
By: **Delegates McClenahan, Bozman, Conway, and W. Baker**
Introduced and read first time: February 11, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Retirement and Pensions - Military Service Credit - Membership in the**
3 **United States Coast Guard**

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

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

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

15 **Article - State Personnel and Pensions**

16 38-104.

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

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

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

25 (i) credit for military service provided under:

26 1. the Social Security Act;

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1 2. the National Railroad Retirement Act; or
2 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737
3 of the United States Code; or

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

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

7 (ii) Subject to subparagraph (i) of this paragraph, for military
8 service with the Maryland National Guard OR A RESERVE COMPONENT OF THE
9 UNITED STATES COAST GUARD, a member shall receive service credit at the rate of 4
10 months for each full year of service with the Maryland National Guard OR A RESERVE
11 COMPONENT OF THE UNITED STATES COAST GUARD, not to exceed a total of 36
12 months.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect July 1, 2002.