

Chapter 699 of the Acts of 2000 allows Maryland National Guard members on "inactive" duty to receive four months of military service credit per year for that service to the Maryland National Guard. In other words, a member may earn 16 months of service in a year - 12 months of service credits for their normal employment plus four months of military service for their year of service in the National Guard. When a member is called to active duty by the President of the United States ("federalized"), all days during the period of the call-up are considered active duty, and that time can not be used to claim four months of military service credit for "inactive" time in the National Guard. Since the terrorist attacks of September 11, 2001, at least 106 of Maryland's National Guard members who are State employees have been called up for active (federalized) duty. Because these guard members are on active duty, they are not eligible under current law to receive the additional credit provided under the 2000 legislation. However, they are earning military service credit which will count toward their pensions.

Apparently, Senate Bill 497 attempted to permit members of the State Retirement and Pension System to receive up to three years of military service credit for service with the Maryland National Guard, including those periods of service in which they are called to active duty. For each such year, they would receive 16 months of military service credit, 12 months for their active military duty and four months for a year of service in the Maryland National Guard. Unfortunately, the sponsor of the bill failed to recognize that the bill as drafted appears to do the opposite of what it purports to accomplish. These concerns were raised by the Assistant Attorney General's Office at the State Retirement Agency. Instead of allowing active duty time to be double counted (one year of military service credit plus an extra four months for being in the National Guard), it limits the active service credit to four months, instead of one year as provided under current law. Because of this lack of attention to detail, the bill as drafted and passed could cause National Guard members to actually lose military service credit, not gain additional service credit.

For the above reasons, I have vetoed Senate Bill 497.

Sincerely,
Parris N. Glendening
Governor

Senate Bill No. 497

AN ACT concerning

Retirement and Pensions - Maryland National Guard - Service Credit

FOR the purpose of authorizing certain members of a State retirement or pension system to receive service credit for military service as a member of the Maryland National Guard in either active or inactive duty; and generally relating to service credit in a State retirement or pension system for military service.

BY repealing and reenacting, with amendments,
Article - State Personnel and Pensions
Section 38-104