

1 SB273  
2 206031-1  
3 By Senator Barfoot  
4 RFD: Veterans and Military Affairs  
5 First Read: 05-MAR-20

SYNOPSIS: Under current law, the Adjutant General of the Alabama National Guard is appointed by the Governor with the advice and consent of the Senate.

Under current law, there is a requirement that an individual appointed as the Adjutant General must be an active officer of the National Guard, have previously served in a line position or has exercised general command authority, and be eligible for operational command positions.

Under current law, officers and enlisted personnel of headquarters elements of the National Guard are selected by the Adjutant General from among active or inactive members of the National Guard.

Under current law, general officers of the line are appointed by the Governor from among the active officers of the National Guard.

This bill would revise the method of appointment of the Adjutant General and general

1           officers of the line and the duties and  
2           responsibilities of the Adjutant General.

3           This bill would remove the requirement that  
4           a person selected to serve as the Adjutant General  
5           have previously served in a line position and be an  
6           active officer in the National Guard at the time of  
7           appointment.

8           This bill would require a person appointed  
9           Adjutant General be a citizen of the state who has  
10          served in the National Guard for a period of not  
11          less than 15 years and as a commissioned officer in  
12          the active National Guard for a period of not less  
13          than five years and is at least 30 years of age and  
14          not more than 65 years of age at the time of  
15          appointment.

16          This bill would provide that the Adjutant  
17          General be compensated in an amount equal to the  
18          compensation due to an officer of the rank  
19          indicated on the valid commission held by the  
20          Adjutant General.

21          This bill would further provide that a  
22          person appointed as a general officer in the  
23          National Guard would serve until the adjournment of  
24          the next regular session of the Legislature and if  
25          not confirmed by the Senate, the position would  
26          once again become vacant.

1                   This bill would allow the Governor to submit  
2                   an officer for confirmation as a general officer by  
3                   the Senate at any time, regardless of vacancy. The  
4                   Governor could then appoint that officer as a  
5                   general officer at any time prior to the expiration  
6                   of that confirmation at the conclusion of the final  
7                   session of the quadrennium during which the  
8                   confirmation occurred.

9  
10                   A BILL  
11                   TO BE ENTITLED  
12                   AN ACT

13  
14                   Relating to the Military Department; to amend  
15                   Sections 31-2-55, 31-2-58, and 31-2-72, Code of Alabama 1975,  
16                   to clarify the method of appointment of the Adjutant General  
17                   of the National Guard, the appointment of general officers of  
18                   the line, and the duties and responsibilities of the Adjutant  
19                   General upon appointment by the Governor; to remove the  
20                   requirement of service in a line position and service as an  
21                   active officer in the National Guard at the time of  
22                   appointment as a prerequisite for appointment as Adjutant  
23                   General; to require a person appointed to Adjutant General to  
24                   be a citizen of the state who has served in the National Guard  
25                   for a period of not less than 15 years and as a commissioned  
26                   officer in the active National Guard for a period of not less  
27                   than five years prior to, and be at least 30 years of age and

1 not more than 65 years of age at the time of appointment; to  
2 provide for the compensation of the Adjutant General; to  
3 provide that a person appointed as a general officer in the  
4 National Guard serve until the adjournment of the next regular  
5 session of the Legislature and, if not confirmed by the  
6 Senate, for the position to become vacant; and to provide that  
7 the Governor may submit an officer for confirmation as a  
8 general officer by the Senate prior to appointing that officer  
9 as a general officer.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 31-2-55, 31-2-58, and 31-2-72,  
12 Code of Alabama 1975, are amended to read as follows:

13 "§31-2-55.

14 "Officers and enlisted ~~men~~ personnel of the  
15 headquarters and headquarters detachment of the Alabama Army  
16 and Air National Guard shall be selected and appointed from  
17 among the active or inactive members of the National Guard by  
18 the Adjutant General in the same manner as for other units.

19 "§31-2-58.

20 "(a) The ~~head~~ director of the Military Department  
21 ~~shall be a commissioned officer of~~ have a valid commission in  
22 the National Guard of Alabama and shall be designated as the  
23 Adjutant General.

24 "(b) He or she shall be ~~designated and~~ assigned to  
25 duty as the Adjutant General by the Governor and shall serve  
26 ~~as Adjutant General~~ at the pleasure of the Governor.

1           ~~He may be commissioned as an officer on the state~~  
2 ~~staff, in the Adjutant General's office, and he may have such~~  
3 ~~rank as is now or may hereafter be provided for an officer of~~  
4 ~~the state staff, Adjutant General's office, under the~~  
5 ~~provisions of the National Defense Act and Department of~~  
6 ~~Defense regulations promulgated thereunder. The officer of the~~  
7 ~~National Guard of Alabama assigned to duty by the Governor as~~  
8 ~~the Adjutant General~~

9           "(c) The Adjutant General may be an individual  
10 commissioned by the Governor as a and appointed as a general  
11 officer in the National Guard of Alabama, with the advice and  
12 consent of the Senate.

