

AN INDIVIDUAL WHO HOLDS MORE THAN ONE OF THE OFFICES MENTIONED IN SUBSECTION (A) OF THIS SECTION SIMULTANEOUSLY SHALL RECEIVE ONLY THE PAY, INCLUDING LONGEVITY PAY, SUBSISTENCE, PER DIEM, AND ALLOWANCES AS PROVIDED UNDER THIS SECTION, FOR A SINGLE OFFICE.

(C) OFFICE OF PROFIT.

A MILITARY OFFICE FOR WHICH NO SALARY IS PROVIDED IN THE STATE BUDGET IS NOT AN OFFICE OF PROFIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, § 9(e) and (f) and the second sentence of § 5(b).

In subsection (a)(1) of this section, the reference to enlisted "individuals" is substituted for the former reference to enlisted "persons". See General Revisor's Note to title.

Also in subsection (a)(1) of this section, the former reference to the Army or Air Force "as the case may be" is deleted for brevity.

In subsection (a)(2) of this section, the former reference to the "United States" is deleted as unnecessary.

In subsection (b) of this section, the phrase "pay, including longevity pay, subsistence, per diem, and allowances" is substituted for the former phrase "pay allowances and subsistence" for consistency.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that the Employees' Retirement System of the State is only one of several systems in the State Retirement and Pension System. See SP § 21-102. The General Assembly may wish to consider including the other State pension systems.

The Public Safety Article Review Committee also notes, for consideration by the General Assembly, that in subsection (c) of this section, the meaning of the term "military office" is unclear. Article 35 of the Declaration of Rights, the constitutional prohibition on dual office holding, states that "membership in the militia of this State ... shall not be considered an office of profit within the meaning of this Article ...". Article 35 does not limit the provision to an office for which "no salary is provided in the State budget".

Defined terms: "Department" § 13-101
"State active duty" § 13-101

13-210. WORKERS' COMPENSATION INSURANCE.

(A) ORGANIZED MILITIA.

(1) THIS SUBSECTION APPLIES TO THE PERIOD OF TIME THAT AN EMPLOYEE IS ORDERED BY THE GOVERNOR TO ACTIVE MILITARY DUTY IN THE ORGANIZED MILITIA OF THE STATE FOR SERVICE DURING:

(I) A CIVIL DISORDER;