

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 760\*

Short Title: AG Selection Criteria/Amendments.

(Public)

Sponsors: Senators Meredith and Rabin (Primary Sponsors).

Referred to: Judiciary I.

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO AMEND THE SELECTION CRITERIA FOR ADJUTANT GENERAL OF THE NORTH CAROLINA NATIONAL GUARD, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON CIVILIAN CREDIT FOR MILITARY TRAINING AND STATE ADJUTANT GENERAL SELECTION CRITERIA.

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 minimum of 10 years commissioned service in (i) the Armed Forces of the United States, (ii) the Reserve Armed Forces of the United States, or (iii) a combination of (i) and (ii).
- (2) 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:
  - a. A major general with federal recognition or who is eligible for federal recognition.



- 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.