13           "(d) Notwithstanding the provisions of subsection  
14 (c), the The Adjutant General shall be appointed from among  
15 the active, inactive, reserve, or retired officers of the  
16 federally recognized National Guard of Alabama, and he shall  
17 meet all of the following requirements:

18           "(1) Is a citizen of the State of Alabama.

19           "(2) Have had Has at least six 15 years<sup>1</sup> of service  
20 therein, in the National Guard. two years of which must have  
21 been in the line, and he shall have

22           "(3) Has served as a commissioned officer in the  
23 active National Guard for a period of not less than four five  
24 years.

25           "(4) Is at least 30 years of age and not more than  
26 65 years of age at the time of the appointment.

1           "(e) The Adjutant General ~~of the state~~ shall ~~be in~~  
2 ~~direct charge~~ have command and control of the military  
3 department and shall be responsible to the Governor and to the  
4 Commander in Chief of the Armed Forces of the United States  
5 for the ~~proper~~ performance of ~~his~~ all duties assigned. ~~All the~~  
6 ~~powers conferred and duties imposed by law upon the Adjutant~~  
7 ~~General shall be exercised or performed by him under the~~  
8 ~~direction and control of the Governor.~~

9           "(f) The Adjutant General shall be chief of the  
10 state staff, National Guard of Alabama, and shall serve on the  
11 personal staff of the Governor, ~~and similar military agencies~~  
12 ~~of the state.~~

13           "(g) ~~He~~ The Adjutant General shall supervise the  
14 receipt, preservation, repair, distribution, issuance, and  
15 collection of all arms, military equipment, and stores of the  
16 state and of the United States under his or her control.

17           "(h) ~~He~~ The Adjutant General shall ~~supervise be~~  
18 responsible for the supervision of all troops personnel, arms  
19 and operations for and all branches of the militia, ~~such~~  
20 ~~supervisory powers covering primarily all duties pertaining to~~  
21 including the organization, armament, discipline, training,  
22 recruiting, ~~inspecting~~ inspection, ~~instructing, pay,~~  
23 subsistence, ~~and supplies~~ maintenance, and supply of all  
24 personnel and units assigned and organized under the Alabama  
25 National Guard.

1           "(i) The Adjutant General shall be the direct  
2 channel of military communications and correspondence with the  
3 Governor for the Alabama National Guard.

4           "(j) He The Adjutant General shall maintain a roster  
5 of all the officers and men enlisted personnel of the National  
6 Guard and Naval Militia Army and Air militias of the state and  
7 keep on file in his office copies records of all orders,  
8 reports, and communications received and issued by the  
9 Military Department in its several branches and sections.

10           "(k) He The Adjutant General shall, from time to  
11 time, cause the laws and all shall require that state  
12 regulations affecting the National Guard or its personnel that  
13 may be written thereunder to be printed, bound, and  
14 distributed at the expense of the state.

15           "(l) The Adjutant General shall, from time to time,  
16 shall draft, prepare, and publish, by order of the Governor,  
17 such orders, and rules, and regulations, consistent with the  
18 state and federal laws. , as are necessary to bring the  
19 organization, armament, equipment, training, and discipline of  
20 the various classes of the Militia of Alabama to a state of  
21 efficiency as near as possible to that of the United States  
22 Army and Navy. He shall prepare such reports and returns as  
23 the Secretary of Defense of the United States may prescribe  
24 and require. He shall perform such other duties as may be  
25 required of him by the Commander in Chief.

26           "(m) The Comptroller of Alabama shall draw warrants  
27 on the Treasury for all expenses incurred under this section



1 on bills regularly presented to, and approved by, the  
2 Governor.

3 ~~"(n) It shall be the duty of the Adjutant General,~~  
4 ~~if ordered by the Governor, to visit and inspect each company,~~  
5 ~~troop, or battery inspect each company, troop, or battery~~ The  
6 Adjutant General shall ensure the inspection of all units  
7 assigned, at least once a per year, and to report to the  
8 ~~Commander in Chief~~ Governor the condition of armories and  
9 other ~~military buildings and properties, and as well as of the~~  
10 arms, equipment, and personnel of the ~~companies, troops, or~~  
11 ~~batteries~~ units, and make such recommendations as required or  
12 that he or she thinks proper. ~~in regard thereto; provided~~  
13 ~~that, the Adjutant General may designate members of the state~~  
14 ~~staff or field officers of the National Guard as inspecting~~  
15 ~~officers for the purposes in question. The Adjutant General~~  
16 ~~shall assist all persons residing in Alabama or other states~~  
17 ~~having claims against the state or the United States for~~  
18 ~~compensation, pension, retired pay, bounty, or back pay or~~  
19 ~~service medals and decorations awarded by the United States or~~  
20 ~~the State of Alabama, where such claims and requests have~~  
21 ~~arisen out of, or by reason of, service in any of the wars or~~  
22 ~~insurrections concerning the United States or the State of~~  
23 ~~Alabama. He shall furnish to claimants or their accredited~~  
24 ~~representatives, or assist them in procuring, all necessary~~  
25 ~~certificates and certified abstracts from the records and~~  
26 ~~documents in the State Military Department and other~~  
27 ~~departments of the state or the United States; provided that~~

