

HOUSE BILL 450

Unofficial Copy
P1

1999 Regular Session
9r0066

By: **Chairman, Commerce and Government Matters Committee**
(Departmental - Military)

Introduced and read first time: February 10, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Militia**

3 FOR the purpose of clarifying and updating the laws governing the organized and
4 unorganized militia of the State; clarifying and revising the Governor's powers
5 to call out the militia and make appointments to the Maryland National Guard;
6 revising the list of exemptions to the unorganized militia; repealing obsolete
7 language and provisions governing the organization, responsibilities, rights,
8 procedures, and powers of the militia; revising certain language; clarifying and
9 revising the criteria for the appointment, terms of employment, and salaries of
10 the Adjutant General, Assistant Adjutants General, officers, and other
11 personnel in the Maryland National Guard; authorizing the Adjutant General to
12 appoint and requiring certain personnel to serve at the pleasure of the Adjutant
13 General; providing that the Adjutant General is a member of the Governor's
14 cabinet; altering the criteria and qualifications for tuition assistance for
15 members of the Maryland National Guard; altering provisions relating to the
16 reenlistment of certain members of the Guard; and generally relating to the
17 clarification and revision of the laws governing the militia.

18 BY repealing and reenacting, with amendments,
19 Article 65 - Militia
20 Section 1, 2, 4, 5, 9, 12A, 14, 16(b), 23, 24, 32, 35, 36, 42, and 66
21 Annotated Code of Maryland
22 (1998 Replacement Volume)

23 BY repealing
24 Article 65 - Militia
25 Section 3, 7, 9A, 11, 13, 27, 29, 30, 31, 34, 38, 39, 53, 56, 57, 58, and 76
26 Annotated Code of Maryland
27 (1998 Replacement Volume)

28 BY adding to
29 Article 65 - Militia
30 Section 7

1 Annotated Code of Maryland
2 (1998 Replacement Volume)

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

5 **Article 65 - Militia**

6 1.

7 All able-bodied citizens of the State and all able-bodied persons of foreign birth,
8 who have declared their intentions to become citizens of the State, and who are
9 residents therein, shall constitute the militia, subject to the following exemptions: (1)
10 persons exempted by the laws of the United States; (2) persons exempted by the laws
11 of Maryland; (3) the members of any regularly organized fire or police department in
12 any COUNTY, city, village or town; (4) judges and clerks of courts of record, registers of
13 wills and deeds, sheriffs, [ministers of the Gospel, members of religious communities,
14 ecclesiastical students in the various seminaries and schools of divinity,] CLERGY,
15 practicing physicians, superintendents, officers and assistants of hospitals, prisons
16 and jails; [all persons actually employed as teachers in any established school, college
17 or university; lighthouse keepers, conductors and engineers of railways, seamen
18 actually employed as such; idiots, lunatics, paupers, vagabonds, confirmed
19 drunkards,] (5) ADJUDICATED INCOMPETENTS, persons addicted to the use of
20 narcotic drugs, and persons convicted of infamous crimes[; all]. ALL such exempted
21 persons, except as enumerated in items (1) and [(2)] (2), shall be available for military
22 duty in case of war, insurrection, invasion or imminent danger thereof. Whenever the
23 masculine gender is used in this article, it also includes the feminine gender, unless
24 otherwise provided by law.

25 2.

26 When the militia of this State, or any part thereof, is called or ordered under the
27 Constitution and laws of the United States, into the active military service of the
28 United States, the Governor [shall] MAY order out for service the organized militia,
29 or such part thereof as may be necessary [and if]. IF the number available [be] IS
30 insufficient [he shall], THE GOVERNOR MAY order out such part of the unorganized
31 militia as he may deem necessary.

32 [3.

33 Whenever any portion of the militia shall be on duty pursuant to the orders of
34 the Governor, or shall be on duty or ordered to assemble for duty in time of war,
35 insurrection, invasion, public danger or to aid the civil authorities on account of any
36 breach of the peace, tumult, riot, resistance to process of this State, or imminent
37 danger thereof, or for any other cause, the articles of war governing the Army of the
38 United States, as well as such regulations issued thereunder, shall be in force and
39 regarded as part of this article until said forces shall be duly relieved from such duty.
40 As to offenses committed when such articles of war are in force, courts-martial shall
41 possess, in addition to the jurisdiction and power of sentence and punishment therein

1 vested to them, all additional jurisdiction and power of sentence and punishment
2 exercisable by like courts under such articles of war or the regulations and laws
3 governing the Army of the United States, or the customs and usages thereof; but no
4 punishment under such rules and articles, which shall extend to the taking of life,
5 shall in any case be inflicted, except in time of actual war, invasion or insurrection,
6 and then only after the approval by the Governor of the sentence inflicting such
7 punishment. Imprisonment other than in guardhouse shall be executed in jails or
8 prisons designated by the Governor for the purpose.]

9 4.

10 Every member of the UNORGANIZED militia ordered out, or who volunteers, who
11 does not appear at the time and place designated by his commanding officer [or the
12 sheriff aforesaid within twenty-four hours from such time, or who does not produce a
13 sworn certificate of physical disability, to so appear, from a physician in good
14 standing, shall be taken to be a deserter and dealt with as prescribed in the articles of
15 war, Army of the United States] SHALL BE SUBJECT TO COURT-MARTIAL UNDER
16 THIS ARTICLE.

17 5.

18 (A) The militia of this State shall be divided into two classes: The organized
19 militia and the unorganized militia.

20 (B) The organized militia of the State shall consist of [officers appointed and
21 commissioned by the Governor, and of such able-bodied citizens of the State, and such
22 able-bodied persons of foreign birth as have declared their intentions to become
23 citizens of the State, resident therein, as shall be regularly enlisted therein, including
24 the National Guard, the Maryland Defense Force and the reserve militia (Minute
25 Men)] THE MARYLAND ARMY NATIONAL GUARD, THE MARYLAND AIR NATIONAL
26 GUARD, THE INACTIVE NATIONAL GUARD, AND THE MARYLAND DEFENSE FORCE. A
27 military office for which no salary is provided in the budget shall not be considered an
28 office of profit.

29 (C) The unorganized militia shall consist of all those liable to serve but not
30 regularly enlisted OR COMMISSIONED IN THE ORGANIZED MILITIA.

31 7.

32 [The several sections of this article that are applicable to the naval militia
33 organized under § 3-303 of the State Government Article shall have the same force
34 and effect as if the term naval militia had been specifically designated in any or all of
35 such sections.]

36 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ADJUTANT
37 GENERAL MAY APPOINT:

38 (1) AN EXECUTIVE OFFICER;

1 (2) THE DIRECTORS OF MILITARY INSTALLATIONS, PROCUREMENT,
2 MILITARY SUPPORT TO CIVIL AUTHORITIES, STATE PERSONNEL ADMINISTRATION,
3 AND VETERANS AFFAIRS;

4 (3) THE SITE MANAGERS FOR MILITARY RESERVATIONS; AND

5 (4) A GRANTS ADMINISTRATOR.

6 (B) THE EXECUTIVE OFFICER AND DIRECTORS APPOINTED UNDER
7 SUBSECTION (A) OF THIS SECTION SHALL SERVE AT THE PLEASURE OF THE
8 ADJUTANT GENERAL.

9 9.

10 (a) The Adjutant General shall [be]:

11 (1) BE appointed by the Governor by and with the advice and consent of
12 the Senate[.];

13 (2) [He shall have] HAVE a commissioned grade not above that of
14 Lieutenant General[, and his salary shall be]; AND

15 (3) HAVE A SALARY as stated in the annual budget. [He may be
16 appointed by the Governor as chief of staff of the Governor's staff.]

17 (b) An Assistant Adjutant General for Army shall:

18 (1) Be appointed by the Governor and serve at the pleasure of the
19 Governor;

20 (2) Have a commissioned grade not above that of Brigadier General,
21 unless selected for a military position requiring federal recognition as a Major
22 General;

23 (3) Have a salary as stated in the annual budget; [and]

24 (4) HAVE AT LEAST 10 YEARS OF COMMISSIONED FIELD GRADE SERVICE
25 IN THE MARYLAND NATIONAL GUARD;

26 (5) HAVE ATTAINED AT LEAST THE RANK OF COLONEL; AND

27 [(4)] (6) Perform such military duties as may be assigned by the
28 Governor or by the Adjutant General.

