

JAN 18 2013

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. The



1 adjutant general shall be appointed and be subject to removal as
2 set forth in section 26-31.

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

14 (c) Effective July 1, 2013, no person shall be eligible to
15 serve, continue to serve, or be appointed to serve as adjutant
16 general unless the person:

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



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

6 SECTION 3. This Act shall not apply to:

- 7 (1) Any adjutant general appointed by the governor and for
 8 whom the senate has consented to pursuant to article
 9 V, section 6, of the Constitution of the State of
 10 Hawaii and section 26-31, Hawaii Revised Statutes, as
 11 of the effective date of this Act; or
- 12 (2) Any adjutant general described in paragraph (1) who is
 13 subsequently reappointed after the expiration of the
 14 adjutant general's initial term of service.

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2013.

18

INTRODUCED BY: Will Engus
Josh M



Report Title:

National Guard; Adjutant General; Qualifications

Description:

Prohibits a person from being eligible to serve as an adjutant general unless the person has had at least five years of service as an active commissioned officer in the Hawaii National Guard, whether army, air, or both. Grandfathers the current adjutant general. Effective July 1, 2013.

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