1 ~~any or all of these services shall be rendered without charge~~  
2 ~~to the claimant. The Adjutant General shall have a seal of~~  
3 ~~office, to be approved by the Commander in Chief, and all~~  
4 ~~copies of papers in his office duly certified and~~  
5 ~~authenticated under the seal shall be evidence in all cases in~~  
6 ~~like manner as if the original were produced.~~

7 "(o) The Adjutant General shall make an annual  
8 report to the Governor as required, setting forth the  
9 transaction of the Office of the Adjutant General, the  
10 strength and condition of the organized militia, including  
11 results of the most recent federal inspections, and other  
12 matters as the Adjutant General may deem important or as may  
13 be requested by the Governor.

14 "(p) The Adjutant General shall have an appropriate  
15 seal of office and affix it to all official correspondence and  
16 certificates of record issued from the Office of the Adjutant  
17 General.

18 "(q) The Adjutant General shall perform all other  
19 military duties, not otherwise assigned, as may be ordered by  
20 the Governor.

21 "(r) The Adjutant General shall be compensated  
22 monthly in an amount equal to the pay due to an officer of the  
23 rank indicated on the Adjutant General's valid commission.  
24 This compensation shall include all pay, subsistence  
25 allowances, and housing allowances due to an officer of that  
26 rank, and shall be paid out of any appropriations made for the  
27 expenses of the State Military Department.

1                   "§31-2-72.

2                   "(a) General officers of the line shall be ~~appointed~~  
3 ~~selected~~ under the rules ~~and regulations~~ of the Department of  
4 Defense. ~~Such officers~~ and shall be appointed by the Governor  
5 with the advice and consent of the Senate from among active  
6 officers of the National Guard of Alabama, who have not less  
7 than six years<sup>+</sup> of active service in the National Guard of  
8 Alabama, ~~with the advice and consent of the Senate.~~

9                   "(b) ~~General officer~~ Vacancies ~~vacancies in the~~  
10 ~~offices caused by~~ that occur as the result of death,  
11 resignation, or removal while the Senate is not in session  
12 shall be filled by through recess ~~appointments~~ appointment by  
13 the Governor. ~~; provided, that should the vacancies in the~~  
14 ~~grade of general officer of the line be in an organization in~~  
15 ~~which the State of Alabama has joint interest with another~~  
16 ~~state or states, the Governor is authorized to enter into a~~  
17 ~~conference through the Military Department of the state with~~  
18 ~~the other states concerned for the purpose of determining~~  
19 ~~which state shall, with the concurrence of the other states,~~  
20 ~~nominate the general officer to fill such vacancy in~~  
21 ~~conformity with laws, rules, and regulations of the state and~~  
22 ~~the United States written under the provisions of the National~~  
23 ~~Defense Act; provided further, that staff officers allotted to~~  
24 ~~this state, who are members of organizations jointly organized~~  
25 ~~with other states, and who are on the staff of general or~~  
26 ~~other officers who are commissioned in another state that has~~  
27 ~~joint interest in a unit of the National Guard of this state,~~

1 ~~and whose appointment was approved by Alabama, shall be~~  
2 ~~appointed by the Governor under the rules and regulations~~  
3 ~~written under the provisions of the National Defense Act.~~

4 "(c) The officer appointed shall serve immediately  
5 upon appointment and qualification until the adjournment of  
6 the next regular session of the Legislature. If not confirmed  
7 prior to the adjournment of that session, the position shall  
8 again become vacant and subject to appointment in the same  
9 manner. The Military Department shall not seek federal  
10 recognition of the appointment until after the officer is  
11 confirmed by the Senate.

12 "(d) The Governor may submit an officer for  
13 confirmation as a general officer by the Senate at any time,  
14 regardless of vacancy. If the Governor does not appoint that  
15 officer as a general officer prior to the conclusion of the  
16 final session of the quadrennium during which the confirmation  
17 occurred, the confirmation expires."

18 Section 2. This act shall become effective  
19 immediately following its passage and approval by the  
20 Governor, or its otherwise becoming law.