

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1473 (Chair, Health and Government Operations
Committee)(By Request - Departmental - Military)
Health and Government Operations Education, Health, and Environmental Affairs

Military Department - Classification, Organization, and Authority

This departmental bill clarifies, reorganizes, and updates various provisions of law related to the State's organized militia (*i.e.*, the Maryland Defense Force (MDDF) and the National Guard).

Fiscal Summary

State Effect: None. The changes are technical in nature and do not directly affect governmental finances.

Local Effect: None.

Small Business Effect: The Military Department has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill revises provisions relating to MDDF to reflect changes to the mission and composition of MDDF. The bill's various changes related to MDDF pertain to the powers of the Adjutant General, the mission of MDDF, the qualifications for membership, and the oaths taken by members.

The bill specifies that the Adjutant General is responsible for appointing and removing officers and generally overseeing MDDF. The bill also specifies that MDDF can only be

drafted into military service of the United States by the U.S. President, and the circumstances under which the enlistment period may be extended.

The bill clarifies issues pertaining to the State's organized militia, particularly related to notice of deployment for active duty militia and compensation for deployed troops. It also clarifies commissions and/or appointments of officers including vacated commissions and the removal or resignation of officers.

Current Law: The Governor may organize and maintain MDDF and disband or reduce the size of MDDF at any time. MDDF is in addition to and separate from the National Guard. An individual may not be commissioned or enlisted in MDDF if the individual is not a U.S. citizen or has been expelled or dishonorably discharged from a military or naval organization of Maryland, another state, or from the U.S. armed forces.

MDDF is an all volunteer force; however, a member of MDDF who is ordered to active duty by the Governor or by the Governor's authority is entitled to the compensation specified for officers and enlisted individuals. Individuals who enlist in MDDF must take an oath substantially in the form required for enlisted personnel of the organized militia.

The enlistment period in MDDF is two years and may be renewed. If the National Guard is called into active service, all enlistments continue until six months after the National Guard has been released from active federal service unless the enlisted individual is discharged sooner by the proper authority. The Governor may accept the resignation of an officer or grant a discharge to an enlisted individual at any time.

Background: The Military Department advises that the present law is confusing with regard to how the provisions apply to the National Guard and MDDF. According to the department the revisions included in the bill cure this problem by clarifying and reorganizing current law into clearly defined subtitles related to MDDF and the National Guard. The department further advises that the mission and practice of MDDF has changed, and the changes should be reflected in statute.

MDDF was formally established by the General Assembly in 1917 and is a uniformed military agency of volunteers under the Adjutant General of Maryland and the Maryland Military Department. MDDF's goal is to provide competent supplemental professional and technical support to the Maryland Military Department and the Maryland National Guard.

Headquartered at the Pikesville Military Reservation in Baltimore, the members of MDDF have recently been released or retired from active duty and have current skills and expertise involving military doctrine, hardware, or training. In 2007, members provided 24,000 hours of volunteer assistance including chaplain, engineering, technical, legal, and

medical services. The department advises that there are about 350 members of MDDF. Twenty-four other states and Puerto Rico have defense forces similar to MDDF.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Military Department, Department of Legislative Services

Fiscal Note History: First Reader - March 24, 2009
ncs/ljm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Military Department – Classification, Organization, and Authority

BILL NUMBER: HB 1473

PREPARED BY: Military

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.