

The House Committee on Defense and Veterans Affairs offers the following substitute to HB 242:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 2 of Chapter 2 of Title 38 of the Official Code of Georgia
2 Annotated, relating to the adjutant general and other executives, so as to change certain
3 provisions relating to the office of adjutant general; to provide for the rank of the adjutant
4 general and for the pay and allowances for such officer; to provide for the applicability of
5 certain provisions of law; to change certain provisions relating to the office of an assistant
6 adjutant general; to provide for the rank of an assistant adjutant general and for the pay and
7 allowances for such officers; to provide an effective date; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Part 3 of Article 2 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated,
12 relating to the adjutant general and other executives, is amended by striking in its entirety
13 Code Section 38-2-150, relating to the adjutant general, and inserting in lieu thereof a new
14 Code Section 38-2-150 to read as follows:

15 "38-2-150.

16 There shall be an adjutant general of the state who shall be appointed by the Governor for
17 a term concurrent with the term of the Governor appointing ~~him~~ such person and who shall
18 serve as such at the pleasure of the Governor. The adjutant general shall have not less than
19 the rank of a major general, the specific rank to be determined by the Governor. The
20 adjutant general ~~and~~ shall not be less than 30 nor more than 65 years of age. No person
21 shall be eligible to hold the office of adjutant general unless he or she holds or has held a
22 commission of at least the rank of field grade or the equivalent in the organized militia of
23 the state, ~~or~~ in the armed forces of the United States, or in a reserve component thereof and
24 shall have served not less than five years in one or more of such services at the time of his
25 or her appointment. The adjutant general shall receive the pay and allowances ~~of a major~~
26 ~~general~~ for his or her rank as provided by law for an officer of equivalent rank in the

1 regular armed forces of the United States. The Governor shall require the adjutant general
 2 to give bond to the state, conditioned on the faithful discharge of the duties of ~~his~~ the
 3 office, in the sum of \$10,000.00 with good and sufficient security, to be approved by the
 4 Governor. Notwithstanding any other provisions of law, the adjutant general shall not be
 5 subject to the provisions of subsection (e) of Code Section 38-2-279, relating to pay for 18
 6 days' absence and emergency pay."

7 SECTION 2.

8 Said part is further amended by striking in its entirety Code Section 38-2-152, relating to
 9 assistant adjutants general, and inserting in lieu thereof a new Code Section 38-2-152 to read
 10 as follows:

11 "38-2-152.

12 The Governor shall appoint an assistant adjutant general for army and an assistant adjutant
 13 general for air to assist the adjutant general in the discharge and performance of his or her
 14 duties. Each of the assistant adjutants general, at the time of appointment, shall be a
 15 federally recognized officer with the rank of lieutenant colonel or higher with not less than
 16 five years of continuous service in the Army or Air National Guard of this state. An officer
 17 who has retired or resigned from the Georgia National Guard shall be eligible for
 18 appointment as assistant adjutant general for army or air; provided, however, that the
 19 officer shall have served not less than five years in a federally recognized status in the
 20 active Army or Air National Guard, as appropriate, and attained the rank of lieutenant
 21 colonel or higher; and provided, further, that the appointment of the officer shall be within
 22 five years after the date of his or her retirement or resignation and prior to his or her
 23 attaining age 60. Each of the assistant adjutants general shall have the rank of not less than
 24 brigadier general, the specific rank to be determined by the Governor. Each of the officers
 25 shall receive the pay and allowances ~~of a brigadier general~~ for his or her rank as provided
 26 by law for an officer of equivalent rank in the regular armed forces of the United States.
 27 In the event of a vacancy in the office of the adjutant general, and until his or her successor
 28 is appointed and qualified as provided by law, the assistant adjutant general who is senior
 29 in rank shall perform the duties required of the adjutant general in connection with the
 30 military division, as provided by law. Assistant adjutants general shall hold no other state
 31 office, and they shall serve at the pleasure of the Governor."

32 SECTION 3.

33 This Act shall become effective upon its approval by the Governor or upon its becoming law
 34 without such approval.

SECTION 4.

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2 All laws and parts of laws in conflict with this Act are repealed.