

HOUSE BILL 235

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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

Reassigned: Appropriations, January 28, 2004

Committee Report: Favorable

House action: Adopted

Read second time: April 10, 2004

CHAPTER _____

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
4 Teachers' Pension System for military service; requiring certain former
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
7 former members of the Teachers' Pension System.

8 BY repealing and reenacting, without amendments,
9 Article - State Personnel and Pensions
10 Section 38-104
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
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.

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

4 (2) Paragraph (1) of this subsection does not apply to:

5 (i) credit for military service provided under:

6 1. the Social Security Act;

7 2. the National Railroad Retirement Act; or

8 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737
9 of the United States Code; or

10 (ii) disability payments from a pension or retirement system.

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

13 (ii) Subject to subparagraph (i) of this paragraph, a member of the
14 Maryland National Guard who has not been activated under Title 10 of the United
15 States Code, shall receive service credit at the rate of 4 months for each full year of
16 service with the Maryland National Guard, not to exceed a total of 36 months.

17 SECTION 2. AND BE IT FURTHER ENACTED, That:

18 (a) This section applies to any former member of the Teachers' Pension System
19 who:

20 (1) was employed by the Department of Agriculture on or after July 1,
21 1985;

22 (2) left State employment on or after June 30, 1997;

23 (3) prior to leaving State employment had earned at least 12 years of
24 service credit in the Teachers' Pension System; and

25 (4) was living outside of the United States for a period of at least 3 years
26 after leaving State employment.

27 (b) Any former member described in subsection (a) of this section may receive
28 service credit for military service under § 38-104 of the State Personnel and Pensions
29 Article.

30 (c) To receive service credit for military service as provided in subsection (b) of
31 this section, on or before December 31, 2004, a former member shall:

32 (1) complete a claim for the military credit and file it with the Board of
33 Trustees on a form the Board of Trustees provides; and

1 (2) submit the proper military forms to the Board of Trustees to verify
2 the former member's military service.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2004.