

**REPEAL OF NATIONAL GUARD EFFICIENCY**

**BOARDS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: James A. Ferrin**

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**LONG TITLE**

**General Description:**

This bill eliminates National Guard efficiency boards.

**Highlighted Provisions:**

This bill:

- ▶ eliminates provisions establishing and governing National Guard efficiency boards;

and

- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**39-1-58**, as last amended by Chapter 15, Laws of Utah 1989

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **39-1-58** is amended to read:

**39-1-58. Vacating officer commissions -- Placement of officers in reserves.**

~~[(1)(a) While serving on state active duty the moral character, capacity, and general fitness for the service of any National Guard officer may, upon complaint and notice to the officer and a hearing at which the officer and his witnesses may appear and testify, be determined by an efficiency board of three commissioned officers, senior in rank to the officer~~

~~whose fitness for service is under investigation. The board shall be appointed by the governor.]~~

~~[(b) If the findings of the board are unfavorable to the officer and are approved by the governor, the officer shall be discharged.]~~

~~[(2)] (1) Commissions of officers of the National Guard may [also] be vacated upon resignation[;] or absence without leave for three months[; upon the recommendation of an efficiency board or] pursuant to the sentence of a military court.~~

~~[(3)] (2) (a) Officers of the National Guard rendered excess by the disbandment of their organization shall be placed in the National Guard reserve.~~

~~(b) Officers may, upon their own application, be placed in the reserve.~~

~~[(4) Boards of efficiency are similar to, possess the same power to compel attendance of witnesses, and shall follow the same form and procedure as courts of inquiry.]~~