

SENATE BILL 571

E4, P1
SB 501/09 – EHE

01r0438
CF 01r1606

By: **Senators Madaleno, Harrington, Lenett, Pinsky, Pugh, and Raskin**

Introduced and read first time: February 4, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – National Guard Deployment – Governor’s Powers**

3 FOR the purpose of requiring the Governor to request the return of certain units of the
4 National Guard to the control of the State under certain circumstances; and
5 generally relating to the deployment of the National Guard.

6 BY repealing and reenacting, with amendments,
7 Article – Public Safety
8 Section 13–401(c)
9 Annotated Code of Maryland
10 (2003 Volume and 2009 Supplement)

11 Preamble

12 WHEREAS, Under the U.S. Constitution, each state’s National Guard unit is
13 controlled by the governor, but can be called up for federal duty by the President,
14 pursuant to the Constitution and laws of the United States; and

15 WHEREAS, Members of the Maryland National Guard voluntarily enlisted in
16 order to defend and protect the State of Maryland but their deployment abroad
17 jeopardizes their ability to respond to natural disasters or other emergencies within
18 the borders of the United States of America, and specifically within Maryland; and

19 WHEREAS, The maintenance of Maryland National Guard members in Iraq
20 and Afghanistan, a mission for which they were not trained, has resulted in significant
21 harm to National Guard members and their families, including death and injury, loss
22 of time together, postdeployment mental health problems, financial hardship, and poor
23 access to care; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Maryland General Assembly desires to defend and protect both
2 the rights of the State of Maryland and the rights of those brave men and women in
3 the Maryland National Guard who volunteered to serve their State; now, therefore,

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

6 **Article – Public Safety**

7 13–401.

8 (c) (1) If the National Guard or any of its units are ordered into active
9 military service of the United States by the President of the United States, the
10 Governor may increase the military force and organize those units as the emergency
11 requires.

12 (2) IF AN AUTHORIZATION FOR USE OF MILITARY FORCE HAS BY
13 ITS TERMS EXPIRED OR IS NO LONGER VALID AUTHORITY FOR FEDERAL
14 CONTROL OVER UNITS OF THE NATIONAL GUARD, AND THERE IS OTHERWISE
15 NO ACTION UNDERWAY FOR THE PROMPT RETURN OF THE UNITS TO STATE
16 CONTROL, THE GOVERNOR SHALL REQUEST THE RETURN OF THE UNITS TO THE
17 CONTROL OF THE STATE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2010.