



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. 602

May 2, 2006

The Honorable Robert Bunda, President  
and Members of the Senate  
Twenty-Third State Legislature  
State Capitol, Room 003  
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith HB173 HD1 SD1, without my approval, and with the statement of objections relating to the measure.

HB173 HD1 SD1

A BILL FOR AN ACT RELATING TO  
THE NATIONAL GUARD.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

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## A BILL FOR AN ACT

RELATING TO THE NATIONAL GUARD.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to require that any  
2 person who is newly appointed to the position of adjutant  
3 general:

4           (1) After the effective date of this Act; and

5           (2) Who has not previously been appointed to be the  
6 adjutant general by the governor and consented to by  
7 the senate pursuant to article V, section 6, of the  
8 Constitution of the State of Hawaii and section 26-31,  
9 Hawaii Revised Statutes;

10 possess at least five years of service as an active commissioned  
11 officer in the Hawaii national guard, whether army, air, or  
12 both.

13           SECTION 2. Section 121-7, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "§121-7 **Adjutant general; appointment.** (a) The adjutant  
16 general shall be the executive head of the department of defense  
17 and commanding general of the militia of the State.



1       **(b)** The adjutant general shall be appointed and be subject  
2 to removal as set forth in section 26-31. The adjutant general  
3 shall serve for the term as set forth in section 6, article V,  
4 of the [Constitution. ~~No person shall be eligible for~~  
5 ~~appointment as adjutant general unless the person holds or has~~  
6 ~~held a commission of at least a field grade officer, federally~~  
7 ~~recognized as such, or its equivalent in the national guard,~~  
8 ~~state defense force, or other branch of the armed forces of this~~  
9 ~~or any other state or territory of the United States, or in the~~  
10 ~~armed forces of the United States or a reserve component thereof~~  
11 ~~and has served as a commissioned officer in one or more of the~~  
12 ~~armed services for at least ten years.] state constitution.~~

13       **(c)** Effective July 1, 2006, no person shall be eligible to  
14 serve, continue to serve, or be appointed to serve as adjutant  
15 general unless the person:

16       **(1)** Holds or has held a commission of at least a field  
17 grade officer, federally recognized as such, in the  
18 national guard of the armed forces of this or any  
19 other state or territory of the United States, or in  
20 the armed forces of the United States or a reserve  
21 component thereof; and



1           (2) Has served as a commissioned officer in one or more of  
2           the armed forces for at least ten years, of which at  
3           least five years shall have been served as an active  
4           commissioned officer in the Hawaii national guard of  
5           either the army, air, or both."

6           SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 4. This Act shall not apply to:

9           (1) Any adjutant general appointed by the governor and for  
10           whom the senate has consented to pursuant to article  
11           V, section 6, of the Constitution of the State of  
12           Hawaii and section 26-31, Hawaii Revised Statutes,  
13           prior to the effective date of this Act; or

14           (2) Any adjutant general described in paragraph (1) who is  
15           subsequently reappointed after the expiration of the  
16           adjutant general's initial term of service.

17           SECTION 5. This Act shall take effect on July 1, 2006.



H.B. NO. 173  
H.D. 1  
S.D. 1

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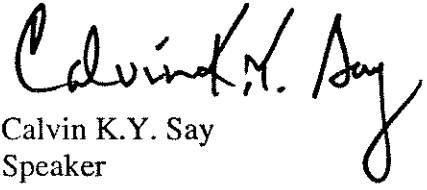
APPROVED this       day of       , 2006

GOVERNOR OF THE STATE OF HAWAII

**THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII**

Date: April 17, 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say  
Speaker  
House of Representatives

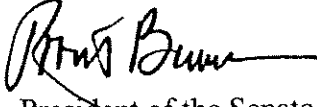


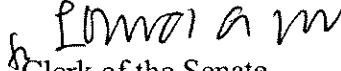
Patricia Mau-Shimizu  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAII**

Date: April 11, 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.

  
President of the Senate

  
Clerk of the Senate

EXECUTIVE CHAMBERS

HONOLULU

May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 173

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 173, entitled "A Bill for an Act Relating to the National Guard."

This bill would require that persons appointed in the future to be the Adjutant General possess at least five years of service as an active commissioned officer in the Hawaii National Guard.

This bill is objectionable because it severely restricts a Governor from selecting and appointing the best military leader from all branches of the military services to serve in this significant position. The importance of the position of Adjutant General is critical to the safety and protection of the public. Limiting the ability of the Governor to select the best and brightest for this cabinet level position is short-sighted and gravely misguided.

The best candidate for Adjutant General may very well be a candidate who is not a member of the National Guard. This is especially true as the United States Department of Defense moves to increase cooperation between branches of the military and require close coordination in response to national defense and natural disasters. This bill would reject the logic that any candidate outside of the Guard could do an outstanding job as commanding general of the Hawaii National Guard.

The Adjutant General not only serves as the executive head of the Department of Defense and commanding general of the Hawaii National Guard, but also fulfills two other crucial roles



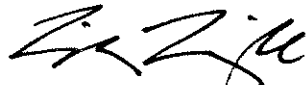
not directly related to experience in the National Guard.

First, the Adjutant General serves as Director of State Civil Defense, with responsibilities covering homeland security, emergency preparedness, crisis management, and disaster cleanup. The Adjutant General is required to coordinate not only those activities involving the National Guard, but all civil defense or emergency management activities with private, county, state, and federal agencies and military branches. Second, the Adjutant General works with the Office of Veterans Services to assist and support our veterans of all of the armed services in the State of Hawaii. A requirement that the Adjutant General have served no less than five years in the Hawaii National Guard is not a clear and convincing criteria for being able to handle a broad scope of duties the Adjutant General role requires.

The qualifications and appointment as codified in Section 121-7, Hawaii Revised Statutes, have stood the test of time and should not be changed. Other than limiting the appointing power of the Governor, this bill serves no legitimate purpose in protecting the people of Hawaii. The State of Hawaii must not limit itself when it comes to ensuring the security and safety of our people, supporting our veterans, and working collaboratively with all branches of the military.

For the foregoing reasons, I am returning House Bill No. 173 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii