

(b) (1) A member of a State system may not receive credit for that military service if the member receives credit for military service from another retirement system for which retirement benefits have been or will be received by the member.

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to any former member of the Teachers' Pension System who:

- (1) was employed by the Department of Agriculture on or after July 1, 1985;
- (2) left State employment on or after June 30, 1997;
- (3) prior to leaving State employment had earned at least 12 years of service credit in the Teachers' Pension System; and
- (4) was living outside of the United States for a period of at least 3 years after leaving State employment.

(b) Any former member described in subsection (a) of this section may receive service credit for military service under § 38-104 of the State Personnel and Pensions Article.

(c) To receive service credit for military service as provided in subsection (b) of this section, on or before December 31, 2004, a former member shall:

- (1) complete a claim for the military credit and file it with the Board of Trustees on a form the Board of Trustees provides; and
- (2) submit the proper military forms to the Board of Trustees to verify the former member's military service.