

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1281**

Gillette Floor Amendment

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- Requires the Adjutant General be a resident of the state or establish a domicile in the state for residency purposes within 90 days following their appointment.
 - Adds that the Adjutant General must meet any of the following criteria:
 - Have served two of the five years immediately preceding their appointment in the National Guard in the state or territory where the person is an assigned member;
 - Have served at least two of the seven years immediately preceding their appointment in the National Guard in the state or territory where the person is a member and currently serving as a full-time or part-time general officer in the National Guard; or
 - Be a retired general officer who has been on military retired status for no more than 24 months before the projected appointment date and have served five years immediately preceding the general officer's retirement.
 - Requires that when the Adjutant General is appointed, if they are not already a general officer, they must attain federal recognition in a grade of at least brigadier general no later than two years after their appointment.
 - States any person who is notified they are being considered for appointment must provide evidence of compliance with current Army or Air Force standards or requirements pertaining to medical eligibility and physical fitness.
 - Specifies the person must be in compliance at least 12 months before the date of appointment.
 - Requires a retired officer or officer not assigned or serving in the state who needs testing, examination or documentation to meet the appointment standards to obtain them at no cost or liability to the Department or the State.
 - Directs records submitted to the State containing medical information must be handled, distributed and retained in accordance with state and federal law.

Amendment explanation prepared by M. Bencomo

Phone Number 6-3649

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3/27/2025

- Specifies only qualified military medical personnel can examine medical records to determine if the person meets the necessary medical standards and cannot disclose details of the person's health when attesting to if the person meets current medical standards for military service.
- Adds that the Assistant Adjutants General must meet all of the following:
 - Be appointed as general officers and possess the same legal qualifications as the Adjutant General;
 - Receive federal recognition of their general officer rank within 24 months after appointment; and
 - Receive federal recognition and be in compliance with current Army or Air Force standards or requirements pertaining to medical eligibility and physical fitness.
- Contains an emergency clause.
- Makes technical and conforming changes.

GILLETTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1281
(Reference to Senate engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<Section 1. Section 26-101, Arizona Revised Statutes, is amended
3 to read:

4 26-101. Department of emergency and military affairs:
5 organization; adjutant general; qualifications

6 A. The department of emergency and military affairs is established
7 consisting of the division of emergency management and other divisions or
8 offices as determined by the adjutant general pursuant to section 26-102,
9 subsection C, paragraph 8.

10 B. The department consists of the adjutant general and such other
11 officers, warrant officers, enlisted personnel and employees as deemed
12 necessary.

13 C. The department shall be administered and controlled by the
14 governor as commander-in-chief. The adjutant general shall be the
15 director of the department.

16 D. The adjutant general shall be appointed by the governor pursuant
17 to section 38-211 and shall serve at the pleasure of the governor. The
18 person appointed shall [;

19 1.] Be a citizen of the United States~~[;]~~[;

20 2. BE A CURRENT RESIDENT OF THIS STATE OR ESTABLISH DOMICILE IN
21 THIS STATE FOR RESIDENCY PURPOSES WITHIN NINETY DAYS FOLLOWING
22 APPOINTMENT.

23 3. MEET ANY OF THE FOLLOWING CRITERIA:

24 (a)] Have served two of the five years immediately preceding
25 appointment in the national guard in the state or territory where the
26 person is an assigned member ~~[and establish domicile in Arizona for~~
27 ~~residency purposes within ninety days after appointment].~~

28 [(b) HAVE SERVED AT LEAST TWO OF THE SEVEN YEARS IMMEDIATELY
29 PRECEDING APPOINTMENT IN THE NATIONAL GUARD IN THE STATE OR TERRITORY

1 WHERE THE PERSON IS AN ASSIGNED MEMBER AND CURRENTLY BE SERVING AS A
2 FULL-TIME OR PART-TIME GENERAL OFFICER IN THE NATIONAL GUARD.

3 (c) BE A RETIRED GENERAL OFFICER WHO HAS BEEN ON MILITARY RETIRED
4 STATUS FOR NOT MORE THAN TWENTY-FOUR MONTHS BEFORE THE PROJECTED
5 APPOINTMENT DATE AND HAVE SERVED IN THE NATIONAL GUARD IN THIS STATE FOR
6 AT LEAST TWO OF THE FIVE YEARS IMMEDIATELY PRECEDING THE GENERAL OFFICER'S
7 RETIREMENT.

