

1 SB32  
2 178646-1  
3 By Senators Whatley and Dial  
4 RFD: Tourism and Marketing  
5 First Read: 15-AUG-16

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8 SYNOPSIS: This bill relates to the State Military  
9 Department. The bill would delete the requirement  
10 that a person appointed as Adjutant General have  
11 previously served two years in a line position. The  
12 bill would further provide that a person appointed  
13 as a general officer in the National Guard would  
14 serve until adjournment of the next regular session  
15 of the Legislature and if not confirmed, the  
16 position would again be vacant.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to the Military Department; to amend  
23 Sections 31-2-58 and 31-2-72 of the Code of Alabama 1975, to  
24 further provide for the qualification of the Adjutant General  
25 and for the appointment and confirmation of general officers  
26 in the National Guard.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3                   "§31-2-58.

4                   "The head of the Military Department shall be a  
5 commissioned officer of the National Guard of Alabama and  
6 shall be designated as the Adjutant General. ~~He~~ The Adjutant  
7 General shall be designated and assigned to duty ~~as the~~  
8 ~~Adjutant General~~ by the Governor and shall serve as Adjutant  
9 General at the pleasure of the Governor. ~~He~~ The Adjutant  
10 General may be commissioned as an officer on the state staff,  
11 in the Adjutant General's office, and ~~he~~ may have such rank as  
12 is now or may hereafter be provided for an officer of the  
13 state staff, Adjutant General's office, under the provisions  
14 of the National Defense Act and Department of Defense  
15 regulations promulgated thereunder. The officer of the  
16 National Guard of Alabama assigned to duty by the Governor as  
17 the Adjutant General may be commissioned by the Governor as a  
18 general officer in the National Guard of Alabama, with the  
19 consent of the Senate. The Adjutant General shall be appointed  
20 from among active officers of the federally recognized  
21 National Guard, ~~and he~~ shall have had at least six years'  
22 service therein, ~~two years of which must have been in the~~  
23 ~~line,~~ and ~~he~~ shall have served as a commissioned officer in  
24 the active National Guard for not less than four years. The  
25 Adjutant General of the state shall be in direct charge of the  
26 military department and shall be responsible to the Governor  
27 and Commander in Chief for the proper performance of his or

1 her duties. All the powers conferred and duties imposed by law  
2 upon the Adjutant General shall be exercised or performed by  
3 him or her under the direction and control of the Governor.  
4 The Adjutant General shall be chief of the state staff,  
5 National Guard of Alabama, the personal staff of the Governor,  
6 and similar military agencies of the state. He or she shall  
7 supervise the receipt, preservation, repair, distribution,  
8 issuance, and collection of all arms, military equipment and  
9 stores of the state and of the United States. He or she shall  
10 supervise all troops, arms and branches of the militia, such  
11 supervisory powers covering primarily all duties pertaining to  
12 organization, armament, discipline, training, recruiting,  
13 inspecting, instructing, pay, subsistence, and supplies. He or  
14 she shall maintain a roster of all the officers and men and  
15 women of the National Guard and Naval Militia of the state and  
16 keep on file in his or her office copies of all orders,  
17 reports, and communications received and issued by the  
18 Military Department in its several branches and sections. He  
19 or she shall, from time to time, cause the laws and all state  
20 regulations that may be written thereunder to be printed,  
21 bound, and distributed at the expense of the state. The  
22 Adjutant General shall, from time to time, prepare and  
23 publish, by order of the Governor, such orders, rules, and  
24 regulations, consistent with the laws, as are necessary to  
25 bring the organization, armament, equipment, training, and  
26 discipline of the various classes of the Militia of Alabama to  
27 a state of efficiency as near as possible to that of the

1 United States Army and Navy. He or she shall prepare such  
2 reports and returns as the Secretary of Defense of the United  
3 States may prescribe and require. He or she shall perform such  
4 other duties as may be required of him or her by the Commander  
5 in Chief. The Comptroller of Alabama shall draw warrants on  
6 the Treasury for all expenses incurred under this section on  
7 bills regularly presented to, and approved by, the Governor.  
8 It shall be the duty of the Adjutant General, if ordered by  
9 the Governor, to visit and inspect each company, troop, or  
10 battery at least once a year, and to report to the Commander  
11 in Chief the condition of armories and other military  
12 buildings and properties, and of the arms, equipment, and  
13 personnel of the companies, troops, or batteries, and make  
14 such recommendations as he or she thinks proper in regard  
15 thereto; provided that, the Adjutant General may designate  
16 members of the state staff or field officers of the National  
17 Guard as inspecting officers for the purposes in question. The  
18 Adjutant General shall assist all persons residing in Alabama  
19 or other states having claims against the state or the United  
20 States for compensation, pension, retired pay, bounty, or back  
21 pay or service medals and decorations awarded by the United  
22 States or the State of Alabama, where such claims and requests  
23 have arisen out of, or by reason of, service in any of the  
24 wars or insurrections concerning the United States or the  
25 State of Alabama. He or she shall furnish to claimants or  
26 their accredited representatives, or assist them in procuring,  
27 all necessary certificates and certified abstracts from the

1 records and documents in the State Military Department and  
2 other departments of the state or the United States; provided  
3 that any or all of these services shall be rendered without  
4 charge to the claimant. The Adjutant General shall have a seal  
5 of office, to be approved by the Commander in Chief, and all  
6 copies of papers in his or her office duly certified and  
7 authenticated under the seal shall be evidence in all cases in  
8 like manner as if the original were produced.

9 "§31-2-72.

10 "General officers of the line shall be appointed  
11 under the rules and regulations of the Department of Defense.  
12 Such officers shall be appointed by the Governor upon the  
13 occurrence of an actual vacancy from among active officers of  
14 the National Guard of Alabama, who have not less than six  
15 years' active service in the National Guard of Alabama, with  
16 the advice and consent of the Senate. Vacancies in the offices  
17 caused by death, resignation, or removal while the Senate is  
18 not in session shall be filled by recess appointments by the  
19 Governor; ~~provided, that~~ as further provided herein. The  
20 officer appointed shall serve immediately upon appointment and  
21 qualification until the adjournment of the next regular  
22 session of the Legislature. If not confirmed prior to  
23 adjournment of that session, the position shall again be  
24 vacant and subject to appointment in the same manner. The  
25 Military Department shall not seek federal recognition of the  
26 appointment until after the officer is confirmed by the  
27 Senate. Notwithstanding the foregoing, should the vacancies in

1 the grade of general officer of the line be in an organization  
2 in which the State of Alabama has joint interest with another  
3 state or states, the Governor ~~is authorized to~~ may enter into  
4 a conference through the Military Department of the state with  
5 the other states concerned for the purpose of determining  
6 which state shall, with the concurrence of the other states,  
7 nominate the general officer to fill such vacancy in  
8 conformity with laws, rules, and regulations of the state and  
9 the United States written under the provisions of the National  
10 Defense Act; ~~provided further, that staff.~~ Staff officers  
11 allotted to this state, who are members of organizations  
12 jointly organized with other states, and who are on the staff  
13 of general or other officers who are commissioned in another  
14 state that has joint interest in a unit of the National Guard  
15 of this state, and whose appointment was approved by Alabama,  
16 shall be appointed by the Governor under the rules and  
17 regulations written under the provisions of the National  
18 Defense Act."

19 Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.