

38A:2-2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 38A:2-2 et al

(Adjutant General-conform
State's use of title to
Federal System)

LAWS OF: 1984

CHAPTER: 181

Bill No: S1956

Sponsor(s): Foran and others

Date Introduced: June 25, 1985

Committee: **Assembly:** State Government, Federal & Intestate Relations &
Veterans Affairs

Senate: State Government, Federal & Interstate Relations &
Veterans Affairs

Amended during passage: No

Date of Passage: **Assembly:** October 18, 1984

Senate: July 30, 1984

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SENATE, No. 1956

STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1984

By Senators FORAN, DUMONT, HAGEDORN, RAND and WEISS

Referred to Committee on State Government, Federal and Interstate
Relations and Veterans Affairs

AN ACT concerning the Department of Defense and revising parts
of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 18A:35-10 is amended to read as follows:

2 18A:35-10. If the State board shall determine that the courses
3 in health, safety and physical education, as prescribed for male
4 pupils in the high school, shall include a course in military train-
5 ing, such course in military training shall be prepared by the com-
6 missioner and the **[Chief of Staff]** *Adjutant General* of the Depart-
7 ment of Defense and be a part of the courses in health, safety, and
8 physical education for male pupils, and all male pupils in the high
9 school shall be required to take the same except those who are
10 physically unfit, as determined by the medical inspector, or whose
11 parents have conscientious scruples against military training.

1 2. N. J. S. 18A:35-14 is amended to read as follows:

2 18A:35-14. Every instructor of such course in military training
3 shall hold at all times a certificate as to his qualifications as an
4 instructor in military training from the **[Chief of Staff]** *Adjutant*
5 *General* of the Department of Defense, and the salary of each such
6 instructor shall be paid by the district obtaining his services.

1 3. N. J. S. 38A:2-2 is amended to read as follows:

2 38A:2-2. The staff of the Governor shall consist of:

3 (a) Executive: The **[Chief of Staff]** *Adjutant General* of the
4 State Department of Defense.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics thus is new matter.

5 (b) Personnel: Such aides as may be appointed or detailed by the
6 Governor from among the officers of the organized militia, in a
7 grade not higher than the one held in the organized militia or in
8 federal service, whose term of office, unless sooner terminated,
9 shall expire with that of the Governor who shall have appointed or
10 detailed them.

1 4. N. J. S. 38A:3-2 is amended to read as follows:

2 38A:3-2. The Department of Defense shall consist of:

3 (a) The **Chief of Staff** *Adjutant General*;

4 (b) The deputy **chief of staff** *adjutant general*;

5 (c) *The assistant adjutant general, New Jersey Army National*
6 *Guard*;

7 (d) *The assistant adjutant general, New Jersey Air National*
8 *Guard*;

9 **[(c)]** (e) Such officers of the organized militia, active or in-
10 active, authorized by the Governor for duty therein;

11 **[(d)]** (f) Such clerks and employees as may be required, who
12 may be detailed from the organized militia;

13 **[(e)]** State headquarters for civil defense and disaster control
14 organization;]

15 **[(f)]** (g) State headquarters for selective service; and

16 **[(g)]** (h) The organized militia.

1 5. Section 2 of P. L. 1973, c. 284 (C. 38A:3-2.2) is amended to
2 read as follows:

3 2. The **Chief of Staff** *Adjutant General*, Department of De-
4 fense, shall have the power to promulgate regulations pursuant to
5 the New Jersey Administrative Procedure Act to carry out the
6 purposes of this act which may be required by federal law.

1 6. N. J. S. 38A:3-3 is amended to read as follows:

2 38A:3-3. The head of the Department of Defense shall be the
3 **Chief of Staff** *Adjutant General* who shall be appointed with
4 the grade of major general of the line, New Jersey Army National
5 Guard or major general, New Jersey Air National Guard, by the
5A Governor, with the advice and consent of the Senate, from

6 (a) Federally recognized general officers in the national guard
7 who have served therein for the preceding 10 years; or

8 (b) Federally recognized commissioner officers in the national
9 guard who have served therein for the preceding 10 years and are
10 now serving in a military grade not below that of a colonel, such
11 officers having the qualifications to become federally-recognized as
12 brigadier general of the line, New Jersey Army National Guard,
13 or brigadier general, New Jersey Air National Guard.

