

S.B. NO. 1112

JAN 27 2021

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A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF DEFENSE.

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

1 SECTION 1. Section 121-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§121-7 **Adjutant General; appointment.** The adjutant  
4 general shall be the executive head of the department of defense  
5 and commanding general of the militia of the State. The  
6 adjutant general shall be appointed and be subject to removal as  
7 set forth in section 26-31. The adjutant general shall serve  
8 for the term as set forth in section 6, article V, of the  
9 Constitution. No person shall be eligible for appointment as  
10 adjutant general unless the person holds or has held a  
11 commission of [~~at least a field grade officer~~] the rank of  
12 Colonel in the military grade of O6 or above federally  
13 recognized as such, or its equivalent in the Army or Air  
14 N[ational] G[uard], state defense force, [~~or other branch of~~  
15 ~~the armed forces of this or any other state or territory of the~~  
16 ~~United States,~~] or in the [~~armed forces~~] Army or Air Force  
17 active component of the United States or a reserve component  
18 thereof and has served as a commissioned officer in one or more

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1 of the [~~armed services~~] Army or Air Force Components as listed  
2 herein for at least ten years[-] and has no administrative  
3 actions or items that would prevent promotion to the rank of a  
4 general officer in the military grade of O7 or O8 and federally  
5 recognized as such.

6 SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*M. N. W.*

11

BY REQUEST

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**Report Title:**

Department of Defense

**Description:**

Amends the minimum appointment eligibility requirement for the Adjutant General to be an officer that holds or has held a commission of the rank of Colonel in the military grade of O6 or above in the Army or Air National Guard, state defense force, or the Army or Air Force active component of the United States or a reserve component thereof, and has no administrative actions that would prevent promotion to the rank of a general officer in the military grade of O7 or O8 through amendment to section 121-7, Hawaii Revised Statutes.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

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## JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD.

PURPOSE: The purpose of this bill is to revise the appointment eligibility requirements for the Adjutant General.

MEANS: Amend section 121-7, Hawaii Revised Statutes.

JUSTIFICATION: The Adjutant General (TAG) of Hawaii must have the rank, experience, and wisdom commensurate to his colleagues and counterparts across the United States military and foreign militaries in order to gain credibility and consensus in military matters that affect the security of the State of Hawaii. Therefore, it is important the law requires the selection of a TAG who has the rank and experience that will convey credibility. Appointing a TAG that does not have the ability to become a general officer could lead to selection of a junior field grade who will not have the same experience to handle national and international challenges. Simply put a junior field grade, such as a major or newly promoted lieutenant colonel, will not be able to garner the same respect or influence among other general officers of the United States Military or Foreign militaries.

The Hawaii State TAG must consistently interact with U.S. federally recognized general officers and flag officers as well as foreign officers throughout the U.S. Indo-Pacific Command (INDO-PACOM); U.S. Northern Command (NORTHCOM); and the National Guard Bureau. The TAG must also interact with general officers, assistant secretaries, and undersecretaries within the office of the Secretary of Defense as well

as the Department of the Army. Such interaction with senior military and federal government officials requires the experience, educational training and expertise of a field grade officer federally recognized in the rank of colonel who does not have any administrative actions or items that prevent said colonel from promotion to a federally recognized general officer in the United States Air Force or Army.

The current Hawaii Revised Statutes allows field grade officers to be appointed as the Adjutant General. Field grade officer ranks are major, lieutenant colonel, and colonel. Selecting an officer in the rank of major or lieutenant colonel as TAG is problematic since a major or lieutenant colonel is not eligible to be "federally recognized" as a general officer. That officer may be promoted to hold a State Commission as a major general within the State of Hawaii as TAG; however, the appointed officer can only wear that rank in the State of Hawaii. While on Title 32 or Title 10; or performing functional requirements at the national and international level, that officer is not authorized by the United States Air Force or Army to wear the Major General rank. When the officer leaves the state for national or international requirements or engagements, the officer will also be required to revert back to the officer's "federally recognized" rank. Additionally, an officer in the rank of major or lieutenant colonel will likely lack the required experience, educational training and expertise to perform the duties at the senior level that the TAG is expected to operate at.

Requiring the officer to hold a federally recognized commission in the rank of colonel or above in the United States Air Force or Army will ensure the State of Hawaii TAG possesses the minimum requisite level of experience and familiarization with both federal and state laws unique to the

National Guard during responses to natural disasters and civil support to our local communities. This experience will also provide the expertise necessary to effectively understand the requirements and programs of the National Guard Bureau, the Air National Guard, the Army National Guard, and the Departments of the Air Force and Army.

Impact on the public: It will ensure there is an experienced and trained general officer to lead the State of Hawaii and to protect its people during an all hazards event or state of emergency.

Impact on the department and other agencies: It will ensure other departments, and other agencies to include but not limited to the general officers assigned to the National Guard Bureau, the Air National Guard, the Army National Guard, and the Departments of the Air Force and Army, U.S. Indo-Pacific Command (INDO-PACOM), U.S. Army Pacific (USARPAC) and Pacific Air Forces (PACAF) will work with an Adjutant General who is of the caliber and qualifications of a federally recognized senior colonel in the United States Army or Air Force who is able to become a general officer, or a federally recognized general officer in the United States Army or Air Force.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	DEF 110.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.