

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 777
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after the semicolon insert “providing for a delayed effective date for certain provisions of this Act;”; and after line 16, insert:

“BY repealing and reenacting, with amendments,

Article - State Personnel and Pensions

Section 38-104

Annotated Code of Maryland

(2004 Replacement Volume and 2005 Supplement)

(As enacted by Section 1 of this Act)””.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 11 on page 2, inclusive.

On page 3, strike in their entirety lines 7 through 10, inclusive.

AMENDMENT NO. 3

On page 3, after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Personnel and Pensions

23-309.

(Over)

(c) (1) This subsection applies only to a member who is:
(i) subject to the contributory pension benefit under Subtitle 2, Part II of this title; and
(ii) entitled to eligibility service for military service credit granted under Title 38 of this article.

(2) The Board of Trustees shall adjust a member's eligibility service for military service credit granted under Title 38 of this article as provided in this subsection.

[(3) (i) Except as provided in subparagraph (ii) of this paragraph, a member's eligibility service for military service credit shall be treated as creditable service on or after July 1, 1998.

(ii) The Board of Trustees shall treat a member's military service credit as creditable service on or before June 30, 1998, if the member:

1. is entitled to credit for the military service under § 38-103 of this article on account of the member's absence from employment while in military service on or before June 30, 1998; or

2. received credit for the military service under § 38-104 of this article on or before June 30, 1998, as reflected in the records of the State Retirement Agency.]

38-104.

(a) (1) This section applies to an individual who is:

(i) a member of a State system; or

(ii) a former member of a State system who is eligible to receive a benefit under § 29-302 or § 29-303 of this article.

(2) This section does not apply to a retiree of a State system.

(b) Except as provided in subsection (c) of this section, an individual described in subsection (a) of this section, who has not met the conditions set forth in § 38-103(a)(2) through (4) of this subtitle, is entitled to receive service credit for military service only on the attainment of 10

years of creditable service.

(c) (1) An individual described under subsection (a) of this section may not receive credit for that military service if the individual receives credit for military service from another retirement system for which retirement benefits have been or will be received by the individual.

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

(i) credit for military service provided under:

1. the Social Security Act;

2. the National Railroad Retirement Act; or

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

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

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

(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.

(D) THE SERVICE CREDIT FOR MILITARY SERVICE THAT AN INDIVIDUAL RECEIVES UNDER THIS SECTION SHALL BE APPLIED TO THE INDIVIDUAL'S RETIREMENT ALLOWANCE USING THE ACCRUAL RATE IN EFFECT AT THE TIME THE INDIVIDUAL RETIRES FROM A STATE SYSTEM.

SECTION 3. AND BE IT FURTHER ENACTED, That, Section 2 of this Act shall take effect October 1, 2006."

(Over)

AMENDMENT NO. 4

On page 3, in line 11, strike “2.” and substitute “4.”; and in the same line, strike “That” and substitute “That, except as provided in Section 3 of this Act.”.