1 7. N. J. S. 38A:3-5 is amended to read as follows:

2 38A:3-5. The deputy **【chief of staff】** *adjutant general* shall be
 3 appointed by the Governor upon the nomination of the **【Chief of**
 4 **Staff】** *Adjutant General*. The deputy **【chief of staff】** *adjutant*
 5 *general* shall be a person who has served as a commissioned officer
 6 in the armed forces of the State and who is a federally-recognized
 7 commissioned officer in a military rank not below that of colonel.
 8 He may be appointed with the grade of brigadier general. The
 9 duties of the deputy **【chief of staff】** *adjutant general* shall be pre-
 10 scribed by the **【Chief of Staff】** *Adjutant General*.

11 The deputy **【chief of staff】** *adjutant general* shall have the au-
 12 thority to act for and in place of the **【Chief of Staff】** *Adjutant*
 13 *General* during the absence or disability of the **【Chief of Staff】**
 14 *Adjutant General*. If the office of the **【Chief of Staff】** *Adjutant*
 15 *General* shall become vacant, the deputy **【chief of staff】** *adjutant*
 16 *general* shall exercise the powers and perform the duties of the
 17 **【Chief of Staff】** *Adjutant General* until a successor shall have been
 18 appointed and shall have qualified.

19 Any vacancy occurring in the office of the deputy **【chief of staff】**
 20 *adjutant general* shall be filled in the same manner as the original
 21 appointment.

1 8. (New section) The Governor may appoint, with the advice
 2 and consent of the Senate, an assistant adjutant general for the
 3 New Jersey Army National Guard, and an assistant adjutant gen-
 4 eral for the New Jersey Air National Guard, respectively, who
 5 shall serve at the pleasure of the Governor. The assistant ad-
 6 jutants general may have the rank of brigadier general during the
 7 term of office and each shall serve on the staff of the Adjutant
 8 General.

1 9. N. J. S. 38A:3-6 is amended to read as follows:

2 38A:3-6. Under the direction of the Governor, the **【Chief of**
 3 **Staff】** *Adjutant General* shall:

4 (a) Exercise control over the affairs of the Department of De-
 5 fense, and in connection therewith make and issue such regulations
 6 governing the work of the Department of Defense and the conduct
 7 of its employees as may, in his judgment, be necessary or desirable.

8 (b) Be the request officer of the Department of Defense within
 9 the meaning of such term as defined in **【chapter 112 of the laws of**
 10 **1944 【R. S. Cum. Supp. 52:27B】】** *section 1 of P. L. 1944, c 112*
 11 *(C. 52:27B-1)*.

12 (c) Supervise, administer, coordinate and command State civil
 13 defense and disaster control activities.

14 (d) Command the organized militia of the State, with respon-
 15 sibility for recruiting, mobilization, administration, training, dis-

16 cipline, equipping, supply and general efficiency thereof. He may
 17 issue such regulations and delegate such command functions as he
 18 shall deem necessary. The regulations so issued shall, insofar as
 19 possible, conform to the federal laws and regulations concerning
 20 the same.

21 (e) Maintain the archives and be the custodian of the records
 22 and papers required, by laws or regulations, to be filed with the
 23 Department of Defense.

24 (f) Supervise, administer and coordinate those activities of the
 25 selective service system for which the Governor is responsible.

26 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
 27 or in any other lawful manner, in the name of and for the use of
 28 the State of New Jersey all those parcels of land as shall be neces-
 29 sary for armories and other militia facilities, and supervise the
 30 design, construction, alteration, maintenance and repair of said
 31 property.

32 (h) Establish and maintain such headquarters as may be re-
 33 quired for the militia.

