

HOUSE BILL 264

K4
HB 522/08 – APP

9lr1024

By: **Delegates G. Clagett, Barkley, Bohanan, Boteler, DeBoy, Haddaway, Harrison, Healey, Hecht, James, Jones, Minnick, Riley, Sossi, Stukes, and Wood**

Introduced and read first time: January 29, 2009

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Military Service Credit – Eligibility**

3 FOR the purpose of repealing certain limitations and certain exceptions for certain
4 members of the State Retirement and Pension System receiving credit for
5 certain military service credit; and generally relating to members of the State
6 Retirement and 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 2008 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] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS**
17 **SECTION, THIS** section applies to an individual who is:

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided in subsection (c) of this section, an individual
 2 described in subsection (a) of this section, who has not met the conditions set forth in §
 3 38–103(a)(2) through (4) of this subtitle, is entitled to receive service credit for military
 4 service only on the attainment of 10 years of creditable service.

5 (c) (1) **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS:**

6 (I) **A MEMBER OF THE:**

- 7 1. **EMPLOYEES' RETIREMENT SYSTEM;**
- 8 2. **EMPLOYEES' PENSION SYSTEM;**
- 9 3. **TEACHERS' RETIREMENT SYSTEM;**
- 10 4. **TEACHERS' PENSION SYSTEM;**
- 11 5. **JUDGES' RETIREMENT SYSTEM; OR**
- 12 6. **LEGISLATIVE PENSION PLAN; OR**

13 (II) **A FORMER MEMBER OF A STATE SYSTEM LISTED IN**
 14 **ITEM (I) OF THIS PARAGRAPH WHO IS ELIGIBLE TO RECEIVE A BENEFIT UNDER §**
 15 **29–302 OR § 29–303 OF THIS ARTICLE.**

16 (2) An individual described in [subsection (a) of this section]
 17 **PARAGRAPH (1) OF THIS SUBSECTION**, may not receive credit for that military
 18 service if the individual receives credit for military service from another retirement
 19 system for which retirement benefits have been or will be received by the individual.

20 [(2)] (3) [Paragraph (1)] **PARAGRAPH (2)** of this subsection does not
 21 apply to:

22 (i) credit for military service provided under:

- 23 1. the Social Security Act;
- 24 2. the National Railroad Retirement Act; or
- 25 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through
 26 12737 of the United States Code; or

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

1 [~~(3)~~] (4) (i) Military service credit under this section may not
2 exceed 5 years.

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2009.