

SENATE BILL 381

K4
SB 727/06 – B&T

7lr1880

By: **Senators DeGrange, Astle, Brinkley, Currie, Della, Dyson, Edwards, Garagiola, Gladden, Greenip, Hogan, Hooper, Jacobs, Klausmeier, Madaleno, McFadden, Middleton, Munson, Peters, Robey, Stoltzfus, and Stone**

Introduced and read first time: February 2, 2007

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Military Service Credit – Eligibility**

3 FOR the purpose of repealing certain limitations and certain exceptions for members
4 of the State Retirement and Pension System receiving credit for certain military
5 service credit; and generally relating to members of the State Retirement and
6 Pension System receiving military service credit.

7 BY repealing and reenacting, with amendments,
8 Article – State Personnel and Pensions
9 Section 38–104
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2006 Supplement)

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

14 **Article – State Personnel and Pensions**

15 38–104.

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

17 (i) a member of a State system; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (b) [Except as provided in subsection (c) of this section, an] **AN** individual
5 described in subsection (a) of this section, who has not met the conditions set forth in §
6 38–103(a)(2) through (4) of this subtitle, is entitled to receive service credit for military
7 service only on the attainment of 10 years of creditable service.

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

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

13 (i) credit for military service provided under:

- 14 1. the Social Security Act;
15 2. the National Railroad Retirement Act; or
16 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through
17 12737 of the United States Code; or

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

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

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

25 (d) The service credit for military service that an individual receives under
26 this section shall be applied to the individual's retirement allowance using the accrual
27 rate in effect at the time the individual retires from a State system.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2007.