

# HOUSE BILL 1439

P4

(7lr0186)

## ENROLLED BILL

— *Health and Government Operations / Education, Health, and Environmental Affairs* —

Introduced by **Chair, Health and Government Operations Committee (By Request – Departmental – Military)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Military Department – Adjutant General and Assistant Adjutants General –**  
3 **Qualifications and Duties**

4 FOR the purpose of altering the number of years of a certain type of service in the  
5 National Guard required to meet the qualifications for the Adjutant General  
6 and Assistant Adjutant General; requiring the Adjutant General in consultation  
7 with the Assistant Adjutants General to submit a certain report to the General  
8 Assembly; and generally relating to the Adjutant General and Assistant  
9 Adjutants General.

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 BY repealing and reenacting, with amendments,  
2 Article – Public Safety  
3 Section 13–301 and 13–303  
4 Annotated Code of Maryland  
5 (2003 Volume and 2006 Supplement)

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

8 **Article – Public Safety**

9 13–301.

10 (a) The Adjutant General:

11 (1) is the head of the Department;

12 (2) shall be appointed by the Governor with the advice and consent of  
13 the Senate;

14 (3) is subordinate only to the Governor in matters relating to the  
15 Department;

16 (4) shall have a commissioned grade not above that of Lieutenant  
17 General; and

18 (5) shall be a full-time employee of the Department in State active  
19 duty status.

20 (b) At the time of appointment, the Adjutant General shall:

21 (1) have at least [10] ~~3~~ 2 years of commissioned field grade service in  
22 the National Guard;

23 (2) have attained at least the rank of colonel; and

24 (3) meet the requirements for federal recognition at the rank of Major  
25 General.

26 (c) The Adjutant General is a member of the Governor's Executive Council.

27 (d) If the Adjutant General is ordered into the active military service of the  
28 United States, the Governor may designate an acting Adjutant General to exercise the

1 duties of the Adjutant General during the period the Adjutant General is on active  
2 military service.

3 13-303.

4 (a) (1) The Governor shall appoint two Assistant Adjutants General for  
5 the Maryland Army National Guard and two Assistant Adjutants General for the  
6 Maryland Air National Guard.

7 (2) An Assistant Adjutant General serves at the pleasure of the  
8 Governor.

9 (3) Unless selected for a military position requiring federal recognition  
10 as a Major General, an Assistant Adjutant General shall have a commissioned grade  
11 not above that of Brigadier General.

12 (b) To be appointed as an Assistant Adjutant General an individual shall:

13 (1) have at least [10 years] **1 YEAR** of commissioned field grade  
14 service in the National Guard; and

15 (2) have attained at least the rank of colonel.

16 (c) An Assistant Adjutant General shall perform the military duties that are  
17 assigned by the Governor or Adjutant General.

18 (d) (1) One of the Assistant Adjutants General for the Maryland Army  
19 National Guard and one of the Assistant Adjutants General for the Maryland Air  
20 National Guard shall be full-time employees of the Department in State active duty  
21 status.

22 (2) The other two Assistant Adjutants General shall be traditional  
23 drilling guard members.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Adjutant General for  
25 the Maryland Army National Guard, in consultation with the Assistant Adjutants  
26 General, shall report to the General Assembly on a quarterly basis beginning on  
27 January 1, 2008, in accordance with § 2-1246 of the State Government Article, on the  
28 number of Maryland National Guard members killed or injured while on active duty  
29 and the circumstances of the deaths or injuries.

1           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.