

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1048*
PROPOSED COMMITTEE SUBSTITUTE H1048-PCS40224-RK-78

Short Title: AG Selection Criteria/Amendments.

(Public)

Sponsors:

Referred to:

May 15, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE SELECTION CRITERIA FOR ADJUTANT GENERAL OF THE
3 NORTH CAROLINA NATIONAL GUARD.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 127A-19. Adjutant General.**

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

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

22 (1) The person shall have a total of 10 years or more of commissioned service in
23 any component or components of the Armed Forces of the United States,
24 with the total including a total of five years or more of commissioned service
25 in any of the following branches of the reserve component of the Armed
26 Forces of the United States: Army National Guard, Army Reserve, Air
27 National Guard, and Air Force Reserve.

28 (2) The person, at the time of appointment, shall be one of the following:

- 29 a. A major general with federal recognition or who is eligible for
30 federal recognition.
31 b. A brigadier general with federal recognition or who is eligible for
32 federal recognition and who is eligible for promotion to major
33 general with federal recognition.
34 c. A colonel with federal recognition or who is eligible for federal
35 recognition, who is eligible for promotion and federal recognition as



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1 a brigadier general, and who is eligible for promotion to major
2 general with federal recognition.

3 (3) The person shall have completed all service school or other criteria for
4 promotion to general officer with federal recognition.

5 (4) The person shall have been in command of a company or similar size unit, or
6 larger unit, for a minimum of 12 months in the North Carolina National
7 Guard or in any component of the Armed Forces of the United States.

8 (c) Subject to the approval of the Governor and in consultation with the Secretary of
9 Public Safety, the Adjutant General may ~~appoint~~ appoint:

10 (1) A deputy adjutant general, who may hold the same rank as the Adjutant
11 General and who shall meet the same requirements as set forth in subsection
12 (b) of this section.

13 (2) An assistant adjutant general for the Army National Guard and an assistant
14 adjutant general for the Air National Guard, each of whom may hold the
15 rank of brigadier general.

16 The appointees authorized by this subsection shall serve at the pleasure of the Governor. The
17 Adjutant General may also employ staff members and other personnel as authorized by the
18 Secretary and funded.

19 ~~(i) a deputy adjutant general who may hold the rank of major general, and (ii) an assistant~~
20 ~~adjutant general for Army National Guard, and an assistant adjutant general for Air National~~
21 ~~Guard, each of whom may hold the rank of brigadier general and who shall serve at the~~
22 ~~pleasure of the Governor. The Adjutant General may also employ staff members and other~~
23 ~~personnel as authorized by the Secretary and funded."~~

24 **SECTION 2.** This act becomes effective July 1, 2014, and applies to appointments
25 on or after that date.