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2002 Regular Session 2lr2463

By: Senator Jimeno Introduced and read first time: February 1, 2002 Assigned to: Budget and Taxation A BILL ENTITLED 1 AN ACT concerning 2 Retirement and Pensions - Military Service Credit 3 FOR the purpose of removing the restriction that a member of a State retirement or pension system may not receive credit for certain military service; allowing 4 5 certain retirees to have their retirement allowances recalculated to include 6 credit for certain military service; and generally relating to military service credit for members and retirees of a State retirement or pension system. 7 BY repealing and reenacting, with amendments, 8 Article - State Personnel and Pensions 10 Section 38-104 11 Annotated Code of Maryland 12 (1997 Replacement Volume and 2001 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 13 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 [A member of a State system may not receive credit for that military (b) 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:

credit for military service provided under:

the Social Security Act;

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1		2.	the National Railroad Retirement Act; or
2 3	of the United States Code; of	3.	Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737
4	(ii)	disabili	ty payments from a pension or retirement system.
5 6	(3) (i)] years.	Militar	y service credit under this section may not exceed 5
9	[(ii)] (2) Subject to [subparagraph (i) of this] paragraph (1) OF THIS SUBSECTION, for military service with the Maryland National Guard, a member shall receive service credit at the rate of 4 months for each full year of service with the Maryland National Guard, not to exceed a total of 36 months.		
11	SECTION 2. AND BE	IT FURTH	IER ENACTED, That:
12 13	(a) Any retiree re pension system may have t	_	etirement allowance from a State retirement or acce recalculated if:
16	(1) prior to retirement, the retiree did not receive credit for military service because the retiree received credit for that military service from another retirement system for which retirement benefits have been or will be received by the retiree; and		
18 19	(2) the roor before June 30, 2003.	etiree files a	an application with the State Retirement Agency on
20 21			etiree's allowance shall include credit for any was previously unable to receive credit.
22 23	SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2002.		