

SENATE FILE NO. SF0039

Military department composition.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

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3 of military office; repealing superseded provisions; and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

5

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

7

8 **Section 1.** W.S. 19-7-101(a)(iv), 19-7-102(a)(intro),
9 19-7-103(a)(intro), 19-7-104(a), 19-7-105(a)(intro),
10 19-9-102(a)(ii) and 19-9-301(b) are amended to read:

11

12 **19-7-101. Definitions.**

13

14 (a) As used in this act:

15

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

6
7 **19-7-102. Creation and composition of military**
8 **department.**

9
10 (a) The military department of the state of Wyoming
11 shall consist of the adjutant general, state military
12 affairs and ~~the following three (3) those~~ divisions ~~+~~ that
13 may be authorized by federal or state authority.

14
15 **19-7-103. Adjutant general; appointment; rank;**
16 **removal; duties and qualifications.**

17
18 (a) The governor shall appoint a qualified adjutant
19 general to be ~~chief of staff~~ the commander of the Wyoming
20 national guard and director of the Wyoming military
21 department. He shall have the rank the governor designates
22 and may be removed by the governor as provided in W.S.

1 9-1-202. A prospective appointee shall possess the
2 following qualifications:

3

4 **19-7-104. Assistant adjutants general; general**
5 **officers; deputy military administrator and fiscal officer.**

6

7 (a) The adjutant general shall appoint ~~an~~ such
8 assistant ~~adjutant~~ adjutants general and other general
9 officers as may be authorized by ~~for~~ the army national
10 guard and ~~an assistant adjutant general~~ ~~for~~ the air
11 national guard. Each assistant adjutant general and general
12 officer shall serve in their respective duty positions at
13 the pleasure of the adjutant general and may be removed
14 from the position by the adjutant general as provided under
15 W.S. 9-1-202(b)(i). Each assistant adjutant general and
16 general officer shall hold the rank of brigadier general
17 and shall possess the qualifications set forth in W.S.
18 19-7-103(a)(i) through (iii). No person shall continue to
19 serve as an assistant adjutant general or general officer
20 after failing to qualify before a federal recognition board
21 for promotion to the grade of brigadier general.

22

23 **19-7-105. Succession of office.**

1

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

13

14 **19-9-102. Organization of national guard; duty of**
15 **governor.**

16

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

23

1 (ii) ~~Two (2)~~ Those assistant adjutants general
2 and general officers appointed pursuant to W.S.
3 19-7-104(a);
4

5 **19-9-301. National guard officers generally.**
6

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

1 discharge from the reserves or withdrawal of federal
2 recognition.

3

4 **Section 2.** W.S. 19-7-102(a)(i) through (iii) and
5 19-7-105(a)(i) through (iii) are repealed.

6

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

11

12

(END)