34 (i) Exercise the powers vested in him and perform such other
 35 duties and functions as required of him by the Governor and by
 36 federal and State laws and regulations.

1 10. Section 1 of P. L. 1979, c. 240 (C. 38A:3-6.1) is amended to
 2 read as follows:

3 1. In addition to any other powers, the **[Chief of Staff]** *Ad-*
 4 *jutant General* under the direction of the Governor shall have the
 5 authority to order to active duty, with or without pay, in State
 6 service, such members of the New Jersey National Guard, that in
 7 his judgment are necessary to provide aid to localities in circum-
 8 stances which threaten or are a danger to the public health, safety
 9 or welfare. He may authorize the employment of any supporting
 10 vehicles, equipment, communications or supplies as may be neces-
 11 sary to support the members so ordered. No member shall be
 12 ordered to active duty without pay unless the member has con-
 13 sented to such service. Members serving without pay shall have
 14 all of the obligations, rights, benefits, privileges, protections and
 15 immunities as if ordered to active duty with pay.

1 11. N. J. S. 38A:3-7 is amended to read as follows:

2 38A:3-7. The **[Chief of Staff]** *Adjutant General* shall take rank
 3 and precedence above all other officers of the militia.

1 12. N. J. S. 38A:3-8 is amended to read as follows:

2 38A:3-8. The personnel of the Department of Defense shall con-
 3 sist of the following classes of persons:

4 (a) Officers and enlisted members who are ordered to active duty

5 on a permanent duty status with the pay and allowances of their
6 grade and length of service in accordance with section 38A:4-3 of
7 this title.

8 (b) Classified civil service employees.

9 (c) Unclassified civil service employees who may be relieved,
10 suspended or discharged for good cause. Such personnel shall be
11 administered as far as practical under similar regulations as those
12 applicable to classified civil service, but shall be subject to military
13 discipline and control, and shall include all personnel employed for
14 the maintenance of armories.

15 (d) Technicians paid from federal funds. Such personnel shall
16 be appointed by the **Chief of Staff** *Adjutant General* who shall
17 determine their salaries and who may relieve, suspend or dis-
18 charge such persons at any times for good cause and shall be sub-
19 ject to military discipline and control.

1 13. N. J. S. 38A:3-10 is amended to read as follows:

2 38A:3-10. The **Chief of Staff** *Adjutant General* may demand
3 and receive, for the services herein enumerated, except for those
4 in proof of pension, establishment of veteran status, exemption
5 from jury duty, or in lieu of lost discharges, the following fees:

6 (a) For every search made in his office for the military record
7 of any member or former member of the armed forces, the sum
8 of \$1.00.

9 (b) For the furnishing of every certified copy of such record,
10 the sum of \$2.00.

11 The **Chief of Staff** *Adjutant General* shall keep a true record
12 and account of fees received under the provisions of this section
13 and shall pay the same into the State Treasury in the manner
14 prescribed by law.

1 14. N. J. S. 38A:3-11 is amended to read as follows:

2 38A:3-11. The **Chief of Staff** *Adjutant General* shall have an
3 appropriate seal and have affixed an impression of the same to all
4 certificates of record issued from the Department of Defense.
5 Copies of any books, records, papers and documents, in the De-
6 partment of Defense, certified by the **Chief of Staff** *Adjutant*
7 *General* or other designated officer of the department, under the
8 seal of the Department of Defense, shall be admitted as evidence
9 in any court of the State, either civil or military, with the same
10 force and effect as if the original had been produced.

1 15. N. J. S. 38A:5-1 is amended to read as follows:

2 38A:5-1. (a) The Governor shall nominate and appoint all gen-
3 eral and flag officers of the militia, with the advice and consent of
4 the Senate.

5 (b) All other officers of the militia shall be appointed and com-
6 missioned by the Governor upon recommendation of the [Chief of
7 Staff] *Adjutant General* after due consideration to nominations of
8 the commanders in the normal chain of command.

9 (c) No person shall assume the status or perform the duties of
10 an officer until he shall have been duly appointed and announced
11 in orders issued by the [Chief of Staff] *Adjutant General*.

