

HOUSE BILL 508

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HB 319/02 - APP

2003 Regular Session  
3r1436

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By: **Delegates Shank, Bartlett, Donoghue, Edwards, Elliott, Glassman,  
Kelly, McKee, Myers, Sophocleus, Stull, and Weldon**

Introduced and read first time: February 6, 2003

Assigned to: Appropriations

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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 2002 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;

23 (2) membership in a reserve component of the armed forces of the United  
24 States on active duty or ordered or assigned to active duty;

25 (3) enlistment into the armed forces of the United States;

1 (4) membership in the [Maryland] FOLLOWING National [Guard]  
2 GUARDS:

- 3 (I) MARYLAND;
- 4 (II) DELAWARE;
- 5 (III) DISTRICT OF COLUMBIA;
- 6 (IV) PENNSYLVANIA;
- 7 (V) VIRGINIA; OR
- 8 (VI) WEST VIRGINIA; or

9 (5) with respect to a person separated from employment on or after July  
10 1, 1991, active duty with the commissioned corps of the Public Health Service, the  
11 National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey  
12 from:

- 13 (i) December 7, 1941, to December 31, 1946, both inclusive;
- 14 (ii) June 25, 1950, to January 31, 1955, both inclusive; or
- 15 (iii) December 22, 1961, to May 7, 1975, both inclusive.

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;
  - 27 2. the National Railroad Retirement Act; or
  - 28 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737  
29 of the United States Code; or
- 30 (ii) disability payments from a pension or retirement system.

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

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

7                               (III)       SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, FOR  
8 MILITARY SERVICE WITH THE DELAWARE, DISTRICT OF COLUMBIA, PENNSYLVANIA,  
9 VIRGINIA, OR WEST VIRGINIA NATIONAL GUARD, A MEMBER SHALL RECEIVE  
10 SERVICE CREDIT AT THE RATE OF 4 MONTHS FOR EACH FULL YEAR OF SERVICE WITH  
11 THE DELAWARE, DISTRICT OF COLUMBIA, PENNSYLVANIA, VIRGINIA, OR WEST  
12 VIRGINIA NATIONAL GUARD, NOT TO EXCEED A TOTAL OF 12 MONTHS.

13       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2003.