
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 as a field grade
17 officer, federally recognized as such, in the national
18 guard of the armed forces of this or any other state
19 or territory of the United States, or in the armed
20 forces of the United States or a reserve component
21 thereof, and has served as a commissioned officer in

1 one or more of the armed forces for at least ten
2 years; and

3 (2) Has had at least five years of service as an active
4 commissioned officer in the Hawaii national guard,
5 whether 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, 2050.



Report Title:

National Guard; Adjutant General; Qualifications

Description:

Prohibits, effective 7/1/05, a person from being deemed eligible to serve, continuing to serve, or being appointed to serve as adjutant general unless the person has had at least 5 years of service as an active commissioned officer in the Hawaii national guard, whether army, air, or both. Grandfathers in sitting adjutant general. Takes effect 7/1/50. (HB173 HD1)

