

Chapter 646

(House Bill 19)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Reservists

FOR the purpose of authorizing certain members of the State Retirement and Pension System who are members of a reserve component of the armed forces of the United States to receive a certain amount of service credit under certain circumstances for military service as a member of a reserve component of the armed forces of the United States; and generally relating to military service credit for members of a reserve component of the armed forces of the United States.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 38–103(d) and 38–104(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – State Personnel and Pensions

38–103.

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

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

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

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

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

2. Subject to subparagraph (i) of this paragraph and in addition to any service credit received under paragraph (1) of this subsection, a member of the Maryland National Guard **OR OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES** who has been activated under Title 10 of the United States Code and who is on active or inactive duty for training that interrupts the member's service shall receive service credit at the rate of 4 months for each full year for military service, not to exceed a total of 36 months.

38-104.

(c) (1) An individual described in 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 **OR OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES** 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 **OR ~~OF~~ WITH A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES**, not to exceed a total of 36 months.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

Approved by the Governor, May 22, 2012.