

39-1-30 Officers of National Guard -- Commissions.

- (1) All officers of the National Guard shall be appointed by the governor, subject to the approval of the National Guard Bureau, or subject to approval as prescribed by the laws of the United States or related rules or regulations governing the National Guard.
- (2) An officer may not be commissioned unless he successfully passes tests, both physical and mental, as prescribed by the National Guard Bureau, and unless he has taken the oath prescribed by the laws of the United States, is a citizen of the United States, and has been selected from one of the following classes:
 - (a) officers or enlisted members of the National Guard;
 - (b) officers on the reserve or unassigned list of the National Guard;
 - (c) officers active or retired;
 - (d) former officers of the United States Army, Air Force, Navy, Marine Corps, or National Guard;
 - (e) graduates from the service of the United States military, air, and naval academies, or graduates of schools, colleges, and universities where a course in military science, as prescribed by the National Guard Bureau, is taught under the supervision of an officer of the regular army or regular air force; and
 - (f) for the technical branches and staff corps or departments, other civilians as are especially qualified for that duty.
- (3) However, officers appointed to staff corps or departments, or other staff positions, including officers of the pay, inspection, subsistence, and medical departments, shall have had previous military experience, and hold their positions until they shall have reached 64 years of age, unless separated prior to that time by resignation, disability, or for other causes to be determined by a military court, court-martial, or other legally organized board convened for that purpose. Vacancies among these officers shall be filled by appointment as provided in this section.

Amended by Chapter 22, 1989 General Session