

SENATE BILL 281

P1

6lr0062

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Military)**

Introduced and read first time: January 22, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Members of the National Guard – Active Duty –**
3 **Employment Protection**

4 FOR the purpose of altering and clarifying certain provisions of law governing employment
5 and reemployment rights for certain members of the National Guard; repealing the
6 application of certain employment protection provisions relating to members of the
7 Maryland Defense Force; and generally relating to employment protection for certain
8 militia members.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 13–101(d) and (e)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 13–704
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2015 Supplement)

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

21 **Article – Public Safety**

22 13–101.

23 (d) “National Guard” means the Maryland Army National Guard and Maryland
24 Air National Guard.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (1) “State active duty” means military duty performed in service of the
2 State by a unit or member of the militia under orders issued by the Governor under Article
3 II, § 8 of the Maryland Constitution or § 13–702 of this title.

4 (2) Unless the Governor specifically provides otherwise, “State active duty”
5 does not include drill periods, preparation for drill periods, annual training, or other
6 equivalent training or duty conducted under orders issued under Title 10 or Title 32 of the
7 United States Code.

8 13–704.

9 (a) The rights granted to members of the National Guard [and Maryland Defense
10 Force] by this section shall be in addition to the rights granted to them by federal law,
11 including the Servicemembers Civil Relief Act and the Uniformed Services Employment
12 and Reemployment Rights Act.

13 (b) **(1)** The following provisions of federal law shall be adopted as State law
14 and applied to members of the National Guard [and Maryland Defense Force:] **AS**
15 **DESCRIBED THEREIN.**

16 **[(1)] (2)** [the] **THE** Servicemembers Civil Relief Act applies only when
17 members of the National Guard [or Maryland Defense Force] are ordered to military duty
18 under this title or Title 10 or Title 32 of the United States Code for a period of 14 consecutive
19 days or longer[; and].

20 **[(2)] (3)** [the] **THE** Uniformed Services Employment and Reemployment
21 Rights Act applies [when] **TO THE FOLLOWING INDIVIDUALS WHEN ORDERED TO**
22 **MILITARY DUTY FOR ANY PERIOD OF TIME:**

23 **(I)** members of the National Guard [or Maryland Defense Force
24 are] **WHEN** ordered to military duty under this title or Title 10 or Title 32 of the United
25 States Code [for any period of time], **WHETHER OR NOT THE MEMBER IS A RESIDENT**
26 **OF OR EMPLOYED IN THIS STATE; AND**

27 **(II)** **RESIDENTS OF THIS STATE WHO ARE MEMBERS OF THE**
28 **NATIONAL GUARD IN ANOTHER STATE OR THE DISTRICT OF COLUMBIA, WHEN**
29 **ORDERED TO MILITARY DUTY BY THE CHIEF EXECUTIVE OFFICER OF THAT**
30 **JURISDICTION OR UNDER TITLE 10 OR TITLE 32 OF THE UNITED STATES CODE.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2016.