

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
May 14, 2014
S.B. 760
PRINCIPAL CLERK

S

D

SENATE DRS15405-RKz-38A* (02/05)

Short Title: AG Selection Criteria/Amendments.

(Public)

Sponsors: Senators Meredith and Rabin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE SELECTION CRITERIA FOR ADJUTANT GENERAL OF THE
3 NORTH CAROLINA NATIONAL GUARD, AS RECOMMENDED BY THE
4 LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON CIVILIAN CREDIT
5 FOR MILITARY TRAINING AND STATE ADJUTANT GENERAL SELECTION
6 CRITERIA.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 127A-19 reads as rewritten:

9 **"§ 127A-19. Adjutant General.**

10 (a) The military head of the militia shall be the Adjutant General who shall hold the
11 rank of major ~~general.~~ general with federal recognition at time of appointment, or attain the
12 rank of major general pursuant to this section. The Adjutant General shall be appointed by the
13 Governor in the Governor's capacity as commander in chief of the militia, in consultation with
14 the Secretary of Public Safety, and shall serve at the pleasure of the Governor. ~~No person shall~~
15 ~~be appointed as Adjutant General who has less than five years' commissioned service in an~~
16 ~~active status in any component of the Armed Forces of the United States.~~ The Adjutant
17 General, while holding this office, ~~may~~ shall be a member of the active North Carolina
18 National Guard ~~or naval militia.~~ Guard. If an appointed Adjutant General does not attain the
19 rank of major general with federal recognition within a reasonable period of time from the date
20 of appointment, the Governor shall replace the Adjutant General with an appointee who meets
21 the criteria in this section. A "reasonable period of time" shall take into account time in grade
22 requirements for promotion or promotions and administrative periods necessary to complete the
23 promotion process.

24 (b) In order to be eligible for appointment as Adjutant General, a person shall be a
25 resident of the State of North Carolina and meet all of the following requirements:

- 26 (1) The person shall have a minimum of 10 years commissioned service in (i)
27 the Armed Forces of the United States, (ii) the Reserve Armed Forces of the
28 United States, or (iii) a combination of (i) and (ii).
- 29 (2) A minimum of three years commissioned service in the North Carolina
30 Army or Air National Guard within the six-year period previous to the
31 appointment date.
- 32 (3) The person, at the time of appointment, shall be one of the following:
33 a. A major general with federal recognition or who is eligible for
34 federal recognition.



* D R S 1 5 4 0 5 - R K Z - 3 8 A *

- 1 b. A brigadier general with federal recognition or who is eligible for
2 federal recognition and who is eligible for promotion to major
3 general with federal recognition.
4 c. A colonel with federal recognition or who is eligible for federal
5 recognition; who is eligible for promotion and federal recognition as
6 a brigadier general; and who is eligible for promotion to major
7 general with federal recognition.
8 (4) The person shall have completed all service school or other criteria for
9 promotion to general officer with federal recognition.
10 (5) The person shall have a minimum of 12 months in command of either (i) a
11 North Carolina National Guard unit or (ii) a unit in any component of the
12 Armed Forces of the United States.
13 (c) Subject to the approval of the Governor and in consultation with the Secretary of
14 Public Safety, the Adjutant General may ~~appoint~~ appoint:
15 (1) A deputy adjutant general, who may hold the same rank as the Adjutant
16 General.
17 (2) An assistant adjutant general for the Army National Guard and an assistant
18 adjutant general for the Air National Guard, each of whom may hold the
19 rank of brigadier general.
20 The appointees authorized by this subsection shall serve at the pleasure of the Governor. The
21 Adjutant General may also employ staff members and other personnel as authorized by the
22 Secretary and funded.
23 ~~(i) a deputy adjutant general who may hold the rank of major general, and (ii) an assistant~~
24 ~~adjutant general for Army National Guard, and an assistant adjutant general for Air National~~
25 ~~Guard, each of whom may hold the rank of brigadier general and who shall serve at the~~
26 ~~pleasure of the Governor. The Adjutant General may also employ staff members and other~~
27 ~~personnel as authorized by the Secretary and funded."~~
28 **SECTION 2.** This act becomes effective July 1, 2014, and applies to appointments
29 on or after that date.