29 (c) An Assistant Adjutant General for Air shall:

30 (1) Be appointed by the Governor and serve at the pleasure of the
31 Governor;

1 (2) Have a commissioned grade not above that of Brigadier General,
2 unless selected for a military position requiring federal recognition as a Major
3 General; [and]

4 (3) HAVE A SALARY AS STATED IN THE ANNUAL BUDGET;

5 (4) HAVE AT LEAST 10 YEARS OF COMMISSIONED FIELD GRADE SERVICE
6 IN THE MARYLAND NATIONAL GUARD;

7 (5) HAVE ATTAINED AT LEAST THE RANK OF COLONEL; AND

8 [(3)] (6) Perform such military duties as may be assigned by the
9 Governor or by the Adjutant General.

10 (d) The Adjutant General[, the Assistant Adjutant General for Army, and the
11 Assistant Adjutant General for Air each] shall:

12 (1) Have at least [5] 10 years of commissioned FIELD GRADE service in
13 the Maryland National Guard;

14 (2) Have attained at least the rank of [Lieutenant] Colonel; AND

15 (3) [Have not been separated from the Maryland National Guard for
16 more than 5 years before the date of appointment; and

17 (4)] Meet the requirements for federal recognition at the rank
18 [appointed] OF MAJOR GENERAL AT THE TIME OF APPOINTMENT.

19 (e) The Adjutant General, the Assistant Adjutants General, officers, warrant
20 officers, and enlisted [men] PERSONS who are full-time employees of the Military
21 Department are military personnel in an active duty status. They shall be entitled to
22 receive the same per diem pay, including longevity pay, subsistence and allowances,
23 as officers, warrant officers and enlisted [men] PERSONS of like grades and length of
24 service in the regular army or air force, as the case may be. Subsistence and
25 allowances shall be accorded the same treatment for income tax purposes under the
26 laws of this State as granted by the United States Internal Revenue Code, and
27 regulations promulgated thereunder for federal income tax purposes; and such
28 subsistence and allowances shall not be used in calculating the salary base for
29 retirement purposes for any employee who is a member of the Employees' Retirement
30 System of the State of Maryland.

31 (f) An individual who holds more than one of the above-mentioned offices
32 simultaneously shall receive only the pay allowances and subsistence provided herein
33 for a single office.

34 [(g) The Governor may choose a staff consisting of the Adjutant General, and
35 not more than twelve aides. The aides will be selected by the Governor from among
36 the commissioned officers of the National Guard and naval militia. Each of them may
37 receive an appointment as aide, which however, shall not add to the actual grade of
38 the officer so appointed; nor shall such officer be relieved from duty with the

1 organization to which he is assigned, except when actually on duty as aide under the
2 orders of the Governor.]

3 [(h)] (G) The appointment of a chief of staff and aides shall be at the pleasure
4 of the Governor.

5 [(i)] (H) A Deputy Assistant Adjutant General for Army shall be appointed by
6 the Governor and [his term of office shall be at the pleasure of the Governor] SERVE
7 AT THE PLEASURE OF THE ADJUTANT GENERAL. The Deputy Assistant Adjutant
8 General for Army shall have a commissioned grade not above that of Brigadier
9 General and shall perform the military duties assigned by the Governor or by the
10 Adjutant General.

11 (I) THE ADJUTANT GENERAL, THE ASSISTANT ADJUTANT GENERAL FOR
12 ARMY, AND THE ASSISTANT ADJUTANT GENERAL FOR AIR EACH SHALL BE
13 FULL-TIME EMPLOYEES OF THE MILITARY DEPARTMENT.

14 (J) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ADJUTANT
15 GENERAL SHALL BE A MEMBER OF THE GOVERNOR'S CABINET.

16 [9A.

17 The Governor of Maryland may assign to the Adjutant General, for such period
18 as designated, the duty of serving as acting police commissioner of the Mayor and
19 City Council of Baltimore, with all the powers, duties, and functions prescribed and
20 provided by law for that position. For any period during which this duty is assigned to
21 and discharged by the Adjutant General, the Mayor and City Council of Baltimore
22 shall pay over to the general funds of the State treasury a sum computed on the basis
23 of two thousand dollars for each month. The provisions of this section, and the
24 appointment shall expire automatically as of May 31, 1967, with no further action
25 required by the General Assembly, except that sums due as of that date for the said
26 two thousand dollars per month payments shall be paid over to the general funds of
27 the State after that time, as if this section had not automatically expired.]

28 [11.

