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By: **Chairman, Commerce and Government Matters Committee**  
**(Departmental - Military)**

Introduced and read first time: January 15, 2001  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Militia - National Guard - Appointments**

3 FOR the purpose of clarifying and updating the laws governing the organized and  
4 unorganized militia of the State; adding two full-time positions that the  
5 Adjutant General may appoint; authorizing the appointment of two Assistant  
6 Adjutants General; and generally relating to the State Military Department.

7 BY repealing and reenacting, with amendments,  
8 Article 65 - Militia  
9 Section 7 and 9  
10 Annotated Code of Maryland  
11 (1998 Replacement Volume and 2000 Supplement)

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

14 **Article 65 - Militia**

15 7.

16 (a) Notwithstanding any other provision of law, the Adjutant General may  
17 appoint:

18 (1) A CHIEF OF STATE OPERATIONS;

19 [(1)] (2) An executive officer;

20 (3) AN ADMINISTRATIVE OFFICER;

21 [(2)] (4) The directors of military installations, procurement, military  
22 support to civil authorities, State personnel, [administration (finance)] FINANCE,  
23 and veterans affairs;

24 [(3)] (5) The site managers for military reservations; and

1            [(4)]    (6)    A grants administrator.

2            (b)    The executive officer and directors appointed under subsection (a) of this  
3 section shall serve at the pleasure of the Adjutant General.

4 9.

5            (a)    The Adjutant General shall:

6            (1)    Be appointed by the Governor by and with the advice and consent of  
7 the Senate;

8            (2)    Have a commissioned grade not above that of Lieutenant General;  
9 and

10           (3)    Have a salary as stated in the annual budget.

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

12           (1)    Be appointed by the Governor and serve at the pleasure of the  
13 Governor;

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

17           (3)    Have a salary as stated in the annual budget;

18           (4)    Have at least 10 years of commissioned field grade service in the  
19 Maryland National Guard;

20           (5)    Have attained at least the rank of colonel; and

21           (6)    Perform such military duties as may be assigned by the Governor or  
22 by the Adjutant General.

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

24           (1)    Be appointed by the Governor and serve at the pleasure of the  
25 Governor;

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

29           (3)    Have a salary as stated in the annual budget;

30           (4)    Have at least 10 years of commissioned field grade service in the  
31 Maryland National Guard;

32           (5)    Have attained at least the rank of colonel; and

1           (6)     Perform such military duties as may be assigned by the Governor or  
2 by the Adjutant General.

3     (d)     The Adjutant General shall:

4           (1)     Have at least 10 years of commissioned field grade service in the  
5 Maryland National Guard;

6           (2)     Have attained at least the rank of colonel; and

7           (3)     Meet the requirements for federal recognition at the rank of Major  
8 General at the time of appointment.

9     (e)     The Adjutant General, the Assistant Adjutants General, officers, warrant  
10 officers, and enlisted persons who are full-time employees of the Military  
11 Department are military personnel in an active duty status. They shall be entitled to  
12 receive the same per diem pay, including longevity pay, subsistence and allowances,  
13 as officers, warrant officers and enlisted persons of like grades and length of service  
14 in the regular Army or Air Force, as the case may be. Subsistence and allowances  
15 shall be accorded the same treatment for income tax purposes under the laws of this  
16 State as granted by the United States Internal Revenue Code, and regulations  
17 promulgated thereunder for federal income tax purposes; and such subsistence and  
18 allowances shall not be used in calculating the salary base for retirement purposes for  
19 any employee who is a member of the Employees' Retirement System of the State of  
20 Maryland.

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

24     (g)     The appointment of a chief of staff and aides shall be at the pleasure of the  
25 Governor.

26     (H)     THERE SHALL BE FOUR ASSISTANT ADJUTANTS GENERAL, TWO FOR ARMY  
27 AND TWO FOR AIR.

28     [(h)]    (I)     A Deputy Assistant Adjutant General for Army shall be appointed by  
29 the Governor and serve at the pleasure of the Adjutant General. The Deputy  
30 Assistant Adjutant General for Army shall have a commissioned grade not above that  
31 of Brigadier General and shall perform the military duties assigned by the Governor  
32 or by the Adjutant General.

33     [(i)]    (J)     The Adjutant General, [the Assistant Adjutant] ONE OF THE  
34 ASSISTANT ADJUTANTS General for Army, and [the Assistant Adjutant] ONE OF THE  
35 ASSISTANT ADJUTANTS General for Air each shall be full-time employees of the  
36 Military Department. THE OTHER TWO ASSISTANT ADJUTANTS GENERAL SHALL BE  
37 TRADITIONAL DRILLING GUARD MEMBERS.

38     [(j)]    (K)     Notwithstanding any other provision of law, the Adjutant General  
39 shall be a member of the Governor's cabinet.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2001.