

1 **UTAH NATIONAL GUARD COMMAND STRUCTURE**

2 **AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: Margaret Dayton

7

LONG TITLE

8 **General Description:**

9 This bill updates terms of usage for describing certain military positions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ eliminates the term "deputy commander" and replaces it with "director of joint
- 13 staff";
- 14 ▶ clarifies that a general grade officer may fill the position of the Utah Air National
- 15 Guard's chief of staff; and
- 16 ▶ makes technical corrections.

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 2012, Chapter 215

24 **39-1-32**, as last amended by Laws of Utah 1963, Chapter 61

25 **39-6-2**, as last amended by Laws of Utah 2008, Chapter 287



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

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

30 **39-1-18. Director of joint staff -- Assistant adjutant general for the army --**
31 **Assistant adjutant general for air -- Commander, land component command -- Chief of**
32 **staff for air -- Officer for permanent duty as personnel officer.**

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

34 (a) The adjutant general, with the approval of the governor, may detail the joint forces
35 headquarters [~~deputy commander~~] director of joint staff.

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

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

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

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

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

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

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

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

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

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

58 (b) The commander, land component command shall be at least a field grade federally

59 recognized commissioned officer of the Utah National Guard with not less than five years
 60 military service in the armed forces of a state or of the United States, at least three of which
 61 shall have been commissioned in the Utah National Guard. The officer shall:

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

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

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

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

68 (b) The chief of staff for air shall be at least a field grade federally recognized
 69 commissioned officer of the Utah National Guard with not less than five years of military
 70 service in the armed forces of a state or of the United States, at least three of which shall have
 71 been commissioned in the ~~State~~ **→ [Air] Utah ←** National Guard ~~of the United States~~ **←** . The
 71a officer shall:

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

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

75 (5) The adjutant general, with the approval of the governor, may detail one officer or
 76 retired officer of the Utah National Guard for permanent duty as the personnel officer.

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

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

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

84 (d) The officer shall devote all the time during office hours of the military department
 85 to the duties of the office.

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

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

90 the governor.

91 Section 2. Section **39-1-32** is amended to read:

92 **39-1-32. National Guard -- Enlistment -- Qualifications -- Discharge.**

93 Any ~~[male]~~ person between the ages of 18 and 45 years, who is a citizen of the United
94 States or who has declared ~~[his]~~ an intention to become a citizen, not prohibited by the laws of
95 the state or of the United States, may be enlisted in the National Guard, subject to such physical
96 and other examinations as may be prescribed by the National Guard Bureau. ~~[All persons~~
97 ~~herein named who shall enlist]~~ A person who enlists in the National Guard shall take and
98 subscribe the oath provided by the laws of the United States[;] and upon so doing shall become
99 ~~[members]~~ a member of the National Guard for ~~[such]~~ the period ~~[as may be]~~ prescribed by the
100 laws of the United States, unless sooner discharged. ~~[Enlisted men]~~ An enlisted person may be
101 discharged as provided by the laws of the United States and regulations of the National Guard
102 Bureau.

103 Section 3. Section **39-6-2** is amended to read:

104 **39-6-2. Definitions.**

105 As used in this chapter:

106 (1) "Accuser" means a person who:

107 (a) signs and swears to charges;

108 (b) directs that charges nominally be signed and sworn to by another; or

109 (c) any other person who has an interest other than an official interest in the

110 prosecution of the accused.

111 (2) "Commanding officer" means both a commissioned officer and a warrant officer
112 designated as a commander.

113 (3) "Commissioned officer" includes a commissioned warrant officer.

114 (4) "Convening authority" means the governor or the adjutant general.

115 (5) "Duty status other than state active duty" means any other type of duty, and
116 includes going to and returning from the duty.

117 (6) "Enlisted member" means a person in an enlisted grade.

118 (7) "Grade" means a step or degree in a graduated scale of office or military rank,
119 established and designated as a grade by law or regulation.

120 (8) "Legal officer" means any commissioned officer of the organized National Guard

121 of the state designated to perform legal duties for a command.

122 (9) "Major command" or "MACOM" means a major subdivision of the Utah National
123 Guard.

124 (10) "Military" means any or all of the armed forces of the United States.

125 (11) "Military court" means a court-martial, a court of inquiry, or a provost court.

126 (12) "Military judge" means a qualified staff judge advocate officer of a military court
127 detailed under Section 39-6-20.

128 (13) "National Guard" means the Utah Army and Air National Guard, including
129 part-time and full-time active guard and reserve (AGR), and includes the Utah unorganized
130 militia when called to active duty by the governor of the state.

131 (14) "Officer" means commissioned or warrant officer.

132 (15) "Rank" means the order of precedence among members of the armed forces.

133 (16) "State active duty" means full-time duty in the active military service of the state
134 under an order of the governor, issued pursuant to the governor's authority, and includes going
135 to and returning from the duty.

136 (17) "State judge advocate" or "SJA" means the commissioned judge advocate
137 general's corps officer responsible for supervising the [~~administration of the military justice~~]
138 delivery of legal services in the National Guard[~~, and qualified and designated as judge~~
139 ~~advocate general corps officer~~].

140 (18) "State staff judge advocate" or "SSJA" means the commissioned judge advocate
141 general's corps officer appointed as the senior legal officer for the Utah National Guard.

142 [(+8)] (19) "Superior commissioned officer" means a commissioned officer superior to
143 another in rank or command.

144 [(+9) "~~UCMJ~~"] (20) "UtCMJ" means Title 39, Chapter 6, Utah Code of Military
145 Justice.

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Office of Legislative Research and General Counsel