12 (d) Officers shall be citizens of the United States, and unless
13 otherwise prescribed by federal law and regulation, shall be at
14 least 21 years of age.

1 16. N. J. S. 38A :6-1 is amended to read as follows :

2 38A :6-1. Enlistments, reenlistments and extension of enlist-
3 ments shall be for such periods as are prescribed by the [Chief of
4 Staff] *Adjutant General* by regulations except as otherwise pro-
5 vided by applicable federal laws or regulations for enlisted mem-
6 bers required to have a federal reserve status.

1 17. N. J. S. 38A :10-3 is amended to read as follows :

2 38A :10-3. The military courts for the militia of this State shall
3 be constituted like similar courts of the armed forces of the United
4 States. They shall have the jurisdiction and powers, except as to
5 punishments, and shall follow the forms and procedures, provided
6 for those courts. The convening authority for such military courts
7 and maximum punishments authorized shall be as prescribed by
8 federal and State laws and regulations applicable to the national
9 guard; provided, however, that special courts-martial may be con-
10 vened only with the approval of the [Chief of Staff] *Adjutant*
11 *General*, Department of Defense.

1 18. N. J. S. 38A :11-1 is amended to read as follows :

2 38A :11-1. The [Chief of Staff] *Adjutant General* shall secure
3 and hold in custody the funds of disbanded organizations after
4 settling such necessary obligations as may be presented for pay-
5 ment within six months after such disbandment. Whenever any
6 disbanded organization shall be replaced within a year, the moneys
7 shall be transferred by the [Chief of Staff] *Adjutant General* to
8 the new organization. If no new organization be organized within
9 such year, the funds may be expended in such manner as he deems
10 best.

1 19. N. J. S. 38A :11-2 is amended to read as follows :

2 38A :11-2. Any officers to whom military property of the United
3 States or of this State is issued or to whom public money is paid
4 or who holds and disburses any military funds, shall be required
5 to give bond with surety conditioned faithfully to perform the
6 duties of his office and to account properly for all property, moneys

7 or funds received and disbursed by him. Such bonds shall be in
8 amount, form and with surety satisfactory to the **[Chief of Staff]**
9 *Adjutant General* and filed in his office. The premium thereon shall
10 be paid by the State.

1 20. N. J. S. 38A:11-12 is amended to read as follows:

2 38A:11-12. When any lawfully organized association of veterans
3 of any war from this State shall apply to the **[Chief of Staff]**
4 *Adjutant General* for the temporary loan of camp and garrison
5 equipage, ordnance or other military stores, for any purpose not
6 in conflict with or in violation of the laws of this State, or the
7 United States, the **[Chief of Staff]** *Adjutant General* shall ex-
8 amine into such application, and upon finding it a just and proper
9 request may order and authorize the issuance of such stores.

10 The applicants shall be required to furnish good and sufficient
11 bonds for the value of the stores issued. Such bonds shall first be
12 approved by the **[Chief of Staff]** *Adjutant General* and remain
13 on file in the office of the **[Chief of Staff]** *Adjutant General*.

1 21. N. J. S. 38A:11-14 is amended to read as follows:

2 38A:11-14. Unserviceable, unsuitable or surplus military prop-
3 erty may, after a proper survey, be sold under such terms and
4 regulations as may be prescribed by the **[Chief of Staff]** *Adjutant*
5 *General*. Moneys derived from such sales shall be deposited as
6 received with the State Treasurer and maintained by him in a
7 separate account. Moneys credited to such an account shall be
8 appropriated and used for the repair, replacement, improvement
9 and maintenance of military property.

1 22. N. J. S. 38A:12-1 is amended to read as follows:

2 38A:12-1. The **[Chief of Staff]** *Adjutant General* is authorized
3 to lease or acquire by gift, grant, purchase, exchange, eminent
4 domain, or in any other lawful manner, in the name of and for the
5 use of the State of New Jersey such real property as shall be neces-
6 sary for the purpose of armories or other military facilities.