29 The Adjutant General, as Quartermaster General, shall be responsible to the
30 Governor for the care, preservation and safekeeping of all military property. He shall
31 prepare returns of all federal military property at the time and in the manner
32 prescribed by the Secretary of the Army. He shall keep a just and true account of all
33 expenses incurred in the upkeep of the militia and such expenses shall be audited and
34 paid in the manner provided by law. He shall make such purchases and issue such
35 military property as the Governor may direct.]

36 12A.

37 (a) (1) In this section the following words have the meanings indicated.

38 (2) "Institution" means:

1 (I) [any] ANY campus of the University System of Maryland, any
2 community college established pursuant to Title 16 of the Education Article, Morgan
3 State University, or St. Mary's College; OR

4 (II) ANY PRIVATE INSTITUTION OF HIGHER EDUCATION THAT
5 GRANTS A MEMBER A TUITION WAIVER OF AT LEAST 50 PERCENT.

6 (3) "Member" means any Guard person who:

7 (i) Is regularly enlisted in the Maryland National Guard; or

8 (ii) Holds a commission in the Maryland National Guard as:

9 1. An officer in the grade of [captain] MAJOR or below; or

10 2. A warrant officer.

11 (4) (i) "Tuition" means the basic instructional charge for
12 undergraduate credit courses and related fees AT AN INSTITUTION.

13 (ii) "Tuition" does not include charges for self-supporting programs.

14 (b) To the extent that funds are provided in the budget, the Military
15 Department may provide assistance equal to 50 percent of the cost of in-State tuition
16 for any regularly scheduled undergraduate credit course for any active member who
17 is certified as eligible by the Maryland Adjutant General.

18 (c) (1) The Maryland Adjutant General may not certify a member as eligible
19 unless the member:

20 (i) If enlisted, has at least 24 months remaining to serve on the
21 member's current enlistment; or

22 (ii) If an officer or warrant officer, [the member] agrees in writing
23 to serve for a minimum of 24 months.

24 (2) The [24 month] 24-MONTH requirement runs from the first day of
25 classes for the semester.

26 (d) If a recipient of tuition assistance under this section is discharged from the
27 Maryland National Guard for a reason designated by the Maryland Adjutant General,
28 the assistance terminates and the member owes the Military Department within 30
29 days of discharge the amount of tuition assistance that was received for that
30 semester.

31 [13.

32 There shall be an unassigned list exclusively restricted to officers and enlisted
33 men of the organized militia and none other, who are transferred thereto by the
34 Governor; provided that such transfer shall not in anywise be considered a removal
35 from office or affect the rank of an officer or enlisted man so transferred.]

1 14.

2 No officer of the militia shall incur any expense whatever to be paid by the
3 State, except such as authorized in this article, without first obtaining the authority
4 of the Adjutant General. In [extreme emergencies] STATE ACTIVE DUTY, however,
5 the commanding officer of any organization or detachment of the organized militia
6 may purchase such necessities as are absolutely required for the immediate use and
7 care of his command, taking receipts in triplicate therefor; a report of such action,
8 containing a statement of the articles purchased and the price thereof, with the
9 receipts attached, must be made forthwith through the regular channels to the
10 [Quartermaster General] MILITARY DEPARTMENT FINANCE OFFICER. The
11 Comptroller of the State shall be the auditor of all accounts for property purchased by
12 the Adjutant General. All other military accounts payable by the State shall be
13 audited by the Adjutant General. Military accounts thus audited shall be paid by the
14 Treasurer of the State from a proper appropriation made by the legislature, upon the
15 warrant of the Adjutant General, under and by direction of the Governor.

16 16.

17 (b) In addition to State active duty benefits, the Adjutant General shall
18 maintain workers' compensation insurance for members of the Maryland [State
19 Guard] DEFENSE FORCE during training.

20 23.

21 A commissioned officer tendering [his] A resignation, if accepted by the
22 Governor, shall receive an honorable discharge, provided [he] THE OFFICER shall not
23 be under arrest or returned to a military court for any deficiency or delinquency; and
24 provided further, [he] THE OFFICER be not indebted to the State in any manner, and
25 that [his] THE OFFICER'S accounts for money or for public property be correct. If the
26 Governor [accept] ACCEPTS the resignation of an officer who at the time shall be
27 under arrest, under charges or returned to a military court for any offense, deficiency
28 or delinquency, such officer shall then cease to be an officer and shall receive a
29 discharge in such form as the Governor shall direct; nor shall [he] THE OFFICER be
30 again eligible to receive a commission unless [he] THE OFFICER first reenlist and
31 until [he] THE OFFICER shall have performed at least [60] 100 percent of duty in
32 each year under such enlistment for [two] 2 successive years.

