

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 907 (Delegate Carter, *et al.*)  
Health and Government Operations

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Public Safety - National Guard Deployment - Governor's Powers

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This bill specifies that the Governor must withhold approval of the transfer of the National Guard to federal control in the absence of an explicit authorization for the use of military force, or a declaration of war, adopted by the U.S. Congress. The Governor must request the return of units of the National Guard to the State if an authorization for use of military force has expired under its own terms or is no longer valid.

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Fiscal Summary

**State Effect:** None. Any change in State activities does not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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Analysis

**Current Law/Background:** If the National Guard or any of its units are ordered into active military service by the President, the Governor may increase the military force and organize those units as the emergency requires.

The State's National Guard units have been called up, in some cases multiple times, for deployments in Iraq and Afghanistan. At least five National Guard members from Maryland have been killed in Iraq. The State's National Guard dates back to 1636 and is descended from the Colonial Militia. It has participated in virtually every conflict since the Revolutionary War. Guardsmen played a key role in World War I and World War II,

and members of the State's National Guard were among the first wave of soldiers to storm the beaches of Normandy.

Legislation similar to this bill is currently being considered in Alaska, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 501 (Senator Madaleno, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Governor's Office, Military Department, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2009  
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