

Amendment No. 621

Assembly Amendment to Assembly Bill No. 465

(BDR 36-1192)

Proposed by: Assemblyman Gray

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SES/MKB



Date: 5/19/2023

A.B. No. 465—Revises provisions governing the state militia. (BDR 36-1192)



EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 465- ~~ASSEMBLYMAN~~ ASSEMBLYMEN YEAGER ; AND GRAY

APRIL 20, 2023

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.

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

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

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

412.026 1. The militia of the State is composed of the Nevada National Guard and, when called into active service by the Governor, reservists to the

1 Nevada National Guard and any volunteer military organizations licensed by the
2 Governor.

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

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

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

14 412.042 1. The military staff of the Governor consists of the Adjutant
15 General and not more than two Assistant Adjutants General selected from the
16 commissioned officers of the ~~{Armed Forces of the United States.}~~ *Nevada*
17 *National Guard.*

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

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

21 412.044 1. The Governor shall appoint an Adjutant General who shall serve
22 at the pleasure of the Governor or until relieved by reason of resignation,
23 withdrawal of federal recognition or for cause to be determined by a court-martial.
24 The service of the Adjutant General shall continue while such Adjutant General is
25 serving in a federal active duty status under an order or call by the President of the
26 United States.

27 2. To be eligible for appointment to the office of Adjutant General, a person
28 must be an officer of the ~~{Armed Forces of the United States.}~~ *Nevada National*
29 *Guard* and federally recognized in the grade of colonel or higher ~~{}~~ *and must have*
30 *completed at least 4 years of service in the Nevada National Guard as a federally*
31 *recognized officer.*

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

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

37 412.054 1. The Adjutant General may appoint two Assistant Adjutants
38 General, one each from the Nevada Army National Guard and the Nevada Air
39 National Guard, who may serve as Chief of Staff for Army and Chief of Staff for
40 Air, respectively, at the pleasure of the Adjutant General or until relieved by reason
41 of resignation, withdrawal of federal recognition or for cause to be determined by a
42 court-martial.

43 2. To be eligible for appointment to the office of Assistant Adjutant General,
44 a person must be an officer of the ~~{Armed Forces of the United States.}~~ *Nevada*
45 *National Guard* and be federally recognized in the grade of colonel or higher ~~{}~~
46 *and must have completed at least 4 years of service in the Nevada National Guard*
47 *as a federally recognized officer.*

48 3. An Assistant Adjutant General may be appointed in the grade of colonel or
49 higher, but not exceeding that of brigadier general. An Assistant Adjutant General
50 may be promoted by the Governor to any grade not exceeding that of brigadier
51 general.

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

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

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

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

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

10 ➤ The designated Assistant Adjutant General or designated officer may continue to
11 receive his or her authorized salary while so serving as Acting Adjutant General,
12 and shall so serve until the Adjutant General is again able to perform the duties of
13 the office, or if the office is vacant, until an Adjutant General is regularly appointed
14 and qualified.

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