7 No real property leased by this State or the United States for
8 armories or other military facilities shall be subject to condemna-
9 tion proceedings without first obtaining the approval of the Gov-
10 ernor.

1 23. N. J. S. 38A:12-3 is amended to read as follows:

2 38A:12-3. The **[Chief of Staff]** *Adjutant General* shall, in com-
3 pliance with the provisions of **[chapter 48 of the laws of 1954,**
4 **[R. S. Cum. Supp. 52:34-6 et seq.]]** *P. L. 1954, c. 48 (C. 52:34-6*
5 *et seq.)* supervise the construction, repair and alterations of armor-
6 ies and other military facilities.

1 24. N. J. S. 38A:12-4 is amended to read as follows:

2 38A:12-4. The **Chief of Staff** *Adjutant General*, on behalf of
 3 the State is authorized to make application for, and accept from,
 4 the federal government, or any agency thereof, a grant of money
 5 to pay part, or all of the cost of constructing armories or other
 6 military facilities.

7 There shall be appropriated to the State Department of Defense
 8 from time to time, such sums as may be necessary to meet the
 9 State's share, or the entire cost of such construction, when in-
 10 cluded in any annual or supplemental appropriation act.

1 25. N. J. S. 38A:12-5 is amended to read as follows:

2 38A:12-5. The **Chief of Staff** *Adjutant General* may lease,
 3 rent or permit the use of any armory or other military facility, or
 4 any part thereof, for nonmilitary purposes, under such restrictions
 5 and for such compensation, if any, as he may by regulations pre-
 6 scribe.

1 26. N. J. S. 38A:12-6 is amended to read as follows:

2 38A:12-6. When any buildings and real property have been
 3 declared by the **Chief of Staff** *Adjutant General* to be surplus
 4 or unsuitable for military purposes and their sale has been au-
 5 thorized by the governor, the **Chief of Staff** *Adjutant General*,
 6 on behalf of the State, is authorized to convey such buildings and
 7 real property to the county or municipality in which the same are
 8 situate, or to other purchasers, at such price and upon such terms
 9 and conditions as shall be approved by the State House Commis-
 10 sion.

11 Furthermore, if it will not interfere with or impair military
 12 activities, the **Chief of Staff** *Adjutant General*, on behalf of the
 13 State, may convey an easement to the county or municipality in
 14 which the land is situated or to a public utility company organized
 15 under Title 48 of the Revised Statutes at such price and upon such
 16 terms and conditions as shall be approved by the State House
 17 Commission.

1 27. N. J. S. 38A:13-1 is amended to read as follows:

2 38A:13-1. A member of the organized militia who incurs an
 3 injury, disease or disability in the performance of duty ordered
 4 by competent authority, and such injury, disease or disability is
 5 determined to be in line of duty and the claim is approved by the
 6 **Chief of Staff** *Adjutant General*, shall be entitled to medical
 7 care and to receive the same compensation for temporary or per-
 8 manent disabilities as is provided in article 2 of chapter 15 of Title
 9 34. In the event such member incurs death under the same condi-
 10 tions, the dependent members of the family of the deceased, if any,
 11 shall be entitled to compensation as provided in article 2 of chapter
 12 15 of Title 34.

13 As used in this chapter "in line of duty" means that the injury,
 14 disease, disability or death has been sustained in the discharge of
 15 duty and is not due to any voluntary act or traceable to willful
 16 neglect, fault or his own vicious habits.

1 28. N. J. S. 38A:13-3 is amended to read as follows:

2 38A:13-3. The **Chief of Staff** *Adjutant General* may order
 3 an examination of a claimant to be made from time to time by a
 4 medical officer or officers or physician designated for that purpose.
 5 The **Chief of Staff** *Adjutant General* may direct the removal of
 6 the claimant to a hospital for treatment on recommendation of the
 7 medical officer or physician. If the claimant refuses to permit such
 8 examination or to go to such hospital or to follow the advice given
 9 or treatment prescribed for him therein, he shall be barred from
 10 all right to any claim or allowance under this chapter.

