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By: **Senator Mooney**  
Introduced and read first time: February 1, 2002  
Assigned to: Budget and Taxation

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 12, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Retirement and Pensions - Maryland National Guard - Service Credit**

3 FOR the purpose of authorizing certain members of a State retirement or pension  
4 system to receive service credit for military service as a member of the Maryland  
5 National Guard in either active or inactive duty; and generally relating to  
6 service credit in a State retirement or pension system for military service.

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

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

14 **Article - State Personnel and Pensions**

15 38-104.

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

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

- 1           (2)     Paragraph (1) of this subsection does not apply to:
- 2                   (i)     credit for military service provided under:
- 3                           1.     the Social Security Act;
- 4                           2.     the National Railroad Retirement Act; or
- 5                           3.     Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737
- 6 of the United States Code; or
- 7                   (ii)    disability payments from a pension or retirement system.
- 8           (3)     (i)     Military service credit under this section may not exceed 5
- 9 years.
- 10                   (ii)    1.     THIS ITEM APPLIES TO A MEMBER OF THE MARYLAND
- 11 NATIONAL GUARD WHO IS IN EITHER ACTIVE OR INACTIVE DUTY.
- 12                           2.     Subject to subparagraph (i) of this paragraph, for military
- 13 service with the Maryland National Guard, a member shall receive service credit at
- 14 the rate of 4 months for each full year of service with the Maryland National Guard,
- 15 not to exceed a total of 36 months.

16     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

17 July 1, 2002.