

1                   **NATIONAL GUARD JOINT FORCES HEADQUARTERS**

2                                   **MODIFICATIONS**

3   2011 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Val L. Peterson**

6                                   Senate Sponsor: Peter C. Knudson

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**LONG TITLE**

8 **General Description:**

9                   This bill modifies officer duties within the Joint Forces Headquarters of the National  
10                   Guard.  
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12 **Highlighted Provisions:**

- 13                   This bill:  
14                   ▶ creates a director of joint staff;  
15                   ▶ puts the director of joint staff under the adjutant general; and  
16                   ▶ provides qualifications.

17 **Money Appropriated in this Bill:**

18                   None

19 **Other Special Clauses:**

20                   None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23                   **39-1-12**, as last amended by Laws of Utah 2007, Chapter 173

24                   **39-1-18**, as last amended by Laws of Utah 2005, Chapter 65

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

26                   Section 1. Section **39-1-12** is amended to read:  
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28 **39-1-12. Adjutant general -- Appointment -- Term -- Duties.**

29 (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.

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**Legislative Review Note**  
**as of 2-15-11 2:19 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 391

SHORT TITLE: **National Guard Joint Forces Headquarters Modifications**

SPONSOR: **Peterson, V.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.