

HOUSE BILL 107

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2001 Regular Session
11r0062

By: **Chairman, Commerce and Government Matters Committee**
(Departmental - Military) and Delegates Clagett, DeCarlo, Dypski,
Glassman, Paige, Parrott, Riley, Snodgrass, and Sophocleus

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 6, 2001

CHAPTER _____

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;

1 (3) AN ADMINISTRATIVE OFFICER;

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

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

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

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

9 9.

10 (a) The Adjutant General shall:

11 (1) Be appointed by the Governor by and with the advice and consent of
12 the Senate;

13 (2) Have a commissioned grade not above that of Lieutenant General;
14 and

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

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

17 (1) Be appointed by the Governor and serve at the pleasure of the
18 Governor;

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

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

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

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

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

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

29 (1) Be appointed by the Governor and serve at the pleasure of the
30 Governor;

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

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

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

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

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

10 (d) The Adjutant General shall:

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

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

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

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

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

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

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

35 [(h)] (I) A Deputy Assistant Adjutant General for Army shall be appointed by
36 the Governor and serve at the pleasure of the Adjutant General. The Deputy
37 Assistant Adjutant General for Army shall have a commissioned grade not above that

1 of Brigadier General and shall perform the military duties assigned by the Governor
2 or by the Adjutant General.

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

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

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