

HOUSE BILL 116

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO MILITARY AFFAIRS; AUTHORIZING THE ADJUTANT GENERAL TO EMPLOY ACTIVE DUTY MEMBERS OF THE NEW MEXICO NATIONAL GUARD AS STATE EMPLOYEES.

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

SECTION 1. Section 20-3-2 NMSA 1978 (being Laws 1987, Chapter 318, Section 17, as amended) is amended to read:

"20-3-2. DEPARTMENT STRUCTURE--AUTHORITY OF ADJUTANT GENERAL.--

A. The department of military affairs consists of:

- (1) the office of the adjutant general;
- (2) three subordinate military divisions:
 - (a) the army national guard division;
 - (b) the air national guard division; and
 - (c) the state defense force division;

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1 and

2 (3) five subordinate civil divisions:

3 (a) the selective service office;

4 (b) the state armory board;

5 (c) the civil air patrol division;

6 (d) the state programs division; and

7 (e) the United States property and

8 fiscal office and such other agencies, administrative staffs
9 and clerical staffs necessary for departmental operation that
10 the adjutant general may by regulation prescribe.

11 B. The adjutant general is the military chief of
12 staff to the governor and is the head of the department of
13 military affairs.

14 C. The adjutant general shall prescribe policies,
15 rules and procedures for the orderly functioning of the
16 department of military affairs, which may include subordinate
17 organizational structures and lines of authority.

18 D. The adjutant general may employ such
19 administrative, technical, clerical and other personnel as the
20 adjutant general deems necessary and may fix the compensation
21 of exempt personnel subject to the concurrence of the
22 department of finance and administration.

23 E. The adjutant general may employ, within the
24 department of military affairs' appropriated budget, members of
25 the New Mexico national guard on state active duty, on either a

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1 full-time or seasonal basis, for the purpose of providing
2 preparedness for, mitigation of or response to any type of
3 disaster.

4 ~~[F.]~~ F. The adjutant general may make expenditures
5 from appropriations or from other funds available to the
6 adjutant general for all purposes within Chapter 20 NMSA 1978.

7 ~~[F.]~~ G. The adjutant general is authorized to
8 accept through the United States property and fiscal officer
9 such equipment, supplies, arms, facilities and personnel
10 support funding as may be authorized and appropriated by
11 federal law.

12 ~~[G.]~~ H. The adjutant general shall be furnished
13 suitable buildings, facilities, supplies and equipment for
14 conducting the business of the department of military affairs
15 to include the proper storage, repair and issuance of military
16 property.

17 ~~[H.]~~ I. The adjutant general may appoint as
18 assistant adjutants general one officer from each of the three
19 military divisions in the department of military affairs. The
20 officers appointed shall hold the rank of brigadier general
21 during such appointment. The qualifications of each person so
22 appointed shall meet the specific standards required for such
23 appointment within Chapter 20 NMSA 1978 and any applicable
24 federal standards or requirements. Once appointed, the
25 assistant adjutants general shall serve at the pleasure of the

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1 adjutant general; their performance will be reviewed annually,
2 in January, by the adjutant general; and if relieved, an
3 assistant adjutant general shall revert to the rank previously
4 held or to such higher rank to which promoted and federally
5 recognized while serving as assistant adjutant general. The
6 adjutant general may designate one federally recognized
7 assistant adjutant general as deputy adjutant general. The
8 deputy adjutant general shall serve on full-time active status
9 for the state. In the incapacity or absence from the state of
10 the adjutant general, the deputy adjutant general shall act in
11 the adjutant general's stead. In the incapacity or absence
12 from the state of both the adjutant general and the deputy
13 adjutant general, the governor may call any assistant adjutant
14 general to active service for the state. The assistant
15 adjutants general shall perform all duties that may be required
16 of them by the adjutant general. The adjutant general may
17 delegate in writing to any of the assistant adjutants general
18 such authorities and responsibilities as the adjutant general
19 deems appropriate, consistent with the constitutions, laws and
20 regulations of the state and of the United States. Assistant
21 adjutants general, when on active status for the state, shall
22 receive the same pay and allowances as are prescribed by
23 federal law and regulations for members of the active military
24 in the grade of brigadier general, unless a different rate of
25 pay and allowances are specified in a general appropriation act

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