8 E.] In appointing the adjutant general, the governor may give
9 preference to a person who has served in the national guard of this
10 state. At the time of the appointment, the person appointed shall have
11 qualifications required by the United States department of defense for the
12 adjutant general and [. IF NOT ALREADY A GENERAL OFFICER.] shall attain
13 federal recognition in a grade of at least brigadier general not later
14 than two years after the appointment. [BEFORE APPOINTMENT, ANY PERSON WHO
15 IS NOTIFIED THAT THE PERSON IS BEING CONSIDERED BY THE GOVERNOR FOR
16 APPOINTMENT SHALL PROVIDE EVIDENCE, BY THE DEADLINE STIPULATED, TO THE
17 AGENCY, DEPARTMENT OR OFFICE DESIGNATED BY THE GOVERNOR, OF COMPLIANCE
18 WITH CURRENT ARMY OR AIR FORCE STANDARDS OR REQUIREMENTS, DEPENDING ON THE
19 PERSON'S BRANCH OF SERVICE, PERTAINING TO MEDICAL ELIGIBILITY, HEIGHT,
20 WEIGHT, BODY COMPOSITION AND PHYSICAL FITNESS. THE PERSON MUST BE IN
21 COMPLIANCE AT LEAST TWELVE MONTHS BEFORE THE DATE OF APPOINTMENT. A
22 RETIRED OFFICER WHO NEEDS ANY TESTING, EXAMINATION OR DOCUMENTATION TO
23 MEET APPOINTMENT STANDARDS SHALL OBTAIN SUCH AT NO COST OR LIABILITY TO
24 THE DEPARTMENT OR THIS STATE. ANY OFFICER WHO IS NOT CURRENTLY ASSIGNED TO
25 OR SERVING IN THIS STATE AND WHO NEEDS ANY TESTING, EXAMINATION OR
26 DOCUMENTATION TO MEET THE REQUIREMENTS OF THIS SECTION SHALL OBTAIN SUCH
27 AT NO COST OR LIABILITY TO THE DEPARTMENT OR THIS STATE. ANY RECORDS
28 SUBMITTED TO THIS STATE PURSUANT TO THIS SECTION THAT CONTAIN MEDICAL
29 INFORMATION SHALL BE HANDLED, DISTRIBUTED AND RETAINED IN ACCORDANCE WITH
30 STATE AND FEDERAL LAW. ONLY QUALIFIED MILITARY MEDICAL PERSONNEL SHALL
31 EXAMINE THE MEDICAL RECORDS FOR THE PURPOSE OF DETERMINING WHETHER A
32 PERSON MEETS MEDICAL STANDARDS AND MAY NOT DISCLOSE ANY DETAILS OF THE
33 PERSON'S HEALTH WHEN ATTESTING TO WHETHER THE PERSON MEETS CURRENT MEDICAL
34 STANDARDS FOR MILITARY SERVICE. A PERSON'S] failure to meet these
35 [MEDICAL STANDARDS OR OTHER] qualifications, failure to retain federal
36 recognition or failure to meet the age provided by federal law relating to
37 state adjutants general [shall terminate] [TERMINATES] the appointment.

38 [F.] [E.] The adjutant general shall receive compensation as
39 determined pursuant to section 38-611 and shall devote full time to the
40 office.

41 [F.] [G.] At the time of appointment, the adjutant general shall
42 receive the state rank of major general and, at that time, shall become
43 the ranking officer in the department of emergency and military affairs.>>

44 Sec. 2. Section 26-102, Arizona Revised Statutes, is amended to
45 read:

46 26-102. Powers and duties of the adjutant general

47 A. The adjutant general shall serve as head of the department and,
48 subject to the orders of the commander in chief, command the national

1 guard of this state. The governor as commander in chief shall administer
2 and control the national guard, and the adjutant general is responsible to
3 the governor for executing all orders relating to the militia, organizing,
4 activating, reactivating, inactivating and allocating units, recruiting
5 personnel, public relations and disciplining and training the national
6 guard and those members of the militia inducted into the service of this
7 state as provided in this chapter. The adjutant general shall act as
8 military chief of staff to the governor and as the commanding general of
9 all branches of the militia. The adjutant general may belong to the
10 national association and other organizations for the betterment of the
11 national guard, subscribe to and obtain periodicals, literature and
12 magazines of such other organizations and pay dues and charges from monies
13 of this state appropriated for that purpose. Except for the authority
14 expressly reserved for the governor, the adjutant general is responsible
15 for emergency management, and all emergency activities are subject to the
16 approval of the adjutant general.

17 B. The adjutant general, as the military chief of staff, shall:

18 1. Act as military advisor to the governor and perform, as the
19 governor prescribes, military duties not otherwise designated by law.

20 2. Adopt methods of administration for the national guard that are
21 not inconsistent with laws and regulations of the United States department
22 of defense or any subdivision of the United States department of defense.

23 3. Supervise and direct the organization, regulation, instruction
24 and other activities of the national guard.

25 4. Attest and record all commissions issued by the governor and
26 maintain a register of all commissioned personnel.

27 5. Keep a record of all orders and regulations pertaining to the
28 national guard and all other writings and papers relating to reports and
29 returns of units comprising the national guard and militia.

30 6. Superintend the preparation of returns, plans and estimates
31 required by this state, by the department of the army, air force or navy
32 and by the United States secretary of defense.

