

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 255

(Chair, Education, Energy, and the Environment
Committee)(By Request - Departmental - Military)

Education, Energy, and the Environment

Health and Government Operations

Military Department – Chief of Staff and Aides – Appointment Authority

This departmental bill replaces the Governor with the Adjutant General as the individual responsible for specified functions within the Military Department. Specifically, the bill authorizes the Adjutant General of the Military Department (instead of the Governor) to appoint a chief of staff and aides. The bill further establishes that these individuals serve at the pleasure of the Adjutant General (rather than the Governor).

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations. The Military Department advises that the bill conforms statute to current practice, as discussed below.

Local Effect: None.

Small Business Effect: The Military Department has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law/Background:

The Military Department, Adjutant General, and Assistant Adjutants General

The Military Department provides overall direction and maintenance of the Maryland National Guard (MDNG), which is comprised of the Maryland Army National Guard and

the Maryland Air National Guard. MDNG may be called up by the Governor during State emergencies or may be activated by the U.S. Department of Defense.

The Adjutant General is the head of the Military Department. Among other things, the Adjutant General must be appointed by the Governor with the advice and consent of the Senate and is subordinate only to the Governor in matters relating to the Military Department. The Adjutant General must have a commissioned grade not above that of Lieutenant General and must be a full-time employee of the Military Department in State active-duty status.

The Adjutant General may appoint (1) a chief of State operations; (2) an executive officer; (3) an administrative officer; (4) the directors of military installations, procurement, military support to civil authorities, State personnel, finance, and veterans affairs; (5) the site managers for military reservations; and (6) a grants administrator. The executive officer and directors serve at the pleasure of the Adjutant General.

The Governor must appoint two Assistant Adjutants General for the Maryland Army National Guard and two Assistant Adjutants General for the Maryland Air National Guard. An assistant Adjutant General serves at the pleasure of the Governor. Unless selected for a military position requiring federal recognition as a Major General, an Assistant Adjutant General must have a commissioned grade not above that of Brigadier General.

Other Personnel (Statute Altered by the Bill)

Officers, warrant officers, and enlisted individuals who are full-time employees of the Military Department are in State active-duty status. The *Governor* may appoint a chief of staff and aides. In addition, the chief of staff and aides serve at the pleasure of the *Governor*.

The Military Department advises that while the Governor has the statutory authority to appoint the chief of staff, this power is rarely exercised, and by practice the Adjutant General chooses the chief of staff. In addition, because the chief of staff is a direct report to the Governor under current law, this creates the appearance that the chief of staff is of equal rank as the Adjutant General and may cause confusion. The Military Department also advises that the Adjutant General already has appointing authority for several other positions within the department. The Military Department further advises that clarifying that the Adjutant General appoints the chief of staff and aides ultimately conforms statute to current practice.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 181 (Chair, Health and Government Operations Committee)(By Request - Departmental - Military) - Health and Government Operations.

Information Source(s): Governor's Office; Military Department; Department of Legislative Services

Fiscal Note History: First Reader - January 17, 2025
km/aad
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Military Department – Chief of Staff and Aides – Appointment Authority

BILL NUMBER: SB 255

PREPARED BY: Dr. Tony Campbell

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed bill will have **NO** economic impact on Maryland Small Businesses