

(4) SHALL HAVE A COMMISSIONED GRADE NOT ABOVE THAT OF LIEUTENANT GENERAL; AND

(5) SHALL BE A FULL-TIME EMPLOYEE OF THE DEPARTMENT IN STATE ACTIVE DUTY STATUS.

(B) QUALIFICATIONS.

AT THE TIME OF APPOINTMENT, THE ADJUTANT GENERAL SHALL:

(1) HAVE AT LEAST 10 YEARS OF COMMISSIONED FIELD GRADE SERVICE IN THE NATIONAL GUARD;

(2) HAVE ATTAINED AT LEAST THE RANK OF COLONEL; AND

(3) MEET THE REQUIREMENTS FOR FEDERAL RECOGNITION AT THE RANK OF MAJOR GENERAL.

(C) GOVERNOR'S EXECUTIVE COUNCIL.

THE ADJUTANT GENERAL IS A MEMBER OF THE GOVERNOR'S EXECUTIVE COUNCIL.

(D) ACTING ADJUTANT GENERAL.

IF THE ADJUTANT GENERAL IS ORDERED INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES, THE GOVERNOR MAY DESIGNATE AN ACTING ADJUTANT GENERAL TO EXERCISE THE DUTIES OF THE ADJUTANT GENERAL DURING THE PERIOD THE ADJUTANT GENERAL IS ON ACTIVE MILITARY SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 10-101 and former Art. 65, § 9(a)(1) and (2), (d), (k), and, as they related to full-time employment in active duty status, (e) and (j), and the second and third sentences and the first clause of the first sentence of § 10.

In subsection (a)(1) of this section, the term "Department" is substituted for the former obsolete reference to the "Department of the Militia".

Also in subsection (a)(1) of this section, the former references to the Adjutant General "having and exercising the rights, powers, duties, obligations and functions now or hereafter conferred by law" and "be[ing] in control of the Military Department of the State" are deleted as implicit in the statement that the Adjutant General is the head of the Military Department.

In subsection (a)(5) of this section, the former reference to the Adjutant General being "military personnel" is deleted as included in the reference to being in "State active duty status".

In the introductory language of subsection (b) of this section, the reference to "at the time of appointment" is added to state explicitly what was formerly only implied in subsection (b)(1) and (2) of this section, *i.e.*, that