

In subsection (c) of this section, the references to "member" and "employer" contributions are substituted for "all necessary" contributions since those are the two types of contributions made.

Defined terms: "Member" § 38-101

"Military service" § 38-101

"State system" § 38-101

38-105. REGULATIONS.

A GOVERNMENTAL UNIT AUTHORIZED TO ADMINISTER A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 65, § 88(g).

The reference to a "governmental unit" is substituted for the former reference to the "boards, trustees, or others" for brevity.

The term "rules" is deleted as redundant in light of the term "regulations".

The phrase "any present rules and regulations to the contrary notwithstanding" is deleted as surplusage.

Defined term: "State or local retirement or pension system" § 38-101

GENERAL REVISOR'S NOTE:

Former Art. 65, § 88(h), which explicitly applied this subtitle to those who retired before July 1, 1975, is deleted as unnecessary. Except as otherwise specifically provided, this subtitle applies regardless of when an employee retires.

The enactment of Art. 65, § 88 by Ch. 675, Acts of 1941 and subsequent enactments through Ch. 622, Acts of 1974 amending § 88 did not limit prospectively their application to employees retiring on or after the effective dates of those enactments. Ch. 622, Acts of 1974 provided, notwithstanding other provisions, that members of a State retirement fund or system shall be granted military service credit not exceeding 5 years upon the attainment of 10 years of creditable service under certain circumstances.

The following session, the General Assembly enacted Ch. 891, Acts of 1975 which stated that "[t]he provisions of this section also shall pertain to those employees who retired prior to July 1, 1975." (emphasis added). Ch. 891 appears to state specifically and broadly that none of the provisions of § 88 are limited prospectively.

However, the scant legislative history of Ch. 891 appears to indicate a narrower intent by the General Assembly to provide only for the retroactive application of the amendments by Ch. 622, Acts of 1974. The Appropriations Committee bill file contains a document entitled "House Bill 1105 Analysis" which states "[t]his is a bill to amend the laws enacted last year to provide retirement service credit for military service. ... This bill would make the provisions of that law applicable to persons who retired prior to July 1, 1975." (emphasis added).