

ORIGINAL SENATE
FILE NO. SF0039

ENROLLED ACT NO. 15, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to the military department; amending the composition of the military department and the succession of military office; repealing superseded provisions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 19-7-101(a)(iv), 19-7-102(a)(intro), 19-7-103(a)(intro), 19-7-104(a), 19-7-105(a)(intro), 19-9-102(a)(ii) and 19-9-301(b) are amended to read:

19-7-101. Definitions.

(a) As used in this act:

(iv) "Military department" means the adjutant general, the state military affairs and those divisions ~~of the army national guard, the air national guard and state military affairs~~ that may be authorized by federal or state authority;

19-7-102. Creation and composition of military department.

(a) The military department of the state of Wyoming shall consist of the adjutant general, state military affairs and ~~the following three (3) those~~ divisions that may be authorized by federal or state authority.

19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.

(a) The governor shall appoint a qualified adjutant general to be ~~chief of staff~~ the commander of the Wyoming national guard and director of the Wyoming military

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department. He shall have the rank the governor designates and may be removed by the governor as provided in W.S. 9-1-202. A prospective appointee shall possess the following qualifications:

19-7-104. Assistant adjutants general; general officers; deputy military administrator and fiscal officer.

(a) The adjutant general shall appoint ~~an—such~~ assistant ~~adjutant—adjutants~~ general ~~for—and other general officers as may be authorized by~~ the army national guard and ~~an—assistant adjutant general—for~~ the air national guard. Each assistant adjutant general and general officer shall serve in their respective duty positions at the pleasure of the adjutant general and may be removed from the position by the adjutant general as provided under W.S. 9-1-202(b)(i). Each assistant adjutant general and general officer shall hold the rank of brigadier general and shall possess the qualifications set forth in W.S. 19-7-103(a)(i) through (iii). No person shall continue to serve as an assistant adjutant general or general officer after failing to qualify before a federal recognition board for promotion to the grade of brigadier general.

19-7-105. Succession of office.

(a) In the event of disability, death, absence or other condition which prevents execution of the duties of the adjutant general, and prior to an appointment of the governor to the contrary, the duties of the adjutant general shall be executed by the ~~following officers:—senior assistant adjutant general for either the army national guard or air national guard, by date of rank, as is then currently available. If none are available, then such duties shall be executed by the senior general officer for~~

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either the army national guard or air national guard, by date of rank, as is then currently available.

19-9-102. Organization of national guard; duty of governor.

(a) The Wyoming national guard consists of the following officers and staff in addition to or in combination with such elements of the army and air forces of the national guard of the United States as are allocated to the state by the president, the secretary of defense or the secretary of army or air, and accepted by the state:

(ii) ~~Two (2)~~ Those assistant adjutants general and general officers appointed pursuant to W.S. 19-7-104(a);

19-9-301. National guard officers generally.

(b) All officers appointed in the national guard of Wyoming except the adjutant general, ~~and~~ assistant adjutants general and additional general officers shall hold their membership until they have reached seventy (70) years of age unless retired or discharged prior to that time. No officer possesses a property interest in any duty position. The adjutant general is the discharge authority for all officers except the adjutant general, for which the governor shall be that authority. Any officer may be discharged from the Wyoming national guard according to procedures established by orders and regulations prescribed or promulgated by the adjutant general or according to federal law and regulation. An officer discharged from the United States air force or army reserves or who has his federal recognition withdrawn shall also be discharged from the Wyoming national guard effective as of the date of

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discharge from the reserves or withdrawal of federal recognition.

Section 2. W.S. 19-7-102(a)(i) through (iii) and 19-7-105(a)(i) through (iii) are repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk