

ASSEMBLY BILL NO. 172—ASSEMBLYMEN ANGLE, BERMAN, CARPENTER,
CLABORN, GUSTAVSON, HUMKE, LEE, MARVEL, MORTENSON,
TIFFANY AND VON TOBEL

FEBRUARY 15, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing adjutant general and office of the military.
(BDR 36-913)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the state militia; eliminating certain qualifications for appointment to the office of adjutant general or assistant adjutant general; providing that civilian state employees of the office of the military must be directly supervised by certain persons; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 412.044 is hereby amended to read as follows:
2 412.044 1. The governor shall appoint an adjutant general who ~~shall~~
3 ~~hold~~ *holds* office for a 4-year term or until relieved by reason of
4 resignation, withdrawal of federal recognition or for cause to be
5 determined by a court-martial. The current term of an adjutant general
6 ~~shall continue~~ *continues* until its prescribed expiration date while ~~such~~
7 *the* adjutant general is serving in a federal active duty status under an order
8 or call by the President of the United States.
9 2. To be eligible for appointment to the office of adjutant general, a
10 person must be an officer of the Nevada National Guard ~~and~~ *and must be*
11 federally recognized in the grade of lieutenant colonel or higher ~~and~~ *and*
12 ~~must have completed at least 6 years' service in the Nevada National~~
13 ~~Guard as a federally recognized officer, 3 years of which must be~~
14 ~~immediately prior to his appointment.~~
15 3. The adjutant general may be appointed in the grade of lieutenant
16 colonel or higher, but not exceeding that of major general. If appointed in a
17 lower grade, he may be promoted by the governor to any grade not
18 exceeding that of major general.
19 **Sec. 2.** NRS 412.048 is hereby amended to read as follows:



1 412.048 The adjutant general ~~shall serve~~ *serves* as the chief of staff
2 to the governor, the director of the office ~~of the military~~ and the
3 commander of the Nevada National Guard, and:

4 1. Is responsible, under the direction of the governor, for the
5 supervision of all matters pertaining to the administration, discipline,
6 mobilization, organization and training of the Nevada National Guard,
7 Nevada National Guard Reserve and volunteer organizations licensed by
8 the governor.

9 2. Shall perform all duties required of him by the laws of the United
10 States and of the State of Nevada, and the regulations issued thereunder.

11 3. Shall employ such deputies, assistants and other personnel as he
12 deems necessary to assist him in the performance of ~~those~~ *the* duties
13 required of him as director of the office. ~~He~~ *The adjutant general* may so
14 employ ~~either~~ members of the Nevada National Guard or civilian
15 personnel. The duties of all deputies, assistants and other personnel
16 appointed must be prescribed by office regulations. All such employees are
17 in the unclassified service of the state except civilian, clerical,
18 administrative, maintenance and custodial employees who are in the
19 classified service of the state. *Except as otherwise provided by federal law
20 or regulation, a person who is a civilian state employee of the office must
21 be directly supervised by the governor, the adjutant general or a state
22 employee of the office who is the supervisor of that person.*

23 **Sec. 3.** NRS 412.054 is hereby amended to read as follows:

24 412.054 1. The adjutant general may appoint two assistant adjutants
25 general, one each from the Nevada Army National Guard and the Nevada
26 Air National Guard, who may serve as chief of staff for army and chief of
27 staff for air, respectively, at the pleasure of the adjutant general or until
28 relieved by reason of resignation, withdrawal of federal recognition or for
29 cause to be determined by a court-martial.

30 2. To be eligible for appointment to the office of assistant adjutant
31 general, a person must be an officer of the Nevada National Guard ~~and~~ *and*
32 *must be* federally recognized in the grade of lieutenant colonel or higher .
33 ~~and must have completed at least 6 years' service in the Nevada National~~
34 ~~Guard as a federally recognized officer, 3 years of which must be~~
35 ~~immediately before his appointment.~~

36 3. An assistant adjutant general may be appointed in the grade of
37 lieutenant colonel or higher, but not exceeding that of brigadier general.
38 ~~He~~ *An assistant adjutant general* may be promoted by the governor to
39 any grade not exceeding that of brigadier general.

40 4. The assistant adjutants general shall perform such duties as may be
41 assigned by the adjutant general.

42 5. ~~Whoever~~ *A person who* serves as chief of staff for army is in the
43 unclassified service of the state and, except as otherwise provided in NRS
44 284.143, shall not hold any other city, county, state or federal office of
45 profit.

46 6. In the event of the absence or inability of the adjutant general to
47 perform his duties, he shall designate by office regulations:

48 (a) One of the assistant adjutants general to perform the duties of his
49 office as acting adjutant general.



1 (b) If neither assistant adjutant general is available, any national guard
2 officer to be the acting adjutant general.
3 The designated assistant adjutant general or designated officer may
4 continue to receive his authorized salary while so serving as acting adjutant
5 general, and shall so serve until the adjutant general is again able to
6 perform the duties of his office, or if the office is vacant, until an adjutant
7 general is regularly appointed and qualified.
8 **Sec. 4.** This act becomes effective on July 1, 2001.

