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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **752**

02/04/2021 Authored by Ecklund and Lislegard

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act

1.2 relating to the military; modifying provisions related to the appointment, rank,
1.3 term, and vacancy of the adjutant general; amending Minnesota Statutes 2020,
1.4 section 190.07.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 190.07, is amended to read:

1.7 **190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.**

1.8 Subdivision 1. **Qualifications.** There shall be an adjutant general of the state who shall
1.9 be appointed by the governor within 120 days of a vacancy of the position. The adjutant
1.10 general shall be a staff officer, who at the time of appointment shall be a commissioned
1.11 officer of the National Guard ~~of this state, with not less than ten years military service in~~
1.12 ~~the National Guard of this state or the armed forces of the United States, at least three of~~
1.13 ~~which shall have been commissioned~~ and who shall have reached, at a minimum, the grade
1.14 ~~of a field officer~~ rank of colonel (O-6).

1.15 Subd. 2. **Rank.** The adjutant general shall be promoted, if necessary, directly to and
1.16 shall hold at least the rank of major general and may be promoted to and including the
1.17 ~~highest rank authorized under federal law. However, the adjutant general may not be~~
1.18 ~~promoted to the rank of major general without having at least 20 years service in the~~
1.19 ~~Minnesota National Guard, at least one of which has been in the rank of brigadier general.~~
1.20 If not already a major general, the adjutant general's promotion is effective beginning on
1.21 the date the governor appoints the adjutant general. At the time of appointment and in
1.22 accordance with the authorities governing federal recognition of officers, the adjutant general
1.23 is authorized to wear the rank of major general.

2.1 Subd. 3. **Term.** The term of the adjutant general is for a single term of seven years from
2.2 the date of appointment. ~~Section 15.06, subdivisions 3, 4, and 5, governs filling of vacaneies~~
2.3 ~~in the Office of Adjutant General.~~ The adjutant general shall not be removed from office
2.4 during a term except upon withdrawal of federal recognition or as otherwise provided by
2.5 the military laws of this state.

2.6 Subd. 4. **Vacancy; acting or temporary adjutant general.** In the event of a vacancy
2.7 of the adjutant general, the governor may appoint a person qualified under subdivision 1 as
2.8 an acting adjutant general. If the governor does not appoint an acting adjutant general, the
2.9 deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary
2.10 adjutant general without further official action. Upon taking office, the acting or temporary
2.11 adjutant general shall have all the powers and emoluments and perform all the duties of the
2.12 office of adjutant general until a permanent adjutant general is appointed.