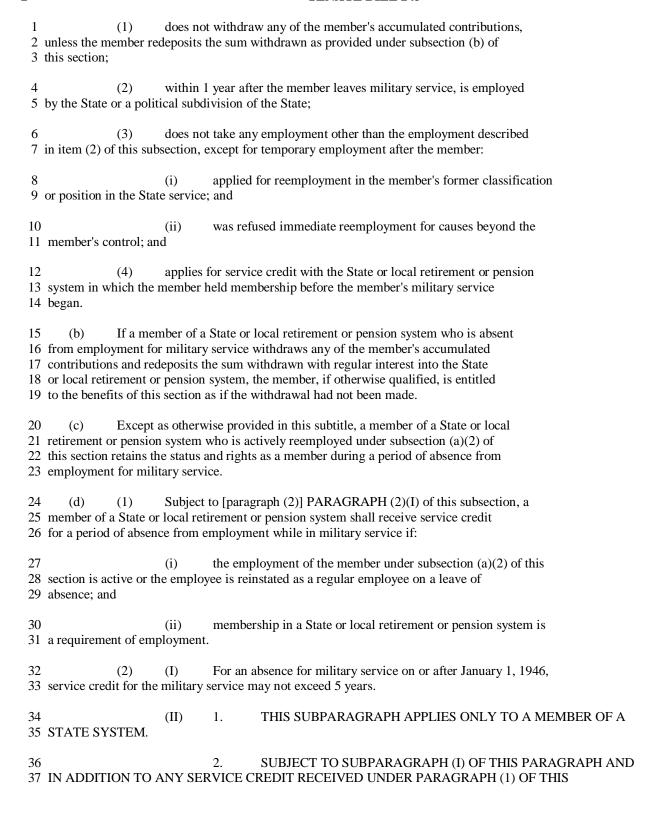
Unofficial Copy K4 2003 Regular Session 3lr0802 CF 3lr2179

By: Senator Mooney Introduced and read first time: January 30, 2003 Assigned to: Budget and Taxation Committee Report: Favorable Senate action: Adopted Read second time: February 20, 2003	
1	AN ACT concerning
2 3	State Retirement and Pension System - Military Service Credit - Maryland National Guard Members
4 5 6 7 8 9 10	FOR the purpose of authorizing members of the State Retirement and Pension System who are members of the Maryland National Guard and activated under certain sections of the United States Code, to receive a certain amount of service credit under certain circumstances for military service as a member of the Maryland National Guard; providing for a certain limit to the military service credit; and generally relating to military service credit for members of the Maryland National Guard.
11 12 13 14 15	BY repealing and reenacting, with amendments, Article - State Personnel and Pensions Section 38-103 and 38-104 Annotated Code of Maryland (1997 Replacement Volume and 2002 Supplement)
16 17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
18	Article - State Personnel and Pensions
19	38-103.
20 21	(a) This section applies only to a member of a State or local retirement or pension system who:

SENATE BILL 245



SENATE BILL 245

- 1 SUBSECTION, A MEMBER OF THE MARYLAND NATIONAL GUARD WHO HAS BEEN 2 ACTIVATED UNDER TITLE 10 OF THE UNITED STATES CODE, SHALL RECEIVE SERVICE 3 CREDIT AT THE RATE OF 4 MONTHS FOR EACH FULL YEAR FOR MILITARY SERVICE, 4 NOT TO EXCEED A TOTAL OF 36 MONTHS. 5 A member of a State or local retirement or pension system who receives (e) 6 service credit for military service under this section may transfer the credit to another 7 State or local retirement or pension system. 8 38-104. 9 (a) Except as provided in subsection (b) of this section, a member of a State 10 system, who has not met the conditions set forth in § 38-103(a)(2) through (4) of this 11 subtitle, is entitled to receive service credit for military service only on the attainment 12 of 10 years of creditable service. 13 (b) (1) A member of a State system may not receive credit for that military 14 service if the member receives credit for military service from another retirement 15 system for which retirement benefits have been or will be received by the member. 16 (2)Paragraph (1) of this subsection does not apply to: 17 (i) credit for military service provided under: 18 1. the Social Security Act; 19 2. the National Railroad Retirement Act; or 20 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737 21 of the United States Code; or 22 (ii) disability payments from a pension or retirement system. 23 Military service credit under this section may not exceed 5 (3) (i) 24 years. Subject to subparagraph (i) of this paragraph, [for military 25 (ii)
- 26 service with the Maryland National Guard, a member OF THE MARYLAND
- 27 NATIONAL GUARD WHO HAS NOT BEEN ACTIVATED UNDER TITLE 10 OF THE UNITED
- 28 STATES CODE, shall receive service credit at the rate of 4 months for each full year of
- 29 service with the Maryland National Guard, not to exceed a total of 36 months.
- 30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 31 July 1, 2003.