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HOUSE BILL 149

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Roberto J. Gonzales

AN ACT

RELATING TO MILITARY AFFAIRS; MODIFYING REQUIREMENTS FOR
APPOINTMENT OF ADJUTANT GENERAL; MODIFYING PROVISIONS FOR
DISCHARGE OF A COMMISSIONED OR WARRANT OFFICER; AMENDING
SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 20-1-5 NMSA 1978 (being Laws 1987,
Chapter 318, Section 5) is amended to read:

"20-1-5. ADJUTANT GENERAL--APPOINTMENT AND DUTIES.--In
case of a vacancy, the governor shall appoint as the adjutant
general of New Mexico for a term of five years an officer who
for [~~three~~] five years immediately preceding his appointment as
the adjutant general of New Mexico has been federally
recognized as an officer in the national guard of New Mexico
and who during his service in the national guard of New Mexico

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1 has received federal recognition in the rank of major or
2 higher. The adjutant general shall not be removed from office
3 during the term for which appointed, except for cause to be
4 determined by a court-martial or efficiency board legally
5 convened for that purpose in the manner prescribed by the
6 national guard regulations of the United States department of
7 defense. The adjutant general shall have the military grade of
8 major general and shall receive the same pay and allowances as
9 is prescribed by federal law and regulations for members of the
10 active military in the grade of major general, unless a
11 different rate of pay and allowances is specified in the annual
12 appropriations bill. The adjutant general shall:

13 A. prepare and publish, by order of the governor,
14 such orders, rules and regulations, consistent with law, as are
15 necessary to maintain the military forces in a state of
16 efficiency in conformity with the needs of the state and the
17 federal defense requirements;

18 B. supervise the receipt, preservation, repair,
19 distribution, issue and collection of all arms and military
20 equipment of the state;

21 C. supervise all personnel, organizations,
22 facilities, equipment, supplies and funds of the military
23 forces;

24 D. maintain records of all members of the military
25 forces and keep on file in his offices copies of all orders,

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underscored material = new
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1 reports, regulations and communications received and issued by
2 him;

3 E. perform such other duties as may be required of
4 him by the commander-in-chief; and

5 F. have a seal of office."

6 Section 2. Section 20-4-1 NMSA 1978 (being Laws 1987,
7 Chapter 318, Section 18) is amended to read:

8 "20-4-1. STANDARDS FOR APPOINTMENT, PROMOTION,
9 TERMINATION. --

10 A. The standards for commissioning, warranting and
11 enlisting; for promotion and demotion in grade or rank; and for
12 assignment, transfer, discharge and retirement of members of
13 the national guard shall be established by regulations
14 promulgated by the adjutant general. Such regulations shall
15 substantially conform these requirements to the laws and
16 regulations of the United States relating to the national guard
17 of the United States.

18 B. The regulations concerning discharge shall
19 include a provision that a commissioned or warrant officer can
20 be discharged only:

21 (1) upon removal of federal recognition by the
22 national guard bureau;

23 (2) upon transfer by request of the officer to
24 another military reserve component of the United States;

25 (3) upon resignation duly accepted by the

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governor;

(4) for absence without leave for more than ninety days;

(5) upon recommendation of a federal recognition board or other state efficiency board approved by the governor; [or]

(6) after a court-martial imposing a sentence of dismissal, if the sentence of dismissal is approved by the governor; or

(7) upon removal of state recognition by the governor.

C. Discharge certificates shall reflect the character of the member's service. They shall conform as closely as practicable to discharge certificates of the United States military forces. "

Section 3. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2003.

Section 4. EMERGENCY. --It is necessary for the public peace, health and safety that this act take effect immediately.