33 24.

34 Any able-bodied [male who is a] citizen of the State, or PERSON WHO has
35 declared [his] AN intention to become a citizen of the State, of good character and
36 temperate habits, may be enlisted in the organized militia of this State as provided in
37 this article and the [National Defense Act and] regulations [made in pursuance
38 thereof] GOVERNING THE ARMED FORCES OF THE UNITED STATES.

39 [It shall be unlawful for any person to misstate his age for the purpose of
40 securing enlistment in the organized militia of this State. It shall be unlawful for any
41 person to enlist in two military organizations at the same time. Any person violating
42 provisions of this section shall be guilty of fraudulent enlistment.]

1 [27.

2 Each company, troop, battery, detachment and unit in the organized militia shall
3 assemble for drill and instruction, including indoor target practice, not less than
4 forty-eight times each year, and shall, in addition thereto, participate in
5 encampments, maneuvers or other exercises, including outdoor target practice, at
6 least fifteen days in training each year, unless such company, troop, battery,
7 detachment and unit shall have been excused from participation in any part thereof
8 by the Governor; provided that credit for an assembly for drill or for indoor target
9 practice shall not be given unless the number of officers and enlisted men present for
10 duty at such assembly shall equal or exceed a minimum to be prescribed by the
11 Governor, nor unless the period of actual military duty and instruction participated in
12 by each officer and enlisted man at each such assembly at which he shall be credited
13 as having been present shall be of at least one and one-half hours' duration and the
14 character of training such as may be prescribed by the Governor.]

15 [29.

16 All arms, equipment and other property furnished to organizations of this State
17 shall, when required by the Adjutant General, or a commanding officer of any such
18 organization be deposited in the armory of the said organization, and failure to
19 deposit as aforesaid any article of such property by the person to whom it was issued,
20 ten days after he shall have been notified, by written notice from the commanding
21 officer, as aforesaid, to return to the armory, shall be considered as a misdemeanor,
22 and the person so offending shall be punished by a fine not exceeding double the value
23 of the property thus illegally detained, to be recovered on the complaint of the
24 Adjutant General or of the proper commanding officer as aforesaid, in the same
25 manner as prescribed for the collection of fines in this article, except that the money
26 so recovered shall be paid to the Adjutant General, to be by him applied to the militia
27 fund; or by imprisonment in the county or city jail for not less than two weeks nor
28 more than two months.]

29 [30.

30 Every officer and enlisted man to whom public property of the State or United
31 States has been issued shall be personally responsible to the State for such property,
32 and no one shall be relieved from such responsibility except it be shown to the
33 satisfaction of the Governor that the loss or destruction of such property was
34 unavoidable and in no way the fault of the person responsible for the same; in all
35 other cases the value of the property lost or destroyed shall be charged against the
36 person at fault or the organization to which it had been issued; and such person or
37 organization, if not relieved from such charge by the Governor, shall pay the value of
38 such property to the Adjutant General within ninety days after such loss or
39 destruction. The value of the lost or destroyed property and the persons or
40 organizations to be charged therewith shall be determined by an inspector appointed
41 by the Adjutant General. In cases of disagreement, such value shall be fixed by the
42 Adjutant General.]

1 [31.

2 At any time upon the report and recommendation of the Adjutant General to the
3 effect that an organization is not up to the proper standard of numbers, efficiency or
4 discipline required, the Governor may, in his discretion, muster out of service such
5 organization so reported inefficient, and thereupon the commissions of all the officers
6 of such company or separate organization shall be vacated; provided, no organization
7 of the National Guard, members of which shall be entitled to and have received
8 compensation under the National Defense Act, shall be disbanded without the
9 consent of the President.]

10 32.

11 (a) The provisions of this section shall apply when the organized militia, or
12 any part thereof, shall be ordered out for active duty or training by the Governor, or
13 by his authority; but shall not apply to the organized militia or any part thereof,
14 which has been ordered to duty incident to a call or order into the active military
15 service of the United States.

