

1 SB262  
2 210000-1  
3 By Senators Butler, Orr, Gudger, Roberts, Jones, Stutts,  
4 Livingston, Barfoot and Scofield  
5 RFD: Veterans and Military Affairs  
6 First Read: 24-FEB-21

1  
2  
3  
4  
5  
6  
7  
8       SYNOPSIS:               Under existing law, the Governor may  
9                               organize, equip, train, and maintain a temporary  
10                              augmentation force known as the Alabama State  
11                              Defense Force (ASDF) to assist the Alabama National  
12                              Guard (ANG), under the command of the Adjutant  
13                              General, in those instances when the National Guard  
14                              is called into active duty or when the Governor  
15                              makes a declaration by executive order.

16                              This bill would amend the state military  
17                              code to provide for active service pay to members  
18                              of the ASDF.

19                              This bill would authorize the Governor to  
20                              activate the ASDF to execute the law, suppress  
21                              riots or insurrections, or to provide assistance in  
22                              a disaster.

23                              This bill would authorize the Governor to  
24                              commission officers of the ASDF and would specify  
25                              qualifications for those commissions.

26                              This bill would authorize sheriffs, local  
27                              law enforcement agencies, and the Alabama Emergency

1 Management Agency to request activation of ASDF  
2 personnel under certain specified conditions.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Relating to the Alabama State Defense Force (ASDF);  
9 to amend Sections 31-2-37, 31-2-46, 31-2-69, and 31-2-70, Code  
10 of Alabama 1975, to provide for the pay of members of the  
11 Alabama State Defense Force (ASDF); to further provide for the  
12 authorization of the Governor to activate the ASDF; to provide  
13 for the commissioning of officers of the ASDF and to specify  
14 qualifications for those commissions; and to authorize certain  
15 state and local entities to request activation of the ASDF  
16 under certain specified conditions.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 31-2-37, 31-2-46, 31-2-69, and  
19 31-2-70, Code of Alabama 1975, are amended to read as follows:

20 "§31-2-37.

21 "Subject to the restrictions of the National Defense  
22 Act and other federal laws governing the armed forces, the  
23 Governor may annually order into the service of the state the  
24 whole or ~~such~~ a portion of the armed forces of the state as he  
25 or she may deem proper, the period of ~~such~~ the service to be  
26 fixed by the Governor subject to the restrictions mentioned  
27 above. When ordered into the service of the state, when

1 rations are not furnished by the United States government, the  
2 state shall furnish rations for the officers, warrant  
3 officers, ~~and men,~~ and women of the same quality as rations  
4 furnished the Armed Forces of the United States, and pay ~~such~~  
5 other expenses of the encampment or cruise as the Governor may  
6 deem proper, including the traveling expenses of officers,  
7 warrant officers, and enlisted men and women incurred in  
8 obeying ~~such~~ orders, when ~~such~~ expenses are not paid by the  
9 government of the United States. When called into active  
10 service by the Governor for a period of less than 15 days, the  
11 pay of officers, warrant officers, and men and women of the  
12 Alabama State Defense Force shall be half that of the National  
13 Guard. For any period over 15 days, the pay shall be the same  
14 as the National Guard. Rations and other expenses shall be the  
15 same as for the National Guard.

16 "§31-2-46.

17 "The Commander in Chief may at any time, in order to  
18 execute the law, suppress riots or insurrections, or to repel  
19 invasion, or for the purpose of aid and relief of citizens in  
20 disaster, in addition to the active National Guard, the  
21 Alabama State Defense Force, the inactive National Guard, and  
22 the Naval Militia, order out the whole or any part of the  
23 unorganized militia. When the armed forces of the state, or a  
24 part thereof, are called to duty under the Constitution and  
25 laws of the United States or the Constitution and laws of this  
26 state, the Governor shall first order out for service the  
27 National Guard, Alabama State Defense Force, or Naval Militia,

1 or such part thereof as may be necessary, and, if the number  
2 available be insufficient, he or she may then order out ~~such~~  
3 part of the unorganized militia, as he or she may deem  
4 necessary.

