

1 **UTAH NATIONAL GUARD - OFFICER APPOINTMENT**

2 **AMENDMENTS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: Peter C. Knudson

8 **LONG TITLE**

9 **General Description:**

10 This bill changes the requirements for the appointment of officers to certain positions in
11 the National Guard.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ authorizes a chief of staff for air in the National Guard;
- 15 ▶ changes requirements for the appointment of officers for certain positions; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **39-1-18**, as last amended by Laws of Utah 2011, Chapter 115

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

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

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

28 **39-1-18. Director of joint staff -- Assistant adjutant general for the army --**
29 **Assistant adjutant general for air -- Commander, land component command -- Chief of**

30 **staff for air -- Officer for permanent duty as personnel officer.**

31 (1) There is authorized a director of joint staff.

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

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

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

39 (ii) devote all [~~of his~~] the time during office hours of the military department to the
40 duties of the office.

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

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

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

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

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

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

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

56 (b) The commander, land component command shall be a field grade federally
57 recognized commissioned officer of the Utah National Guard with not less than five years

58 military service in the armed forces of ~~the~~ a state or of the United States, at ~~least~~ least three
59 of which shall have been commissioned in the Utah National Guard. The officer shall:

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

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

63 (4) There is authorized a chief of staff for air.

64 (a) The adjutant general, with the approval of the governor, may detail the chief of staff
65 for air.

66 (b) The chief of staff for air shall be a field grade federally recognized commissioned
67 officer of the Utah National Guard with not less than five years of military service in the armed
68 forces of a state or of the United States, at least three of which shall have been commissioned
69 in the Air National Guard of the United States. The officer shall:

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

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

73 ~~[(4)]~~ (5) The adjutant general, with the approval of the governor, may detail one officer
74 or retired officer of the Utah National Guard for permanent duty as the personnel officer.

75 (a) The officer shall be a federally recognized commissioned officer, or former
76 federally recognized commissioned officer, of the Utah National Guard with not less than three
77 years military service in the armed forces of ~~the~~ a state or of the United States, at least one of
78 which shall have been commissioned in the Utah National Guard.

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

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

82 (d) The officer shall devote all the time during ~~the~~ office hours of the military
83 department to the duties of the office.

84 (e) A former federally recognized retired officer may serve in this capacity while
85 awaiting a finding of indispensability.

86 (6) The adjutant general may detail an officer without the required commissioned
87 service in the Utah National Guard to a position in this section only with written approval of
88 the governor.

89 Section 2. Section **39-1-24** is amended to read:

90 **39-1-24. Duties of assistant adjutants general.**

91 ~~[(1) The joint forces headquarters deputy commander shall serve in the office of the~~
92 ~~adjutant general without pay from the state, performing duties assigned him by the adjutant~~
93 ~~general.]~~

94 [(2)] (1) The assistant adjutant general detailed for permanent duty shall serve in the
95 office of the adjutant general, performing duties assigned him by the adjutant general. In the
96 absence or disability of the adjutant general he shall perform the duties of the adjutant general,
97 unless otherwise delegated by the adjutant general to another qualified officer. The assistant
98 adjutant general detailed for permanent duty shall serve with pay from the state.

99 ~~[(3)]~~ (2) The assistant adjutant general not detailed for permanent duty in the office of
100 the adjutant general shall serve without pay from the state and perform duties assigned him by
101 the adjutant general.