague, Owings, Parrott, Pitkin, Morhaim, Riley, Rudolph, Rzepkowski, Shank, Snodgrass, Sophocleus, Stocksdale, Weir, Wood, Zirkin, Nathan-Pulliam, Amedori, Glassman, McKee, Kelly, Bartlett, Getty, and Donoghue**

Introduced and read first time: January 24, 2002
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing certain members of the State retirement and pension
4 systems to receive service credit for military service as a member of the
5 Delaware, District of Columbia, Pennsylvania, Virginia, or West Virginia
6 National Guard; providing for a certain limit to the military service credit;
7 altering a certain definition; and generally relating to military service credit for
8 members of the Delaware, District of Columbia, Pennsylvania, Virginia, and
9 West Virginia National Guard.

10 BY repealing and reenacting, with amendments,
11 Article - State Personnel and Pensions
12 Section 38-101(d) and 38-104
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2001 Supplement)

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

17 **Article - State Personnel and Pensions**

18 38-101.

19 (d) "Military service" means:

20 (1) induction into the armed forces of the United States for training and
21 service under the Selective Training and Service Act of 1940 or a subsequent act of a
22 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;

4 (4) membership in the [Maryland] FOLLOWING National [Guard]

5 GUARDS:

6 (I) MARYLAND;

7 (II) DELAWARE;

8 (III) DISTRICT OF COLUMBIA;

9 (IV) PENNSYLVANIA;

10 (V) VIRGINIA; OR

11 (VI) WEST VIRGINIA; or

12 (5) with respect to a person separated from employment on or after July
13 1, 1991, active duty with the commissioned corps of the Public Health Service, the
14 National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey
15 from:

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

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

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

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
23 of 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
26 system 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

