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SB 128 - MMD – Supervision of State Active Duty Personnel

Good afternoon, Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee. Thank you for the opportunity to testify in support of Senate Bill 128, MMD-Supervision of State Active Duty Personnel. SB 128 does not have a fiscal impact.

State Active Duty (SAD) in the National Guard refers to when a governor activates National Guard members for state-specific missions, such as responding to natural disasters or civil disturbances. Maryland law provides that state personnel should only be supervised and managed by state personnel. While this law may be feasible for other state agencies, it is unrealistic and unsustainable for the Maryland National Guard given the structure and mission of the organization.

For example, under current law, The Adjutant General would be limited in their ability to direct Servicemembers on state active-duty orders when the Adjutant General (or her subordinate commanders) is in a Federal status. Clearly, this is not the intent of the law but as written, there are limitations that generally apply to state personnel and Guard members on state active duty.

In emergency response situations, there may be Servicemembers in a federal status assisting with the operation alongside Servicemembers on state active-duty orders. Based on the rank, duties, and/or responsibilities of the Servicemember in a federal status, he or she may need to oversee and direct operations where all or some of the Servicemembers are on state active-duty orders.

The change in statute makes clear the operational command and control of Maryland National Guard and MMD personnel stays under the command of the Adjutant General who reports to the Governor of Maryland.

For these reasons, I urge the committee to issue a favorable report for SB128. Thank you for your time and consideration.