

CHAPTER 485

(House Bill 1439)

AN ACT concerning

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

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

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

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

Article – Public Safety

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.

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2007.