

- (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 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, not to exceed a total of 36 months.

~~(D) THE SERVICE CREDIT FOR MILITARY SERVICE THAT AN INDIVIDUAL RECEIVES UNDER THIS SECTION SHALL BE APPLIED TO THE INDIVIDUAL'S RETIREMENT ALLOWANCE USING THE ACCRUAL RATE IN EFFECT AT THE TIME THE INDIVIDUAL RETIRES FROM A STATE SYSTEM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Personnel and Pensions

23-309.

- (c) (1) This subsection applies only to a member who is:
- (i) subject to the contributory pension benefit under Subtitle 2, Part II of this title; and
  - (ii) entitled to eligibility service for military service credit granted under Title 38 of this article.
- (2) The Board of Trustees shall adjust a member's eligibility service for military service credit granted under Title 38 of this article as provided in this subsection.
- [(3) (i) Except as provided in subparagraph (ii) of this paragraph, a member's eligibility service for military service credit shall be treated as creditable service on or after July 1, 1998.
- (ii) The Board of Trustees shall treat a member's military service credit as creditable service on or before June 30, 1998, if the member:
1. is entitled to credit for the military service under § 38-103 of this article on account of the member's absence from employment while in military service on or before June 30, 1998; or