5 "§31-2-69.

6 "Officers of the armed forces of the state,  
7 including the Adjutant General, shall be appointed, and shall  
8 be subject to suspension, discharge, removal, or compulsory  
9 retirement ~~as such~~ solely on the basis of military  
10 proficiency, character, and service, as determined by  
11 Department of Defense regulations and the military usages  
12 sanctioned by the military laws of the United States. The  
13 qualifications of personnel of the federally recognized  
14 National Guard shall be as prescribed in pertinent regulations  
15 and policies of the United States Department of Defense. The  
16 Adjutant General may modify or exempt officers and personnel  
17 of the Alabama State Defense Force from Department of Defense  
18 regulations as may be deemed appropriate for the Defense  
19 Force.

20 "§31-2-70.

21 "In addition to the powers and duties prescribed in  
22 this chapter, all officers of the National Guard, the Alabama  
23 State Defense Force, and Naval Militia of Alabama shall have  
24 the same powers and perform the same duties as officers of  
25 similar rank and position in the Armed Forces of the United  
26 States insofar as may be authorized by federal law. They are

1 authorized to administer oaths in all matters connected with  
2 the service."

3 Section 2. (a) All officers of the Alabama State  
4 Defense Force shall be commissioned by the Governor and serve  
5 under the Adjutant General. All officer appointments shall be  
6 submitted by the Adjutant General to the Governor for  
7 approval. All commissions of the Alabama State Defense Force  
8 shall be signed by the Governor. All promotions and  
9 appointments shall be considered temporary until approved by  
10 the Governor and may be rescinded or denied at any time by the  
11 Governor or Adjutant General.

12 (b) All officers of the Alabama State Defense Force  
13 serving as or promoted to the rank of Lieutenant Colonel shall  
14 be honorably discharged veterans of the active or reserve  
15 components of the Armed Forces of the United States.

16 (c) All officers of the Alabama State Defense Force  
17 serving as or promoted to the rank of Colonel shall have been  
18 commissioned officers in the active or reserve components of  
19 the Armed Forces of the United States.

20 (d) All general officers of the Alabama State  
21 Defense Force shall have been commissioned officers of field  
22 grade rank in the active or reserve components of the Armed  
23 Forces of the United States.

24 (e) The Adjutant General shall submit the names of  
25 those officers of the Alabama State Defense Force being  
26 considered for promotion to general officer rank to the State  
27 Senate Military and Veterans Affairs Committee for approval.

1 The committee shall then forward the approved list to the  
2 Governor for approval.

3 (f) No member of the Alabama State Defense Force  
4 shall serve past the age of 72. All enlisted and warrant  
5 officers, upon reaching the age of 72, shall be retired or  
6 placed on the inactive list. Officers, upon reaching the age  
7 of 72, shall be retired.

8 (g) Retired officers of the Alabama State Defense  
9 Force shall be subject to recall by the Governor to serve on  
10 boards, commissions, courts martial, or other appropriate duty  
11 as may be deemed necessary or advisable.

12 (h) Officers of the Alabama State Defense Force  
13 shall be commissioned into the Militia Branch of the active  
14 state military forces. Doctors and registered nurses shall be  
15 commissioned into the Medical Corps. Licensed professional  
16 civil engineers shall be commissioned into the Corps of  
17 Engineers. Officers holding Federal Communications Commission  
18 licenses shall be commissioned into the Signal Corps.

19 (i) Sheriffs and local law enforcement agencies may  
20 request activation of Alabama State Defense Force personnel to  
21 assist with disasters, civil disturbance, or other requests  
22 from the Governor.

23 (j) The Alabama State Office of Emergency Management  
24 may request activation of the Alabama State Defense Force to  
25 assist with disasters within the State of Alabama.

1                   Section 3. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.