

HOUSE BILL 450

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1999 Regular Session
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By: **Chairman, Commerce and Government Matters Committee**
(Departmental - Military) and Delegates DeCarlo, Dypski, Glassman,
Malone, Parrott, and Snodgrass

Introduced and read first time: February 10, 1999
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 10, 1999

CHAPTER _____

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

1 Article 65 - Militia
2 Section 3, 7, 9A, 11, 13, 27, 29, 30, 31, 34, 38, 39, 53, 56, 57, 58, and 76
3 Annotated Code of Maryland
4 (1998 Replacement Volume)

5 BY adding to
6 Article 65 - Militia
7 Section 7
8 Annotated Code of Maryland
9 (1998 Replacement Volume)

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

12 **Article 65 - Militia**

13 1.

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

32 2.

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

1 [3.

2 Whenever any portion of the militia shall be on duty pursuant to the orders of
3 the Governor, or shall be on duty or ordered to assemble for duty in time of war,
4 insurrection, invasion, public danger or to aid the civil authorities on account of any
5 breach of the peace, tumult, riot, resistance to process of this State, or imminent
6 danger thereof, or for any other cause, the articles of war governing the Army of the
7 United States, as well as such regulations issued thereunder, shall be in force and
8 regarded as part of this article until said forces shall be duly relieved from such duty.
9 As to offenses committed when such articles of war are in force, courts-martial shall
10 possess, in addition to the jurisdiction and power of sentence and punishment therein
11 vested to them, all additional jurisdiction and power of sentence and punishment
12 exercisable by like courts under such articles of war or the regulations and laws
13 governing the Army of the United States, or the customs and usages thereof; but no
14 punishment under such rules and articles, which shall extend to the taking of life,
15 shall in any case be inflicted, except in time of actual war, invasion or insurrection,
16 and then only after the approval by the Governor of the sentence inflicting such
17 punishment. Imprisonment other than in guardhouse shall be executed in jails or
18 prisons designated by the Governor for the purpose.]

19 4.

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

27 5.

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

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

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

1 7.

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

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

8 (1) AN EXECUTIVE OFFICER;

9 (2) THE DIRECTORS OF MILITARY INSTALLATIONS, PROCUREMENT,
10 MILITARY SUPPORT TO CIVIL AUTHORITIES, STATE PERSONNEL, ADMINISTRATION
11 (FINANCE), AND VETERANS AFFAIRS;

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

13 (4) A GRANTS ADMINISTRATOR.

14 (B) THE EXECUTIVE OFFICER AND DIRECTORS APPOINTED UNDER
15 SUBSECTION (A) OF THIS SECTION SHALL SERVE AT THE PLEASURE OF THE
16 ADJUTANT GENERAL.

17 9.

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

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

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

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

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

26 (1) Be appointed by the Governor and serve at the pleasure of the
27 Governor;

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

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

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

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

2 [(4)] (6) Perform such military duties as may be assigned by the
3 Governor or by the Adjutant General.

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

5 (1) Be appointed by the Governor and serve at the pleasure of the
6 Governor;

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

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

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

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

14 [(3)] (6) Perform such military duties as may be assigned by the
15 Governor or by the Adjutant General.

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

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

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

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

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

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

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

4 [(g) The Governor may choose a staff consisting of the Adjutant General, and
5 not more than twelve aides. The aides will be selected by the Governor from among
6 the commissioned officers of the National Guard and naval militia. Each of them may
7 receive an appointment as aide, which however, shall not add to the actual grade of
8 the officer so appointed; nor shall such officer be relieved from duty with the
9 organization to which he is assigned, except when actually on duty as aide under the
10 orders of the Governor.]

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

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

19 (I) THE ADJUTANT GENERAL, THE ASSISTANT ADJUTANT GENERAL FOR
20 ARMY, AND THE ASSISTANT ADJUTANT GENERAL FOR AIR EACH SHALL BE
21 FULL-TIME EMPLOYEES OF THE MILITARY DEPARTMENT.

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

24 [9A.

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

36 [11.

37 The Adjutant General, as Quartermaster General, shall be responsible to the
38 Governor for the care, preservation and safekeeping of all military property. He shall
39 prepare returns of all federal military property at the time and in the manner
40 prescribed by the Secretary of the Army. He shall keep a just and true account of all
41 expenses incurred in the upkeep of the militia and such expenses shall be audited and

1 paid in the manner provided by law. He shall make such purchases and issue such
2 military property as the Governor may direct.]

3 12A.

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

5 (2) "Institution" means:

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

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

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

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

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

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

15 2. A warrant officer.

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

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

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

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

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

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

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

31 (d) If a recipient of tuition assistance under this section is discharged from the
32 Maryland National Guard for a reason designated by the Maryland Adjutant General,
33 the assistance terminates and the member owes the Military Department within 30

1 days of discharge the amount of tuition assistance that was received for that
2 semester.

3 [13.

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

8 14.

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

23 16.

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

27 23.