1 29. N. J. S. 38A:13-4 is amended to read as follows:

2 38A:13-4. The **Chief of Staff** *Adjutant General* may appoint
 3 a board of officers to inquire into the merits of any claim under this
 4 chapter. Such board shall have the same power as is possessed by
 5 presidents of courts-martial to take evidence, administer oaths,
 6 issue subpoenas, compel witnesses to attend and testify, and produce
 7 books and papers and to punish their failure to do so. The reports
 8 and findings of the board are subject to approval or disapproval
 9 of the **Chief of Staff** *Adjutant General*.

1 30. N. J. S. 38A:13-5 is amended to read as follows:

2 38A:13-5. The amount found by the **Chief of Staff** *Adjutant*
 3 *General* to be due a member or his dependent family shall be paid
 4 by the State in the same manner as other State payments are made.

1 31. N. J. S. 38A:13-6 is amended to read as follows:

2 38A:13-6. A claim shall not be allowed unless it is presented to
 3 the **Chief of Staff** *Adjutant General* within two years from the
 4 date of the injury, disease, disability or death. A claim which has
 5 been adjudicated or modified may be reopened at any time by the
 6 **Chief of Staff** *Adjutant General* on the ground that the inca-
 7 pacitation has subsequently increased or decreased.

1 32. N. J. S. 38A:13-7 is amended to read as follows:

2 38A:13-7. Upon application of any claimant made within six
 3 months of the notification to such claimant or his attorney of the
 4 determination, the **Chief of Staff** *Adjutant General* may reopen
 5 a claim and may appoint another board, as provided in 38A:13-4
 6 to consider said claim. Such board shall make its report to the
 7 **Chief of Staff** *Adjutant General* in the same manner as the
 8 original board and may use the testimony taken before the original
 9 board or take additional testimony.

1 33. N. J. S. 38A:15-3 is amended to read as follows:
 2 38A:15-3. The [Chief of Staff] *Adjutant General* may procure
 3 and issue such service medals, ribbons, clasps, or similar devices
 4 as are authorized by the Legislature to be awarded to residents of
 5 the State of New Jersey who served on active duty in time of war
 6 or emergency.

1 34. Section 2 of P. L. 1979, c. 456 (C. 39:3-27.14) is amended to
 2 read as follows:

3 2. The Director of the Division of Motor Vehicles and the [Chief
 4 of Staff] *Adjutant General* of the State Department of Defense
 5 shall promulgate and adopt interdepartmental rules and regula-
 6 tions governing the issuance and use of such registration plates
 7 and providing for their surrender by persons who cease to be mem-
 8 bers of the New Jersey National Guard for reasons other than
 9 honorable separation.

1 35. Section 1 of P. L. 1974, c. 55 (C. 52:14-15.107) is amended
 2 to read as follows:

3 1. Notwithstanding the provisions of the Annual Appropriations
 4 Act and section 7 of P. L. 1974, c. 55 (C. 52:14-15.110), the Gov-
 5 ernor shall fix and establish the annual salaries for the following
 6 officers within the limits as follows:

Title	Salary Not to Exceed
7 Agriculture Department	
8 Secretary of Agriculture	\$70,000
9 Banking Department	
10 Commissioner, Department of Banking	70,000
11 Civil Service Department	
12 President, Civil Service Commission	70,000
13 Commerce and Economic Development 14 Department	
15 Commissioner, Commerce and 16 Economic Development	70,000
17 Community Affairs Department	
18 Commissioner of Community Affairs	70,000
19 Corrections Department	
20 Commissioner, Department of Corrections	70,000
21 Defense Department	
22 [Chief of Staff] <i>Adjutant General</i>	67,500
23 Education Department	
24 Commissioner, Department of Education	70,000