16 (b) Officers, warrant officers, and enlisted [men] PERSONS shall receive the
17 same per diem pay, including longevity pay, subsistence and allowances, as officers,
18 warrant officers and enlisted [men] PERSONS of the regular Army of like grade and
19 length of service, but no such persons ordered to active duty other than for training
20 shall be paid a per diem of less than 12 times the hourly federal minimum wage in
21 effect at the time of active duty.

22 [(c) Each enlisted man who has served a full three-year term of enlistment
23 and who reenlists within ninety days after the expiration of his previous enlistment,
24 shall receive an increase of 10 percent of his pay during this enlistment, and for each
25 three years of enlistment served thereafter an increase of 10 percent shall be granted;
26 not to exceed forty percent.]

27 [(d)] (C) Each enlisted [man] PERSON who qualifies as prescribed by the
28 Governor, in small arms practice or as proficient in the various duties of the branch or
29 arm to which [he] THE PERSON belongs, shall be paid the following increase in pay of
30 [his] THE PERSON'S respective grade for a period of [one] 1 year beginning on
31 January [first] 1 following such qualification: experts, 20 percent; sharpshooters,
32 gunners, drivers, and medical, first class, 15 percent; marksmen, gunners, drivers,
33 and medical, second class, 10 percent.

34 [(e) Officers, warrant officers and enlisted men of the organized militia, who
35 entered the military or naval service of the United States in the Spanish-American,
36 World War I, or subsequent wars or emergencies, shall be entitled to credit for the
37 time served in such federal status as if the service had been rendered in the organized
38 militia.]

39 [34.

40 The separate organizations in the City of Baltimore known as the Veteran Corps
41 of the Fifth Regiment, Infantry, M.N.G., and Old Guard, M.N.G., respectively, shall be

1 entitled to all rights and privileges conferred by this article except that said
2 organizations shall not be entitled to the privileges of retirement or to be placed on
3 reserve list nor to wear a uniform not distinctive from the active military forces of the
4 State; nor to share any appropriation made for the support of the militia other than
5 for the payment of rent, light and heat, upon approval of the Adjutant General, unless
6 said organizations are called for service by the Governor in case of emergency to aid
7 the organized militia in quelling insurrection, invasion, riot or breach of peace; when
8 so called upon the members of said organizations shall first sign, execute and deliver
9 through their commanding officers to the officer commanding the units of the
10 organized militia to whom ordered to report, a form of enlistment to be prescribed by
11 the Governor, for a term not to exceed ninety days at one time, and if the services of
12 such organizations shall not be required for the full term of their enlistment they
13 shall be discharged by the Governor. If called into the service of the State, the
14 members of said organizations shall be equipped and paid by the State and shall,
15 insofar as applicable, be considered a part of the organized militia of the State.]

16 35.

17 (A) No body of [men] PERSONS other than the units of the organized militia
18 and the troops of the United States[, except such military organizations as are now in
19 existence,] shall associate themselves together as a military company or organization
20 or parade in public as a military company or organization without the permission of
21 the Governor.

22 (B) No armed military force from another state, territory or district shall be
23 permitted to enter the State for the purpose of doing military duty therein, without
24 the permission of the Governor; provided, that the provisions of this section shall not
25 apply to troops acting under the authority of the President.

26 36.

27 The Governor may, upon the recommendation of [their commanding officers,
28 approved by] the Adjutant General, confer brevet commissions upon officers of the
29 organized militia of a grade next higher than the regular commission held by them.
30 The Governor may also confer upon officers of the organized militia, brevet
31 commissions of a grade equal to the highest grade in which they previously served in
32 the organized militia, or in the Army of the United States. Brevet commissions shall
33 carry with them only such privileges or rights as are allowed in like cases in the
34 military service of the United States.

35 [38.

36 In order to reward those citizens of Maryland who volunteered in the
37 Spanish-American War, or who served in any subsequent war, or who served in the
38 Korean conflict between June 25, 1950 and July 27, 1953, or the Vietnam conflict, the
39 Governor shall have power, under regulations to be prescribed by him, to issue medals
40 of appropriate designs, to officers and enlisted personnel who served in any of the
41 various branches of the armed forces of the United States.]

1 [39.