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

1 24.

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

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

11 [27.

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

25 [29.

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

39 [30.

40 Every officer and enlisted man to whom public property of the State or United
41 States has been issued shall be personally responsible to the State for such property,
42 and no one shall be relieved from such responsibility except it be shown to the

1 satisfaction of the Governor that the loss or destruction of such property was
2 unavoidable and in no way the fault of the person responsible for the same; in all
3 other cases the value of the property lost or destroyed shall be charged against the
4 person at fault or the organization to which it had been issued; and such person or
5 organization, if not relieved from such charge by the Governor, shall pay the value of
6 such property to the Adjutant General within ninety days after such loss or
7 destruction. The value of the lost or destroyed property and the persons or
8 organizations to be charged therewith shall be determined by an inspector appointed
9 by the Adjutant General. In cases of disagreement, such value shall be fixed by the
10 Adjutant General.]

11 [31.

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

20 32.

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

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

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

37 [(d)] (C) Each enlisted [man] PERSON who qualifies as prescribed by the
38 Governor, in small arms practice or as proficient in the various duties of the branch or
39 arm to which [he] THE PERSON belongs, shall be paid the following increase in pay of
40 [his] THE PERSON'S respective grade for a period of [one] 1 year beginning on
41 January [first] 1 following such qualification: experts, 20 percent; sharpshooters,

1 gunners, drivers, and medical, first class, 15 percent; marksmen, gunners, drivers,
2 and medical, second class, 10 percent.

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

8 [34.

9 The separate organizations in the City of Baltimore known as the Veteran Corps
10 of the Fifth Regiment, Infantry, M.N.G., and Old Guard, M.N.G., respectively, shall be
11 entitled to all rights and privileges conferred by this article except that said
12 organizations shall not be entitled to the privileges of retirement or to be placed on
13 reserve list nor to wear a uniform not distinctive from the active military forces of the
14 State; nor to share any appropriation made for the support of the militia other than
15 for the payment of rent, light and heat, upon approval of the Adjutant General, unless
16 said organizations are called for service by the Governor in case of emergency to aid
17 the organized militia in quelling insurrection, invasion, riot or breach of peace; when
18 so called upon the members of said organizations shall first sign, execute and deliver
19 through their commanding officers to the officer commanding the units of the
20 organized militia to whom ordered to report, a form of enlistment to be prescribed by
21 the Governor, for a term not to exceed ninety days at one time, and if the services of
22 such organizations shall not be required for the full term of their enlistment they
23 shall be discharged by the Governor. If called into the service of the State, the
24 members of said organizations shall be equipped and paid by the State and shall,
25 insofar as applicable, be considered a part of the organized militia of the State.]

26 35.

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

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

36 36.

37 The Governor may, upon the recommendation of [their commanding officers,
38 approved by] the Adjutant General, confer brevet commissions upon officers of the
39 organized militia of a grade next higher than the regular commission held by them.
40 The Governor may also confer upon officers of the organized militia, brevet
41 commissions of a grade equal to the highest grade in which they previously served in
42 the organized militia, or in the Army of the United States. Brevet commissions shall

1 carry with them only such privileges or rights as are allowed in like cases in the
2 military service of the United States.

3 [38.

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

10 [39.

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

18 42.

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

30 [53.

31 Every regiment or separate organization of the organized militia of this State
32 may receive and have as many honorary members as it has active and uniformed
33 members, on payment in advance by each person desiring to become such honorary
34 member, of not less than ten dollars per annum, which money shall be received by the
35 commanding officer of the regiment or separate organization, and be by him applied
36 to a special fund of such organization and expended by the commanding officer for the
37 best interests of his organization, and the commanding officer of every regiment and
38 separate organization, shall, on or before the first day of June and December in each
39 and every year, render to the Adjutant General an account of the money so received
40 and expended by him, and every such honorary member shall be entitled to receive a
41 certificate of honorary membership of the said regiment or separate organization, to

1 be signed by the commanding officer thereof, or some officer designated by him for
2 that purpose, and bearing the date of its issue.]

3 [56.

4 Whenever the words "National Guard," "militia," "organized militia," or
5 "military forces" appear in this article they shall be construed to cover the naval
6 militia or naval forces of this State, wherever applicable and wherever the words
7 "Army regulations," "Secretary of the Army", or similar words appear they shall be
8 construed to read "Navy regulations," "Secretary of Navy," etc., in all matters
9 pertaining to the naval forces of the State.]

10 [57.

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

13 [58.

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

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

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

30 For the use of such forces, the Governor is hereby authorized to requisition from
31 the [Secretary of War] SECRETARY OF THE ARMY such arms and equipment as may
32 be in possession of and can be spared by the [War Department] DEPARTMENT OF
33 THE ARMY; and to make available to such forces the facilities of State armories and
34 their equipment and such other State premises and property as may be available. All
35 school authorities are hereby authorized to permit the use of school buildings and
36 school grounds by such forces.

1 [76.

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

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

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