

HOUSE BILL 515

K4
HB 807/10 – APP

11r1536

By: **Delegate Kach**
Introduced and read first time: February 7, 2011
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Military Service Credit – Reservists**

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

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 38–103(d) and 38–104(c)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – State Personnel and Pensions**

18 38–103.

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

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

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



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

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

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

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

14 38–104.

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

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

20 (i) credit for military service provided under:

21 1. the Social Security Act;

22 2. the National Railroad Retirement Act; or

23 3. Title 3 or Title 10, Chapter 1223, §§ 12731 through
24 12737 of the United States Code; or

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

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

28 (ii) Subject to subparagraph (i) of this paragraph, a member of
29 the Maryland National Guard **OR OF A RESERVE COMPONENT OF THE ARMED**
30 **FORCES OF THE UNITED STATES** who has not been activated under Title 10 of the
31 United States Code, shall receive service credit at the rate of 4 months for each full
32 year of service with the Maryland National Guard, not to exceed a total of 36 months.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.