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By: **Senator Miller**

Introduced and read first time: February 4, 2005

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 4, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **~~State Retirement and Pension System~~ Judges' Retirement System - Military**  
 3 **Service**

4 FOR the purpose of providing that certain members of the ~~State Retirement and~~  
 5 ~~Pension System~~ Judges' Retirement System may receive service credit for  
 6 military service only after accruing a certain number of years of creditable  
 7 service; and generally relating to members of the ~~State Retirement and Pension~~  
 8 ~~System~~ Judges' Retirement System receiving service credit for military service.

9 BY repealing and reenacting, with amendments,  
 10 Article - State Personnel and Pensions  
 11 Section 38-104  
 12 Annotated Code of Maryland  
 13 (2004 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Personnel and Pensions**

17 38-104.

18 (a) Except as provided in ~~subsection (b)~~ SUBSECTIONS (B) AND (C) of this  
 19 section, a member of a State system, who has not met the conditions set forth in §  
 20 38-103(a)(2) through (4) of this subtitle, is entitled to receive service credit for  
 21 military service only on the attainment of ~~{10}~~ 8 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 (C) A MEMBER OF THE JUDGES' RETIREMENT SYSTEM WHO HAS NOT MET THE  
18 CONDITIONS SET FORTH IN § 38-103(A)(2) THROUGH (4) OF THIS SUBTITLE IS  
19 ENTITLED TO RECEIVE SERVICE CREDIT FOR MILITARY SERVICE ONLY ON THE  
20 ATTAINMENT OF 8 YEARS OF CREDITABLE SERVICE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2005.