2 In recognition of the services rendered by those citizens of Maryland who served
3 in the various branches of the armed forces of the United States in World War II, or
4 who served in the Korean conflict between June 25, 1950 and July 27, 1953, or the
5 Vietnam conflict, the Governor is hereby authorized and empowered, under such
6 rules and regulations as he shall determine and prescribe, to issue certificates of
7 appropriate designs to the officers and enlisted personnel who served in any of the
8 various branches of the armed forces of the United States.]

9 42.

10 All officers and employees of the State, county or political subdivisions thereof
11 who shall be members of the organized militia [or of the Army, Navy, Air or Marine
12 Reserve] shall be entitled to leave of absence from their respective duties, without
13 loss of pay, time or efficiency rating, on all days during which they shall be engaged in
14 field or coast defense or other training ordered or authorized under the provisions of
15 this article, or under any law of the United States, during such time as they are on
16 inactive duty training, for not to exceed [fifteen] 15 days annually; provided,
17 however, if any members of the organized militia are ordered to active duty under
18 authority of the Governor they shall be entitled to leave of absence without loss of pay,
19 time or efficiency rating for such time while actually serving under such active duty
20 orders in addition to the [fifteen-day] 15-DAY period specified above.

21 [53.

22 Every regiment or separate organization of the organized militia of this State
23 may receive and have as many honorary members as it has active and uniformed
24 members, on payment in advance by each person desiring to become such honorary
25 member, of not less than ten dollars per annum, which money shall be received by the
26 commanding officer of the regiment or separate organization, and be by him applied
27 to a special fund of such organization and expended by the commanding officer for the
28 best interests of his organization, and the commanding officer of every regiment and
29 separate organization, shall, on or before the first day of June and December in each
30 and every year, render to the Adjutant General an account of the money so received
31 and expended by him, and every such honorary member shall be entitled to receive a
32 certificate of honorary membership of the said regiment or separate organization, to
33 be signed by the commanding officer thereof, or some officer designated by him for
34 that purpose, and bearing the date of its issue.]

35 [56.

36 Whenever the words "National Guard," "militia," "organized militia," or
37 "military forces" appear in this article they shall be construed to cover the naval
38 militia or naval forces of this State, wherever applicable and wherever the words
39 "Army regulations," "Secretary of the Army", or similar words appear they shall be
40 construed to read "Navy regulations," "Secretary of Navy," etc., in all matters
41 pertaining to the naval forces of the State.]

1 [57.

2 Regiments, battalions, and separate organizations may, with the consent of the
3 Governor, adopt a full-dress uniform of their own and at their own expense.]

4 [58.

5 From and after June 1, 1952, the State of Maryland and/or the Maryland
6 National Guard shall not acquire for military purposes of any nature, by purchase or
7 condemnation, or by any other form of conveyance except gift, any legal or equitable
8 interest in, or any right, title or interest to any part or all of the properties described
9 generally hereinbelow:

10 (1) The so-called James Farm or Old Bay Farm in Harford County,
11 Maryland, consisting of approximately 275 acres, more or less, said farm lying
12 adjacent to and in a southwesterly direction from the property formerly known as the
13 Havre de Grace racetrack, and being the property described among the land records of
14 Harford County, Liber S.W.C. No. 242, folio 453.

15 (2) The so-called Levering Farm in Harford County, consisting of
16 approximately 550 acres more or less, said farm lying adjacent to and in a
17 southwesterly direction from the James or Old Bay Farm described herein, and being
18 the property conveyed to H. John Kenney by deed dated October 29, 1951 and
19 recorded among the land records of Harford County in Liber G.R.G. No. 364, folio 4.]
20 66.

21 For the use of such forces, the Governor is hereby authorized to requisition from
22 the [Secretary of War] SECRETARY OF THE ARMY such arms and equipment as may
23 be in possession of and can be spared by the [War Department] DEPARTMENT OF
24 THE ARMY; and to make available to such forces the facilities of State armories and
25 their equipment and such other State premises and property as may be available. All
26 school authorities are hereby authorized to permit the use of school buildings and
27 school grounds by such forces.

28 [76.

29 (a) The provisions of § 47 of this article shall apply to, control and govern the
30 members of the Maryland Defense Force.

31 (b) No officer or enlisted man of such forces shall be arrested on any warrant,
32 except for treason or felony, while going to, remaining at, or returning from a place
33 where he is ordered to attend for military duty.]

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 1999.