

House Bill 52

By: Representative Sims of the 169th

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 adjutant general and other executives, so as to provide qualifications
3 for appointment to the office of adjutant general; to provide qualifications for appointment
4 to the office of assistant adjutant general; to provide for an effective date and applicability;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 2 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated,
9 relating to adjutant general and other executives, is amended by revising Code Section
10 38-2-150, relating to adjutant general, eligibility, appointment, compensation, and bond, as
11 follows:

12 "38-2-150.

13 There shall be an adjutant general of the state who shall be appointed by the Governor for
14 a term concurrent with the term of the Governor appointing such person and who shall
15 serve as such at the pleasure of the Governor. The adjutant general shall have not less than
16 the rank of a major general, the specific rank to be determined by the Governor. The
17 adjutant general shall not be less than 30 nor more than 65 years of age. No person shall
18 be eligible to hold the office of adjutant general unless he or she holds or has held a
19 commission of at least the federally recognized rank of ~~field grade or the equivalent in the~~
20 ~~organized militia of the state~~, general in the armed forces of the United States; or in a
21 reserve component thereof and shall have served not less than five years in one or more of
22 such services at the time of his or her appointment. The adjutant general shall receive the
23 pay and allowances for his or her rank as provided by law for an officer of equivalent rank
24 in the regular armed forces of the United States. The Governor shall require the adjutant
25 general to give bond to the state, conditioned on the faithful discharge of the duties of the
26 office, in the sum of \$10,000.00 with good and sufficient security, to be approved by the

27 Governor. Notwithstanding any other provisions of law, the adjutant general shall not be
 28 subject to the provisions of subsection (e) of Code Section 38-2-279, relating to pay for 18
 29 days' absence and emergency pay."

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SECTION 2.

31 Said part is further amended by revising subsection (a) of Code Section 38-2-152, relating
 32 to assistant adjutants general, eligibility, appointment, duties, compensation, and tenure, as
 33 follows:

34 "(a) The Governor shall appoint an assistant adjutant general for army and an assistant
 35 adjutant general for air to assist the adjutant general in the discharge and performance of
 36 his or her duties. Each of the assistant adjutants general, at the time of appointment, shall
 37 be a federally recognized officer with the federally recognized rank of ~~lieutenant colonel~~
 38 ~~or higher general~~. An officer who has retired or resigned from the Georgia National Guard
 39 or any other component of the Army or Air Force shall be eligible for appointment as
 40 assistant adjutant general for army or air; provided, however, that the officer shall have
 41 served in a federally recognized status in the active Army or Air National Guard or any
 42 other component of the Army or Air Force, as appropriate, and attained the federally
 43 recognized rank of ~~lieutenant colonel or higher general~~; and provided, further, that the
 44 appointment of the officer shall be within five years after the date of his or her retirement
 45 or resignation and prior to his or her attaining age 60. Each of the assistant adjutants
 46 general shall have the rank of not less than brigadier general, the specific rank to be
 47 determined by the Governor. Each of the officers shall receive the pay and allowances for
 48 his or her rank as provided by law for an officer of equivalent rank in the regular armed
 49 forces of the United States. In the event of a vacancy in the office of the adjutant general,
 50 and until his or her successor is appointed and qualified as provided by law, the assistant
 51 adjutant general who is senior in rank shall perform the duties required of the adjutant
 52 general in connection with the military division, as provided by law. Assistant adjutants
 53 general shall hold no other state office, and they shall serve at the pleasure of the
 54 Governor."

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SECTION 3.

56 The provisions of this Act shall not affect the eligibility of any person serving as adjutant
 57 general or assistant adjutant general on July 1, 2013, but rather shall be applicable to all
 58 future appointments to such offices.

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SECTION 4.

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