

NATIONAL GUARD AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill creates a joint forces headquarters under the command of the adjutant general, authorizes the appointment of a deputy commander, and makes technical corrections.

Highlighted Provisions:

This bill:

- ▶ creates a joint forces headquarters within the Utah National Guard under the command of the adjutant general;
 - ▶ authorizes the appointment of a deputy commander of the joint forces headquarters;
- and
- ▶ sets commissioning, grade, and length of service requirements for the deputy commander.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 39-1-2**, as last amended by Chapter 61, Laws of Utah 1963
- 39-1-4**, as last amended by Chapter 61, Laws of Utah 1963
- 39-1-18**, as last amended by Chapter 81, Laws of Utah 2004
- 39-1-24**, as last amended by Chapter 61, Laws of Utah 1963



28

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

30 Section 1. Section **39-1-2** is amended to read:

31 **39-1-2. Militia divided into two parts.**

32 (1) The militia of this state shall be divided into two parts: the National Guard and the
33 unorganized militia.

34 (2) The National Guard shall consist of:

35 (a) a joint forces headquarters commanded by the adjutant general and authorized a
36 general officer as deputy commander;

37 (b) a department for army [and] commanded by a general officer; and

38 (c) a department for air [with] commanded by a general officer [at the head of each
39 department and such units as may be allocated to the state. Its].

40 (3) The numerical strength, composition, distribution, organization, arms, uniforms,
41 equipment, training and discipline of the National Guard shall be prescribed by the governor in
42 conformity with the laws and regulations of the United States and the laws of this state.

43 (4) The unorganized militia shall consist of all members of the militia not members of
44 the National Guard.

45 Section 2. Section **39-1-4** is amended to read:

46 **39-1-4. Staff of commander in chief.**

47 (1) The staff of the commander in chief shall consist of the adjutant general, the deputy
48 commander of the joint forces headquarters, assistant adjutant general for army and the
49 assistant adjutant general for air and [~~such~~] any other members [~~as he shall choose~~] chosen
50 from the officers of the Utah National Guard or active officers of the United States [~~Army or~~
51 ~~United States Air Force~~] Armed Forces detailed on duty with the militia of the state. [~~The~~
52 ~~members of the staff~~]

53 (2) The adjutant general and one other general officer shall serve [~~as such without~~]
54 with pay from the state.

55 Section 3. Section **39-1-18** is amended to read:

56 **39-1-18. Joint forces headquarters deputy commander -- Assistant adjutant**
57 **general for the army -- Assistant adjutant general for air -- Officer for permanent duty as**
58 **personnel officer.**

59 (1) There is authorized a joint forces headquarters deputy commander.

60 (a) The adjutant general, with the approval of the governor, may detail the joint forces
61 headquarters deputy commander.

62 (b) The deputy commander of the joint forces headquarters shall be a field grade
63 federally recognized commissioned officer of the Utah National Guard with not less than five
64 years military service in the armed forces of the state or of the United States, at least three of
65 which shall have been commissioned in the Utah National Guard. The officer shall:

66 (i) hold office at the pleasure of the adjutant general; and

67 (ii) devote all of his time during office hours of the military department to the duties of
68 the office.

69 ~~[(1)]~~ (2) There is authorized an assistant adjutant general for the army and an assistant
70 adjutant general for air.

71 (a) The adjutant general with the approval of the governor may detail the assistant
72 adjutant general for the army or the assistant adjutant general for air for permanent duty ~~[at the~~
73 ~~officer's office]~~.

74 (b) The assistant adjutant general for the army ~~[or]~~ and the assistant adjutant general
75 for air shall be ~~[a]~~ federally recognized field grade commissioned ~~[officer]~~ officers of the Utah
76 National Guard with not less than five years military service in the armed forces of the state ~~[of~~
77 ~~Utah]~~ or of the United States, at least three of which shall have been commissioned in the Utah
78 National Guard ~~[of Utah, and who shall have reached the grade of field officer]~~. The officer
79 shall:

80 (i) hold office at the pleasure of the adjutant general; and

81 (ii) devote all of his time during office hours of the military department to the duties of
82 the office.

83 ~~[(2)]~~ (3) The adjutant general, with the approval of the governor, may detail one officer
84 of the Utah National Guard for permanent duty as the personnel officer.

85 (a) The officer shall be a federally recognized commissioned officer, or former
86 federally recognized commissioned officer, of the Utah National Guard with not less than three
87 years military service in the armed forces of the state ~~[of Utah]~~ or of the United States, one of
88 which shall have been commissioned in the Utah National Guard ~~[of Utah]~~.

89 (b) The officer shall hold office at the pleasure of the adjutant general.

90 (c) The duties of the personnel officer shall be as the adjutant general may direct, to
91 include the normal duty of the staff G-1.

92 (d) The officer shall devote all of his time during the office hours of the military
93 department to the duties of the office.

94 Section 4. Section **39-1-24** is amended to read:

95 **39-1-24. Duties of assistant adjutants general.**

96 (1) The joint forces headquarters deputy commander shall serve in the office of the
97 adjutant general without pay from the state, performing duties assigned him by the adjutant
98 general.

99 (2) The assistant adjutant general detailed for permanent duty shall serve in the office
100 of the adjutant general, [~~and aid him by~~] performing [~~such~~] duties [~~as~~] assigned him by the
101 adjutant general [~~may assign to him~~]. In the absence or disability of the adjutant general he
102 shall perform the duties of the adjutant general, ~~unless otherwise delegated by the adjutant~~
103 general to another qualified officer. The assistant adjutant general detailed for permanent duty
104 shall serve with pay from the state.

105 (3) The assistant adjutant general not detailed for permanent duty in the office of the
106 adjutant general [~~shall aid him by performing such duties as the adjutant general may assign~~
107 ~~him, and he~~] shall serve [~~in such position~~] without pay from the state and perform duties
108 assigned him by the adjutant general.

Legislative Review Note
as of 1-26-05 9:56 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0143

National Guard Amendments

03-Feb-05

8:20 AM

State Impact

Provisions of this bill can be enacted within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst