

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL 1048*
Committee Substitute Favorable 5/29/14
Third Edition Engrossed 6/3/14
Senate Judiciary I Committee Substitute Adopted 6/26/14
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Short Title: AG Selection Criteria/NCNG Amendments.

(Public)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO AMEND THE SELECTION CRITERIA FOR ADJUTANT GENERAL OF THE NORTH CAROLINA NATIONAL GUARD, TO ADD AN ASSISTANT ADJUTANT GENERAL FOR THE NORTH CAROLINA NATIONAL GUARD, AND TO ALLOW FOR ADDITIONAL USES OF FAMILY ASSISTANCE CENTER FUNDS FOR SURVIVING FAMILY MEMBERS OF DECEASED NATIONAL GUARD SERVICEMEMBERS.

The General Assembly of North Carolina enacts:

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

"§ 127A-19. Adjutant General.

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

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

- (1) The person shall have a total of at least 10 years of commissioned service in any component or components of the Armed Forces of the United States.
- (2) The person shall have a minimum of three years commissioned service in the North Carolina Army or Air National Guard within the six-year period previous to the appointment date.
- (3) The person, at the time of appointment, shall be one of the following:



- 1 a. A major general with federal recognition or who is eligible for
2 federal recognition.
- 3 b. A brigadier general with federal recognition or who is eligible for
4 federal recognition and who is eligible for promotion to major
5 general with federal recognition.
- 6 c. A colonel with federal recognition or who is eligible for federal
7 recognition; who is eligible for promotion and federal recognition as
8 a brigadier general; and who is eligible for promotion to major
9 general with federal recognition.
- 10 (4) The person shall have completed all service school or other criteria for
11 promotion to general officer with federal recognition.
- 12 (5) The person shall have a minimum of 12 months in command of either (i) a
13 North Carolina National Guard unit or (ii) a unit in any component of the
14 Armed Forces of the United States.
- 15 (c) Subject to the approval of the Governor and in consultation with the Secretary of
16 Public Safety, the Adjutant General may ~~appoint (i) a deputy adjutant general who may hold~~
17 ~~the rank of major general, and (ii) an assistant adjutant general for Army National Guard, and~~
18 ~~an assistant adjutant general for Air National Guard, each of whom may hold the rank of~~
19 ~~brigadier general and who shall serve at the pleasure of the Governor. The Adjutant General~~
20 ~~may also employ staff members and other personnel as authorized by the Secretary and~~
21 ~~funded.~~appoint:
- 22 (1) A deputy adjutant general, who may hold the same rank as the Adjutant
23 General.
- 24 (2) Two assistant adjutants general for the Army National Guard and an
25 assistant adjutant general for the Air National Guard, each of whom may
26 hold the rank of brigadier general.
- 27 The appointees authorized by this subsection shall serve at the pleasure of the Governor. The
28 Adjutant General may also employ staff members and other personnel as authorized by the
29 Secretary and funded."
- 30 **SECTION 2.** The North Carolina National Guard may use funds appropriated to it
31 for Family Assistance Centers for expenses related to support of surviving family members of
32 deceased members of the North Carolina National Guard, including, but not limited to, the
33 costs of providing educational materials; workshops; outreach events; and invitational travel,
34 including per diem and other travel-related expenses.
- 35 **SECTION 3.** Section 1 of this act is effective for appointments on or after the
36 effective date of this act. The remainder of this act is effective when it becomes law.