

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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;

- and
- (3) five subordinate civil divisions:
 - (a) the selective service office;
 - (b) the state armory board;
 - (c) the civil air patrol division;
 - (d) the state programs division; and
 - (e) the United States property and

fiscal office and such other agencies, administrative staffs

1 and clerical staffs necessary for departmental operation that
2 the adjutant general may by regulation prescribe.

3 B. The adjutant general is the military chief of
4 staff to the governor and is the head of the department of
5 military affairs.

6 C. The adjutant general shall prescribe policies,
7 rules and procedures for the orderly functioning of the
8 department of military affairs, which may include subordinate
9 organizational structures and lines of authority.

10 D. The adjutant general may employ such
11 administrative, technical, clerical and other personnel as
12 the adjutant general deems necessary and may fix the
13 compensation of exempt personnel subject to the concurrence
14 of the department of finance and administration.

15 E. The adjutant general may employ, within the
16 department of military affairs' appropriated budget, members
17 of the New Mexico national guard on state active duty, on
18 either a full-time or seasonal basis, for the purpose of
19 providing preparedness for, mitigation of or response to any
20 type of disaster.

21 F. The adjutant general may make expenditures from
22 appropriations or from other funds available to the adjutant
23 general for all purposes within Chapter 20 NMSA 1978.

24 G. The adjutant general is authorized to accept
25 through the United States property and fiscal officer such

1 equipment, supplies, arms, facilities and personnel support
2 funding as may be authorized and appropriated by federal law.

3 H. The adjutant general shall be furnished
4 suitable buildings, facilities, supplies and equipment for
5 conducting the business of the department of military affairs
6 to include the proper storage, repair and issuance of
7 military property.

8 I. The adjutant general may appoint as assistant
9 adjutants general one officer from each of the three military
10 divisions in the department of military affairs. The
11 officers appointed shall hold the rank of brigadier general
12 during such appointment. The qualifications of each person
13 so appointed shall meet the specific standards required for
14 such appointment within Chapter 20 NMSA 1978 and any
15 applicable federal standards or requirements. Once
16 appointed, the assistant adjutants general shall serve at the
17 pleasure of the adjutant general; their performance will be
18 reviewed annually, in January, by the adjutant general; and
19 if relieved, an assistant adjutant general shall revert to
20 the rank previously held or to such higher rank to which
21 promoted and federally recognized while serving as assistant
22 adjutant general. The adjutant general may designate one
23 federally recognized assistant adjutant general as deputy
24 adjutant general. The deputy adjutant general shall serve on
25 full-time active status for the state. In the incapacity or

1 absence from the state of the adjutant general, the deputy
2 adjutant general shall act in the adjutant general's stead.
3 In the incapacity or absence from the state of both the
4 adjutant general and the deputy adjutant general, the
5 governor may call any assistant adjutant general to active
6 service for the state. The assistant adjutants general shall
7 perform all duties that may be required of them by the
8 adjutant general. The adjutant general may delegate in
9 writing to any of the assistant adjutants general such
10 authorities and responsibilities as the adjutant general
11 deems appropriate, consistent with the constitutions, laws
12 and regulations of the state and of the United States.
13 Assistant adjutants general, when on active status for the
14 state, shall receive the same pay and allowances as are
15 prescribed by federal law and regulations for members of the
16 active military in the grade of brigadier general, unless a
17 different rate of pay and allowances are specified in a
18 general appropriation act of the New Mexico legislature.

19 J. The adjutant general shall appoint individuals
20 to serve as directors of the five subordinate civil
21 divisions, except as stated in Section 20-9-1 NMSA 1978. The
22 qualifications of each person so appointed shall meet the
23 specific standards required for such appointment within
24 Chapter 20 NMSA 1978 and any applicable federal standards or
25 requirements.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

K. There shall be allowed to the adjutant general a contingent and entertainment fund of two thousand five hundred dollars (\$2,500) annually, plus such additional appropriations for carrying out the functions of the office as the legislature shall deem proper."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023. _____