

1 **REPEAL OF NATIONAL GUARD EFFICIENCY**

2 **BOARDS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: James A. Ferrin**

7 **LONG TITLE**

8 **General Description:**

9 This bill eliminates National Guard efficiency boards.

10 **Highlighted Provisions:**

11 This bill:

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

13 and

14 ▶ makes technical corrections.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **39-1-58**, as last amended by Chapter 15, Laws of Utah 1989

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

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

25 **39-1-58. Discharge of officers -- Officers in reserves.**

26 ~~[(1)(a) While serving on state active duty the moral character, capacity, and general~~
27 ~~fitness for the service of any National Guard officer may, upon complaint and notice to the~~



28 ~~officer and a hearing at which the officer and his witnesses may appear and testify, be~~
29 ~~determined by an efficiency board of three commissioned officers, senior in rank to the officer~~
30 ~~whose fitness for service is under investigation. The board shall be appointed by the governor.]~~

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

33 ~~[(2)] (1) Commissions of officers of the National Guard may [also] be vacated upon~~
34 ~~resignation[;] or absence without leave for three months[; upon the recommendation of an~~
35 ~~efficiency board or] pursuant to the sentence of a military court.~~

36 ~~[(3)] (2) (a) Officers of the National Guard rendered excess by the disbandment of their~~
37 ~~organization shall be placed in the National Guard reserve.~~

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

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

Legislative Review Note
as of 2-3-04 3:19 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0293

Repeal of National Guard Efficiency Boards

11-Feb-04

5:19 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst