

NATIONAL GUARD JOINT FORCES HEADQUARTERS

MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies officer duties within the Joint Forces Headquarters of the National Guard.

Highlighted Provisions:

This bill:

- ▶ creates a director of joint staff;
- ▶ puts the director of joint staff under the adjutant general; and
- ▶ provides qualifications.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

39-1-12, as last amended by Laws of Utah 2007, Chapter 173

39-1-18, as last amended by Laws of Utah 2005, Chapter 65

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

Section 1. Section **39-1-12** is amended to read:

39-1-12. Adjutant general -- Appointment -- Term -- Duties.

(1) [~~a~~] There shall be one adjutant general appointed by the governor. The adjutant

30 general is chief of staff and holds office for a term of six years, unless terminated by
31 resignation, disability, or for cause as determined by a military court or court-martial.

32 ~~[(b)]~~ (2) The person appointed to the office shall be a citizen of Utah and meet the
33 requirements provided in Title 32, United States Code. He shall be a federally recognized
34 commissioned officer of the National Guard of the United States with no fewer than 10 years
35 commissioned service in the Utah National Guard. Active service in the armed forces of the
36 United States may be included in this requirement, if the officer was a member of the Utah
37 National Guard when he entered that service. An officer is no longer eligible to hold the office
38 of adjutant general after becoming 64 years of age.

39 ~~[(2) (a) He shall perform duties as are imposed by the laws of this state and the United
40 States, and by the regulations of the Department of Defense of the United States. However, if
41 any duties imposed by the statutes of this state at any later time conflict with those imposed by
42 the laws of the United States, the duties imposed by the statutes of this state, as far as they
43 conflict, are abrogated.]~~

44 ~~[(b) He shall keep rosters of all active, inactive, and retired officers and enlisted men of
45 the National Guard and shall keep in his office all records, orders, regulations, and papers
46 pertaining to the National Guard and the militia of this state. He shall, when he considers it
47 necessary, at the expense of the state purchase or cause to be printed, and issue to members of
48 the National Guard or other persons, copies of the military law, the various orders of the
49 Department of Defense of the United States, and other literature he considers best for the
50 interests of the service.]~~

51 ~~[(c) He shall cause to be prepared all blanks, books, forms, and reports necessary to
52 carry out the provisions of this chapter. The blanks or forms shall be as identical as possible to
53 those required by the Department of Defense of the United States for use by the regular army or
54 National Guard.]~~

55 ~~[(d) He has, under the direction of the State Armory Board, supervision and charge of
56 all the armories, warehouses, maintenance and repair shops, hangars, small-arms, artillery and
57 aircraft ranges, campsites, concentration areas, lands, training facilities, and military~~

58 ~~reservations necessary to the military functions of this state. He is responsible for the~~
59 ~~protection and safety thereof and shall make rules for the maintenance of order, for the~~
60 ~~enforcement of rules as may be ordered for the operation and the repair, care, and preservation~~
61 ~~of the facilities and installations belonging to or leased by the state. He may make further~~
62 ~~improvement as the good of the service requires.]~~

63 ~~[(e) He shall cause to be prepared all blanks, books, forms, notices, and reports to carry~~
64 ~~out the provisions of the military laws of this state. The blanks, books, forms, notices, and~~
65 ~~reports shall be as identical as possible to those required by the Department of Defense for use~~
66 ~~by the Armed Forces of the United States.]~~

67 ~~[(f) He shall make and transmit to the federal government the returns required by the~~
68 ~~laws of the United States and submit to the governor a certified copy. He shall superintend the~~
69 ~~preparation of all returns and reports required by the United States from Utah on military~~
70 ~~matters.]~~

71 ~~[(g) He shall act as agent for all active, inactive, or retired members of the National~~
72 ~~Guard having claims against the United States for pensions, bounty, back pay, or disability~~
73 ~~arising from any war, federal service, or training. He shall handle the claims without charge.]~~

74 ~~[(h) He shall, on or before January 1 next preceding the general session of the~~
75 ~~Legislature, make a full and detailed report to the governor of all transactions of his office,~~
76 ~~including related expenses, for the preceding year and shall report at other times and on other~~
77 ~~matters as the governor requires or as he considers advisable.]~~

78 Section 2. Section **39-1-18** is amended to read:

79 **39-1-18. Director of joint staff -- Assistant adjutant general for the army --**
80 **Assistant adjutant general for air -- Commander, land component command -- Officer**
81 **for permanent duty as personnel officer.**

82 (1) There is authorized a director of joint [~~forces headquarters deputy commander~~]
83 staff.

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

86 (b) The ~~[deputy commander of the]~~ director of joint [forces headquarters] staff shall be
87 a field grade federally recognized commissioned officer of the Utah National Guard with not
88 less than five years military service in the armed forces of the state or of the United States, at
89 least three of which shall have been commissioned in the Utah National Guard. The officer
90 shall:

- 91 (i) hold office at the pleasure of the adjutant general; and
- 92 (ii) devote all of his time during office hours of the military department to the duties of
93 the office.

94 (2) There is authorized an assistant adjutant general for the army and an assistant
95 adjutant general for air.

96 (a) The adjutant general with the approval of the governor may detail the assistant
97 adjutant general for the army or the assistant adjutant general for air for permanent duty.

98 (b) The assistant adjutant general for the army and the assistant adjutant general for air
99 shall be federally recognized field grade commissioned officers of the Utah National Guard
100 with not less than five years military service in the armed forces of the state or of the United
101 States, at least three of which shall have been commissioned in the Utah National Guard. The
102 officer shall:

- 103 (i) hold office at the pleasure of the adjutant general; and
- 104 (ii) devote all ~~[of his]~~ the time during office hours of the military department to the
105 duties of the office.

106 (3) There is authorized a commander, land component command.

107 (a) The adjutant general, with the approval of the governor, may detail the commander,
108 land component command.

109 (b) The commander, land component command shall be a field grade federally
110 recognized commissioned officer of the Utah National Guard with not less than five years
111 military service in the armed forces of the state or of the United States, at lease three of which
112 shall have been commissioned in the Utah National Guard. The officer shall:

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

114 (ii) devote all the time during office hours of the military department to the duties of
115 the office.

116 [~~3~~] (4) The adjutant general, with the approval of the governor, may detail one officer
117 of the Utah National Guard for permanent duty as the personnel officer.

118 (a) The officer shall be a federally recognized commissioned officer, or former
119 federally recognized commissioned officer, of the Utah National Guard with not less than three
120 years military service in the armed forces of the state or of the United States, one of which shall
121 have been commissioned in the Utah National Guard.

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

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

125 (d) The officer shall devote all [~~of his~~] the time during the office hours of the military
126 department to the duties of the office.