

House Bill 1184

By: Representatives Bonner of the 73rd, Thomas of the 21st, Cannon of the 172nd, and Ballard of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 1 of Chapter 2 of Title 38 of the Official Code of Georgia
2 Annotated, relating to state militia generally, so as to treat retired officers the same as
3 warrant officers and enlisted persons for purposes of transferring members of the organized
4 militia to the state retired list at the same grade as such members earned during their military
5 service; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 1 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated,
9 relating to state militia generally, is amended by revising Code Section 38-2-9, relating to
10 state retired list, officers, enlisted persons, grade upon transfer to list, return to active duty,
11 and computation of time, as follows:

12 "38-2-9.

13 (a) Any member of the organized militia who has reached the age of 64 years may be
14 retired for the reason of age and transferred to the state retired list by the Governor. A
15 member may be retired for reason of age and transferred to the state retired list by the

16 Governor before reaching 64 years of age in order to conform to the laws and regulations
17 of the United States which are applicable to the organized militia.

18 ~~(b) Any officer who has served for at least 20 years in the organized militia or in the~~
19 ~~organized militia and the armed forces of the United States combined, upon his request,~~
20 ~~may be transferred to the state retired list by the Governor in a grade which is one grade~~
21 ~~higher than the highest grade previously held by him during such service. In computing~~
22 ~~the 20 year period, service as an enlisted person shall be counted.~~

23 ~~(e)(b)~~ Any officer, warrant officer, or enlisted person who has served for at least 20 years
24 in the organized militia or in the organized militia and the armed forces of the United States
25 combined, upon his or her request, may be transferred to the state retired list by the
26 Governor in a grade equivalent to the highest grade held by him or her during such service.
27 If the grade was of officer grade, subsection (b) of this Code section will govern.

28 ~~(d)(c)~~ Upon the recommendation of the adjutant general, the Governor may order any
29 person on the state retired list to return to active duty and serve on military courts or
30 boards, perform staff duty in or with the organized militia, or, in time of emergency,
31 perform any military duty in or with the organized militia. In any such case, the person so
32 ordered shall rank in his or her grade at retirement from the date of the order.

33 ~~(e)(d)~~ Time spent on the state retired list shall not be credited in the computation of length
34 of service for seniority, pay, promotion, or otherwise, or any of the privileges and
35 exemptions pertaining thereto, except that time served on active duty by order of the
36 Governor shall be credited."

37 **SECTION 2.**

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