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2004 Regular Session 4lr0730 CF 4lr0728

By: Delegates Cadden, V. Clagett, Love, and Sophocleus Introduced and read first time: January 23, 2004 Assigned to: Ways and Means A BILL ENTITLED 1 AN ACT concerning 2 Teachers' Pension System - Former Members - Military Service Credit 3 FOR the purpose of allowing certain former members to receive service credit in the Teachers' Pension System for military service; requiring certain former 4 5 members to complete certain claims and submit certain forms to the Board of 6 Trustees by a certain date; and generally relating to military service credit for former members of the Teachers' Pension System. 7 BY repealing and reenacting, without amendments, 8 Article - State Personnel and Pensions 10 Section 38-104 11 Annotated Code of Maryland 12 (1997 Replacement Volume and 2003 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: 25 credit for military service provided under: (i)

the Social Security Act;

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1				2.	the National Railroad Retir	rement Act; or	
2 3	of the United	l States C	Code; or	3.	Title 3 or Title 10, Chapter	1223, §§ 12731 through 1	2737
4			(ii)	disabilit	payments from a pension	or retirement system.	
5 6	years.	(3)	(i)	Military	service credit under this sec	ction may not exceed 5	
9	(ii) Subject to subparagraph (i) of this paragraph, a member of the Maryland National Guard who has not been activated under Title 10 of the United States Code, 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 FURTHER ENACTED, That:						
12 13	(a) This section applies to any former member of the Teachers' Pension System who:						
14 15	1985;	(1)	was emp	oloyed by	the Department of Agricult	ture on or after July 1,	
16		(2)	left State	e employ	ment on or after June 30, 19	97;	
17 18	service cred	(3) it in the T			tate employment had earned System; and	d at least 12 years of	
19 20	after leaving	(4) g State en			e of the United States for a p	period of at least 3 years	
	(b) service cred Article.				ibed in subsection (a) of thi § 38-104 of the State Person		
24 25	* *				or military service as provid 2004, a former member sha		
26 27					for the military credit and for sprovides; and	ile it with the Board of	
28 29	the former n	(2) nember's			military forms to the Board	d of Trustees to verify	
30 31	SECTION July 1, 2004		D BE IT	FURTHI	ER ENACTED, That this A	ct shall take effect	