	Title	Salary Not to Exceed
25	Energy Department	
26	Commissioner, Department of Energy	70,000
27	President of the Board of Public Utilities	
28	Commissioners	70,000
29	Member, Board of Public Utilities	
30	Commissioners	70,000
31	Environmental Protection Department	
32	Commissioner, Environmental Protection	70,000
33	Health Department	
34	Commissioner, Department of Health	70,000
35	Higher Education Department	
36	Chancellor	70,000
37	Human Services Department	
38	Commissioner, Human Services	70,000
39	Insurance Department	
40	Commissioner of Insurance	70,000
41	Labor Department	
42	Commissioner of Labor	70,000
43	Law and Public Safety Department	
44	Attorney General	70,000
45	Public Advocate Department	
46	Public Advocate	70,000
47	State Department	
48	Secretary of State	70,000
49	Transportation Department	
50	Commissioner of Transportation	70,000
51	Treasury Department	
52	State Treasurer	70,000

1 36. Section 4 of P. L. 1972, c. 133 (C. 52:14E-4) is amended to
2 read as follows:

3 4. There is hereby created a Governor's Advisory Council for
4 Emergency Services which shall consist of the Attorney General,
5 who shall be the presiding officer, the **[Chief of Staff]** *Adjutant*
6 *General* of the Department of Defense, the Commissioner of the
7 Department of Community Affairs, the Commissioner of the De-
8 partment of Environmental Protection, the Commissioner of the
9 Department of Transportation, the President of the **[Public Utility**
10 **Commission]** *Board of Public Utilities Commissioners*, or their
11 designees. The members of the council shall serve without pay in
12 connection with all such duties as are prescribed in this act.

1 37. Section 6 of P. L. 1953, c. 438 (C. App. A :9-37.1) is amended
2 to read as follows :

3 6. Under the supervision of the [Chief of Staff] *Adjutant Gen-*
4 *eral*, Department of Defense, the civilian defense director is hereby
5 concurrently assigned the duties of State Disaster Control Director.

1 38. N. J. S. 38A :3-4 is repealed.

1 39. This act shall take effect immediately.

STATEMENT

This bill eliminates the confusion created by the use of Adjutant General and Chief of Staff interchangeably in the New Jersey statutes and establishes uniformity between the State and federal system with respect to the use of the title Adjutant General. In addition, the bill creates two new general officer positions which are federally funded.

Federal regulations authorize to each state an assistant adjutant general, Army National Guard; and an assistant adjutant general, Air National Guard who, as nonmobilization force general officers, provide command support to the national guard during full force federal mobilization. More than 32 states provide for these positions and this bill establishes those two positions in New Jersey.

Each assistant adjutant general would be assigned to the Adjutant General and serve at the pleasure of the Governor, upon confirmation of the Senate. These are not "line," but tenure of office positions. It will provide the Adjutant General with more flexibility in implementing career development plans.

1 37. Section 6 of P. L. 1953, c. 438 (C. App. A :9-37.1) is amended
2 to read as follows:

3 6. Under the supervision of the [Chief of Staff] *Adjutant Gen-*
4 *eral*, Department of Defense, the civilian defense director is hereby
5 concurrently assigned the duties of State Disaster Control Director.

1 38. N. J. S. 38A :3-4 is repealed.

1 39. This act shall take effect immediately.

STATEMENT

This bill eliminates the confusion created by the use of Adjutant General and Chief of Staff interchangeably in the New Jersey statutes and establishes uniformity between the State and federal system with respect to the use of the title Adjutant General. In addition, the bill creates two new general officer positions which are federally funded.

Federal regulations authorize to each state an assistant adjutant general, Army National Guard; and an assistant adjutant general, Air National Guard who, as nonmobilization force general officers, provide command support to the national guard during full force federal mobilization. More than 32 states provide for these positions and this bill establishes those two positions in New Jersey.

Each assistant adjutant general would be assigned to the Adjutant General and serve at the pleasure of the Governor, upon confirmation of the Senate. These are not "line," but tenure of office positions. It will provide the Adjutant General with more flexibility in implementing career development plans.

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S-1956, sponsored by State Senator Walter E. Foran, R-Hunterdon, changes the title of the Commander of the National Guard from Chief of Staff to Adjutant General, thereby establishing uniformity between the State and Federal system.

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