

(Reprinted with amendments adopted on May 26, 2023)

SECOND REPRINT

A.B. 465

EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 465—ASSEMBLYMEN YEAGER; AND GRAY

APRIL 20, 2023

JOINT SPONSOR: SENATOR SPEARMAN

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing the state militia.
(BDR 36-1192)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the state militia; revising the age requirements for enlisted personnel and commissioned officers; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the position of the Adjutant General as an appointed member of the military staff of the Governor and grants the Adjutant General the authority to appoint two Assistant Adjutants General that are selected from the commissioned officers of the Armed Forces of the United States. (NRS 412.042, 412.044) **Section 2** of this bill requires that the two Assistant Adjutants General are instead selected from the commissioned officers of the Nevada National Guard.

Existing law further provides that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Armed Forces of the United States and be federally recognized in the grade of colonel or higher. (NRS 412.044, 412.054) **Sections 3 and 4** of this bill require instead that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of colonel or higher and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.

Existing law establishes the Nevada National Guard as an organized body of enlisted personnel between the ages of 17 and 64 years and commissioned officers between the ages of 18 and 64 years. (NRS 412.026) **Section 1** of this bill instead



19 provides that enlisted personnel and commissioned officers serve in accordance
20 with the age requirements set forth under federal law and any applicable
21 regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 412.026 is hereby amended to read as follows:

2 412.026 1. The militia of the State is composed of the
3 Nevada National Guard and, when called into active service by the
4 Governor, reservists to the Nevada National Guard and any
5 volunteer military organizations licensed by the Governor.

6 2. The Nevada National Guard is an organized body of enlisted
7 personnel ~~[between the ages of 17 and 64 years]~~ and commissioned
8 officers ~~[between the ages of 18 and 64 years,]~~ *who serve in*
9 *accordance with the age requirements set forth under federal law*
10 *and any applicable regulations adopted pursuant thereto,* divided
11 into the Nevada Army National Guard and the Nevada Air National
12 Guard.

13 3. If a volunteer military organization is formed and becomes
14 licensed by the Governor, it shall consist of an organized body of
15 able-bodied residents of the State between the ages of 17 and 64
16 years who are not serving in any force of the Nevada National
17 Guard and who are or who have declared their intention to become
18 citizens of the United States.

19 **Sec. 2.** NRS 412.042 is hereby amended to read as follows:

20 412.042 1. The military staff of the Governor consists of the
21 Adjutant General and not more than two Assistant Adjutants
22 General selected from the commissioned officers of the ~~[Armed~~
23 ~~Forces of the United States.]~~ *Nevada National Guard.*

24 2. The military staff of the Governor shall perform such
25 ceremonial functions and duties as the Governor may prescribe.

26 **Sec. 3.** NRS 412.044 is hereby amended to read as follows:

27 412.044 1. The Governor shall appoint an Adjutant General
28 who shall serve at the pleasure of the Governor or until relieved by
29 reason of resignation, withdrawal of federal recognition or for cause
30 to be determined by a court-martial. The service of the Adjutant
31 General shall continue while such Adjutant General is serving in a
32 federal active duty status under an order or call by the President of
33 the United States.

34 2. To be eligible for appointment to the office of Adjutant
35 General, a person must be an officer of the ~~[Armed Forces of the~~
36 ~~United States.]~~ *Nevada National Guard* and federally recognized in
37 the grade of colonel or higher ~~[.]~~ *and must have completed at least*



1 *4 years of service in the Nevada National Guard as a federally*
2 *recognized officer.*

3 3. The Adjutant General may be appointed in the grade of
4 colonel or higher, but not exceeding that of major general. If
5 appointed in a lower grade, the Adjutant General may be promoted
6 by the Governor to any grade not exceeding that of major general.

7 **Sec. 4.** NRS 412.054 is hereby amended to read as follows:

8 412.054 1. The Adjutant General may appoint two Assistant
9 Adjutants General, one each from the Nevada Army National Guard
10 and the Nevada Air National Guard, who may serve as Chief of
11 Staff for Army and Chief of Staff for Air, respectively, at the
12 pleasure of the Adjutant General or until relieved by reason of
13 resignation, withdrawal of federal recognition or for cause to be
14 determined by a court-martial.

15 2. To be eligible for appointment to the office of Assistant
16 Adjutant General, a person must be an officer of the ~~[Armed Forces~~
17 ~~of the United States]~~ *Nevada National Guard* and be federally
18 recognized in the grade of colonel or higher ~~[]~~ *and must have*
19 *completed at least 4 years of service in the Nevada National Guard*
20 *as a federally recognized officer.*

21 3. An Assistant Adjutant General may be appointed in the
22 grade of colonel or higher, but not exceeding that of brigadier
23 general. An Assistant Adjutant General may be promoted by the
24 Governor to any grade not exceeding that of brigadier general.

25 4. The Assistant Adjutants General shall perform such duties as
26 may be assigned by the Adjutant General.

27 5. Whoever serves as Chief of Staff for Army is in the
28 unclassified service of the State and, except as otherwise provided in
29 NRS 284.143, shall not hold any other city, county, state or federal
30 office of profit.

31 6. In the event of the absence or inability of the Adjutant
32 General to perform his or her duties, the Adjutant General shall
33 designate by Office regulations:

34 (a) One of the Assistant Adjutants General to perform the duties
35 of his or her office as Acting Adjutant General.

36 (b) If neither Assistant Adjutant General is available, any
37 national guard officer to be the Acting Adjutant General.

38 ➤ The designated Assistant Adjutant General or designated officer
39 may continue to receive his or her authorized salary while so serving
40 as Acting Adjutant General, and shall so serve until the Adjutant
41 General is again able to perform the duties of the office, or if the
42 office is vacant, until an Adjutant General is regularly appointed and
43 qualified.



1 **Sec. 5.** This act becomes effective on July 1, 2023.

⑩



* A B 4 6 5 R 2 *