

SENATE BILL 34

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2002 Regular Session
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(PRE-FILED)

By: **Senator Haines**

Requested: October 9, 2001

Introduced and read first time: January 9, 2002

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing certain individuals who are members or retirees of
4 the State retirement or pension systems on or after a certain date, to receive
5 service credit for certain military service for which the individual will receive
6 other retirement benefits; requiring certain individuals who are retirees of the
7 State retirement or pension systems on or after a certain date, to file an
8 application with the State Retirement Agency by a certain date in order to
9 receive service credit for certain military service for which the individual will
10 receive other retirement benefits; exempting certain military service for which
11 certain retirees may receive other retirement benefits; and generally relating to
12 military service credit for members or retirees of the State retirement or pension
13 systems.

14 BY repealing and reenacting, without amendments,
15 Article - State Personnel and Pensions
16 Section 38-104
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 2001 Supplement)

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

21 **Article - State Personnel and Pensions**

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.

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

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

5 (i) credit for military service provided under:

6 1. the Social Security Act;

7 2. the National Railroad Retirement Act; or

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

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

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

13 (ii) Subject to subparagraph (i) of this paragraph, for military
14 service with the Maryland National Guard, a member shall receive service credit at
15 the rate of 4 months for each full year of service with the Maryland National Guard,
16 not to exceed a total of 36 months.

17 SECTION 2. AND BE IT FURTHER ENACTED, That:

18 (1) Section 38-104(b)(3)(ii) of the State Personnel and Pensions Article
19 shall be construed retroactively and shall be applied to and interpreted to affect any
20 individual who was a member of a State retirement or pension system on or after
21 December 31, 1996; and

22 (2) an individual who retired from a State retirement or pension system
23 after December 31, 1996 and before July 1, 2000, is entitled to receive service credit
24 as provided by § 38-104(b)(3)(ii) of the State Personnel and Pensions Article, if:

25 (i) the individual files an application for the service credit with the
26 State Retirement Agency on or before December 31, 2002; and

27 (ii) the individual's military service credit with the Maryland
28 National Guard was acquired before the individual's date of retirement.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2002.