

HOUSE BILL 679

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By: **Delegates Myers, Beitzel, Jenkins, Miller, Serafini, Shank, Stull, and Weir**
Introduced and read first time: February 4, 2010
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Military Service Credit –**
3 **Membership in the National Guard**

4 FOR the purpose of expanding the types of military service for which certain members
5 of the State Retirement and Pension System may apply to add to their
6 creditable service to include certain National Guard service; altering a certain
7 definition; and generally relating to State Retirement and Pension System
8 members claiming military service credit.

9 BY repealing and reenacting, with amendments,
10 Article – State Personnel and Pensions
11 Section 38–101(d), 38–103(d), and 38–104(c)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2009 Supplement)

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 38–101.

18 (d) “Military service” means:

19 (1) induction into the armed forces of the United States for training
20 and service under the Selective Training and Service Act of 1940 or a subsequent act
21 of a similar nature;

22 (2) membership in a reserve component of the armed forces of the
23 United States:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



- 1 (i) on active duty or ordered or assigned to active duty; or
- 2 (ii) on active duty for training or inactive duty for training that
3 interrupts a member's service;
- 4 (3) enlistment into the armed forces of the United States;
- 5 (4) membership in the [Maryland] National Guard; or
- 6 (5) with respect to a person separated from employment on or after
7 July 1, 1991, active duty with the commissioned corps of the Public Health Service, the
8 National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey
9 from:
- 10 (i) December 7, 1941, to December 31, 1946, both inclusive;
- 11 (ii) June 25, 1950, to January 31, 1955, both inclusive; or
- 12 (iii) December 22, 1961, to May 7, 1975, both inclusive.

13 38-103.

14 (d) (1) Subject to paragraph (2)(i) of this subsection, a member of a State
15 or local retirement or pension system shall receive service credit for a period of
16 absence from employment while in military service if:

17 (i) the employment of the member under subsection (a)(2) of
18 this section is active or the employee is reinstated as a regular employee on a leave of
19 absence; and

20 (ii) membership in a State or local retirement or pension system
21 is a requirement of employment.

22 (2) (i) For an absence for military service, service credit for the
23 military service may not exceed 5 years.

24 (ii) 1. This subparagraph applies only to a member of a
25 State system.

26 2. Subject to subparagraph (i) of this paragraph and in
27 addition to any service credit received under paragraph (1) of this subsection, a
28 member of the [Maryland] National Guard who has been activated under Title 10 of
29 the United States Code, and who is on active or inactive duty for training that
30 interrupts the member's service shall receive service credit at the rate of 4 months for
31 each full year for military service, not to exceed a total of 36 months.

32 38-104.

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

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

6 (i) credit for military service provided under:

7 1. the Social Security Act;

8 2. the National Railroad Retirement Act; or

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2010.