

# HOUSE BILL 1439

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

Rules suspended

Introduced and read first time: March 15, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 16, 2007

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 29, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Military Department – Adjutant General and Assistant Adjutants General**

3 FOR the purpose of altering the number of years of a certain type of service in the  
4 National Guard required to meet the qualifications for the Adjutant General  
5 and Assistant Adjutant General; and generally relating to the Adjutant General  
6 and Assistant Adjutants General.

7 BY repealing and reenacting, with amendments,  
8 Article – Public Safety  
9 Section 13–301 and 13–303  
10 Annotated Code of Maryland  
11 (2003 Volume and 2006 Supplement)

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

14 **Article – Public Safety**

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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.



13-301.

(a) The Adjutant General:

(1) is the head of the Department;

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

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

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

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

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

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

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

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

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

(d) If the Adjutant General is ordered into the active military service of the United States, the Governor may designate an acting Adjutant General to exercise the duties of the Adjutant General during the period the Adjutant General is on active military service.

13-303.

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

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

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

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

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

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

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

10           (d)    (1)   One of the Assistant Adjutants General for the Maryland Army  
11 National Guard and one of the Assistant Adjutants General for the Maryland Air  
12 National Guard shall be full-time employees of the Department in State active duty  
13 status.

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

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 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.