

House Bill 800 (COMMITTEE SUBSTITUTE)

By: Representatives Hatchett of the 143rd, Yates of the 73rd, Amerson of the 9th, Setzler of the 35th, Holcomb of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 38-2-152 of the Official Code of Georgia Annotated, relating to
2 assistant adjutants general, eligibility, appointment, duties, compensation, and tenure, so as
3 to change certain qualifications for the position of assistant adjutant general; to provide an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 38-2-152 of the Official Code of Georgia Annotated, relating to assistant
8 adjutants general, eligibility, appointment, duties, compensation, and tenure, is amended by
9 revising subsection (a) as follows:

10 "(a) The Governor shall appoint an assistant adjutant general for army and an assistant
11 adjutant general for air to assist the adjutant general in the discharge and performance of
12 his or her duties. Each of the assistant adjutants general, at the time of appointment, shall
13 be a federally recognized officer with the rank of lieutenant colonel or higher ~~with not less~~
14 ~~than five years of continuous service in the Army or Air National Guard of this state.~~ An
15 officer who has retired or resigned from the Georgia National Guard or any other
16 component of the Army or Air Force shall be eligible for appointment as assistant adjutant
17 general for army or air; provided, however, that the officer shall have served ~~not less than~~
18 ~~five years~~ in a federally recognized status in the active Army or Air National Guard or any
19 other component of the Army or Air Force, as appropriate, and attained the rank of
20 lieutenant colonel or higher; and provided, further, that the appointment of the officer shall
21 be within five years after the date of his or her retirement or resignation and prior to his or
22 her attaining age 60. Each of the assistant adjutants general shall have the rank of not less
23 than brigadier general, the specific rank to be determined by the Governor. Each of the
24 officers shall receive the pay and allowances for his or her rank as provided by law for an
25 officer of equivalent rank in the regular armed forces of the United States. In the event of
26 a vacancy in the office of the adjutant general, and until his or her successor is appointed

27 and qualified as provided by law, the assistant adjutant general who is senior in rank shall
28 perform the duties required of the adjutant general in connection with the military division,
29 as provided by law. Assistant adjutants general shall hold no other state office, and they
30 shall serve at the pleasure of the Governor."

31 **SECTION 2.**

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

34 **SECTION 3.**

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