



## **FISCAL IMPLICATIONS**

The Department of Military Affairs notes this bill elevates the office of the adjutant general to a cabinet level position in terms of pay. The cabinet level pay can vary from \$86.6 to \$100.0. The current adjutant general salary is \$87.1. The deputy adjutant general position would become an exempt position subject to pay established by the adjutant general and the governor.

## **DUPLICATION and RELATIONSHIP**

Senate Bill 144 duplicates House Bill 285. Senate Bill 144 is similar to House Bill 149, addressing some of the same legislation changes to the Department of Military Affairs, but in greater detail than House Bill 149.

## **OTHER SUBSTANTIVE ISSUES**

The Department of Military Affairs indicates a legislative conflict because Section 20-1-5 NMSA 1978 states that the only method of removal of an adjutant general is by a court marshal or through an efficiency board. The added change to Senate Bill 144, Section 20-4-1(7) NMSA 1978, could allow the Governor the power to remove an adjutant general from office, creating another mechanism to relieve or replace an adjutant general. This change would conflict with statutory procedures in Section 20-1-5.

The department also notes the deletion of Section 20-4-1(B)(5) is contrary to existing federal regulations pertaining to the National Guard as the National Guard Regulations clearly provide that federal recognition boards are a proper mechanism to determine continued service for commissioned officers and warrant officers, or to eliminate the same for non-performance or other reasons established by regulation.

**KBC/sb**