

SENATE BILL NO. 471—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 23, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning adjutant general. (BDR 36-1347)

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

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

AN ACT relating to state military; provides for the removal by the governor of a person appointed to serve as adjutant general before the end of his term; changing the qualifications for appointment as adjutant general and for appointment as an assistant adjutant general; 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 office for a 4-year term or until *removed by the governor*, relieved by
4 reason of resignation, withdrawal of federal recognition or for cause to be
5 determined by a court-martial. The current term of an adjutant general shall
6 continue until its prescribed expiration date while such adjutant general is
7 serving in a federal active duty status under an order or call by the
8 President of the United States.
9 2. To be eligible for appointment to the office of adjutant general, a
10 person must be *or have been* an officer ~~{of the Nevada National Guard,} in~~
11 *the Armed Forces of the United States*, federally recognized in the grade
12 of lieutenant colonel or higher . ~~{, and must have completed at least 6~~
13 ~~years' service in the Nevada National Guard as a federally recognized~~
14 ~~officer, 3 years of which must be 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 412.054 is hereby amended to read as follows:
20 412.054 1. The adjutant general may appoint two assistant adjutants
21 general, ~~{one each from the Nevada Army National Guard and the Nevada~~
22 ~~Air National Guard,}~~ who may serve as chief of staff for army and chief of
23 staff for air, respectively, at the pleasure of the adjutant general or until



1 relieved by reason of resignation, withdrawal of federal recognition or for
2 cause to be determined by a court-martial.

3 2. To be eligible for appointment to the office of assistant adjutant
4 general, a person must be *or have been* an officer ~~of the Nevada National~~
5 ~~Guard,~~ *in the Armed Forces of the United States*, federally recognized in
6 the grade of lieutenant colonel or higher . ~~and must have completed at~~
7 ~~least 6 years' service in the Nevada National Guard as a federally~~
8 ~~recognized officer, 3 years of which must be immediately before his~~
9 ~~appointment.~~

10 3. An assistant adjutant general may be appointed in the grade of
11 lieutenant colonel or higher, but not exceeding that of brigadier general. He
12 may be promoted by the governor to any grade not exceeding that of
13 brigadier general.

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

16 5. Whoever serves as chief of staff for army is in the unclassified
17 service of the state and, except as otherwise provided in NRS 284.143,
18 shall not hold any other city, county, state or federal office of profit.

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

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

23 (b) If neither assistant adjutant general is available, any national guard
24 officer to be the acting adjutant general.

25 The designated assistant adjutant general or designated officer may
26 continue to receive his authorized salary while so serving as acting adjutant
27 general, and shall so serve until the adjutant general is again able to
28 perform the duties of his office, or if the office is vacant, until an adjutant
29 general is regularly appointed and qualified.

30 **Sec. 3.** This act becomes effective on July 1, 2001.

