

SB 128 Testimony C1 - SAD Personnel Supervision.pdf

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Position: FAV



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MAJOR GENERAL
THE ADJUTANT GENERAL

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.

Memo

Uploaded by: Dr. Antonio (Tony) Campbell

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MEMORANDUM to Members of the Education, Energy and the Environment Committee and Members of the Government, Labor and Elections Committee.

SUBJECT: Supervision of State Active Duty (SB 128 / HB 301)

1. Purpose: This information paper outlines the intent of Maryland Military Department – Supervision of State Active Duty (SB 128 / HB 301). 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.

2. Issue:

a. 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.

b. If bound by current Maryland law, the Adjutant General would be limited in their ability to direct Servicemembers or state active-duty orders when they are 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.

3. Facts:

a. There are multiple status Maryland National Guard personnel may serve under:

- Title 10 (Federally funded; and President is the Commander in Chief)
- Title 32 (Federally funded; and Governor is the Commander in Chief)
- State Active Duty (State funded; and Governor is the Commander in Chief)

b. Changes in statute caused by SB 128 / HB 301 only apply to Title 32 and State Active Duty.

SUBJECT: Supervision of State Active Duty (SB 128 / HB 301)

c. Maryland Military Department personnel including MDNG remain under the command and control of the Adjutant General, and the Governor of Maryland is the Commander in Chief.

4. Assessment: Supervision of State Active Duty (SB 128 / HB 301) allows for clear command and control for the Adjutant General and her subordinate commanders, whether the personnel are in a federal or state status. SB 128 / HB 301 does not have a fiscal impact.

5. Recommendation: Favorable report for Supervision of State Active Duty (SB 128 / HB 301)

6. The point of contact for this memorandum is Dr. Antonio (Tony) W. Cambell, reachable at (443) 056-0108, or tony.campbell1@maryland.gov.

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