

CHAPTER 109**(SB 147)**

AN ACT relating to the adjutant general.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 36.040 is amended to read as follows:

- (1) The adjutant general shall:
- (a) Represent the Governor in all military matters pertaining to the Commonwealth of Kentucky;
 - (b) Be the executive head of the Department of Military Affairs and exercise all functions vested by law in the department;
 - (c) Establish the internal organizational structure of the major organizations of the department;
 - (d) Organize and supervise all programs, functions, and personnel assigned to the department in accordance with all state and federal statutes and administrative regulations;
 - (e) Be responsible to the Governor for the proper carrying into effect of all laws, rules, and regulations of the United States and of this state affecting the militia and other military organizations established by law;
 - (f) Perform the duties prescribed for him by laws of the United States and regulations issued thereunder;
 - (g) Direct and supervise the chiefs of staff departments and supervise all troops and all departments, arms, and branches of the Kentucky Army and Air National Guard;
 - (h) Supervise the preparation of all returns and reports of the Department of Military Affairs;
 - (i) Keep a register of all the officers of the Kentucky National Guard, and make a written report to the Governor for the annual period ending on June 30 of each year of the operations and conditions of the Department of Military Affairs;
 - (j) Cause to be prepared and issued all necessary blank books, forms, and notices required to carry into full effect matters assigned to the adjutant general under the provisions of KRS Chapters 36, 37, and 38;
 - (k) Direct and supervise the safekeeping and repairing of the ordnance, arms, accouterments, equipment, and all other military property belonging to the state or issued to it by the United States;
 - (l) Notify the Finance and Administration Cabinet of all military property of the state which after inspection is found unsuitable for use of the cabinet;
 - (m) Keep an account of:
 - 1. All expenses, including pay of officers and enlisted men, allowance to officers and organizations;
 - 2. Any other moneys required to be disbursed by him and through his office, including subsistence and transportation of the National Guard; and
 - 3. All military property of the United States;
 - (n) Issue and make requisitions for military property under the direction of the Governor, but no military property shall be issued to persons or organizations other than those belonging to the National Guard, except to such portion of the Kentucky active militia as is called out by the Governor;
 - (o) Maintain as a part of his office a Bureau of War Records in which all records pertaining to wars and relics shall be kept, and be custodian of all such records, relics, colors, standards, and battle flags now the property of the state, or in its possession, or which the state may hereafter acquire;
 - (p) Organize units of the National Guard at places designated by the Governor and have the members mustered into service under regulations prescribed by the Governor;
 - (q) Issue all regulations, orders, and directives for the proper functioning and utilization of the Department of Military Affairs and its divisions; ~~and~~

- (f) Hire, discharge, and pay any personnel that the adjutant general deems necessary to fulfill defense contracts without regard to KRS Chapter 18A; *and*
 - (s) *Make contracts, acquire real and personal property by gift, purchase, or by condemnation in the manner prescribed in the Eminent Domain Act of Kentucky, and do all things necessary to perform its duties under this section and KRS 36.080.*
- (2) The adjutant general, or his or her designee, may enter into any federal contracts, federal grants, and federal agreements with the United States of America, by and through the Department of Defense, Department of the Army, Department of the Air Force, National Guard Bureau, Federal Aviation Administration, United States Department of Homeland Security, and Federal Emergency Management Agency, and any other division, department, or agency of the federal government, as may be deemed necessary to carry out the general intent and purposes of the Department of Military Affairs.

➔Section 2. KRS 36.070 is amended to read as follows:

The facilities division shall be headed by a director experienced in the administration of real property. The division *shall administer real and personal property of the Department of Military Affairs* ~~[may make contracts, acquire real and personal property by gift, purchase, or by condemnation in the manner prescribed in the Eminent Domain Act of Kentucky, and may do all things necessary to perform its duties under this section and KRS 36.080].~~

Signed by Governor March 24, 2021.