33 7. Control the use of and care for, preserve and maintain all
34 military property belonging to or issued to this state and pay from monies
35 appropriated by the legislature for these purposes the necessary expenses
36 for labor and material incurred in repairing military property.

37 8. Dispose of unserviceable military property belonging to this
38 state, account for the proceeds and transmit the proceeds to the morale,
39 welfare and recreational fund established by section 26-153.

40 9. Authenticate with the seal of the office of the adjutant general
41 all orders and copies of orders issued by the adjutant general's
42 office. An authenticated copy has the same force and effect as the
43 original.

44 10. Present to the governor before each regular session of the
45 legislature, or as otherwise required, an estimate of the financial
46 requirements for state monies for operating the department and the
47 national guard during the next fiscal year.

48 C. The adjutant general, as head of the department, shall:

- 1 1. Be the administrator of the department.
- 2 2. Coordinate the functions of the divisions and offices of the
3 department.
- 4 3. Subject to title 41, chapter 4, article 4 and, as applicable,
5 article 5, appoint, suspend, demote, promote or dismiss employees of the
6 department. The adjutant general may delegate this authority.
- 7 4. Appoint an auditor for the department to conduct periodic
8 financial and compliance audits of each division and office in the
9 department and perform other duties as prescribed by law. At least
10 annually the auditor shall audit accounts that are open for more than
11 twelve months. The auditor shall determine within the department
12 compliance with purchase and bidding procedures prescribed by law.
- 13 5. Adopt, with the approval of the governor, rules necessary for
14 operating the department and for organizing, governing, arming, equipping,
15 instructing and compensating the national guard and authorized
16 employees. Rules that are adopted for the national guard and authorized
17 employees pursuant to this paragraph shall be in force and effect when
18 approved by the governor.
- 19 6. Establish and administer accounts for federal, state or other
20 monies made available to carry out the functions of the department.
- 21 7. As deemed necessary, appoint to peace officer status members of
22 the Arizona national guard who have been awarded a United States army
23 military occupational specialty as military policeman or a United States
24 air force specialty code as security policeman or who have served as a law
25 enforcement officer in any branch of the United States armed forces or as
26 a special agent of a military criminal investigative organization within
27 the United States department of defense. Before appointment as peace
28 officers, the individuals must successfully complete a course of study
29 prescribed by the Arizona peace officer standards and training board.
30 Individuals appointed as peace officers pursuant to this paragraph, when
31 performing duties at facilities or on land operated or controlled by or
32 under the jurisdiction of the adjutant general, have all the powers,
33 privileges and immunities of peace officers provided by law. Individuals
34 appointed as peace officers pursuant to this paragraph are not eligible to
35 participate in funding provided by the peace officers' training fund
36 established by section 41-1825 or in the public safety personnel
37 retirement system.
- 38 8. Establish, abolish or reorganize the positions or organizational
39 structure within the department, subject to legislative appropriation, if,
40 in the adjutant general's judgment, the modification would make the
41 operation of the department more efficient, effective or economical.
- 42 ~~9. Establish an educational program for persons who have previously~~
43 ~~dropped out of high school and who are under twenty years of age but who~~
44 ~~are not adjudicated delinquent. The educational program shall be~~
45 ~~designated "project challenge" and shall be conducted by the national~~
46 ~~guard of Arizona in a paramilitary environment. The goal of the~~
47 ~~educational program is to provide persons who are enrolled in the program~~
48 ~~with the knowledge and skills necessary to become productive citizens and~~

~~1 to obtain a general equivalency diploma. In addition to monies
2 appropriated for the program, the adjutant general may accept and spend
3 monies from any other lawful public or private source.~~

4 ~~10.~~ 9. Submit to the governor, the president of the senate and the
5 speaker of the house of representatives annually by September 1 a report
6 for the department for the preceding fiscal year that includes:

7 (a) The strength and condition of the national guard.

8 (b) The business transactions of the department.

9 (c) A detailed statement of expenditures for all military and
10 civilian purposes.

11 (d) The disposition of all military and civilian property on hand or
12 issued.

13 (e) A description of the activity in the camp Navajo fund
14 established by section 26-152.

15 (f) A detailed statement of the national guard postsecondary
16 education reimbursement program pursuant to section 26-181, subsection D.

17 D. The adjutant general, with the approval of the governor, may:

18 1. Enter into contracts with individuals, this state, political
19 subdivisions of this state or the federal government and its agencies to
20 purchase, acquire, rent or lease lands, buildings or military materiel and
21 take title in the name of this state for establishing and maintaining
22 armories, subject to legislative appropriation for these purposes.

23 2. Procure and contract for procurement of equipment and its
24 issuance to members of the militia inducted into the service of this
25 state.

26 3. Enter into agreements and plans with the state universities, the
27 community colleges or any educational institution supported by federal or
28 state monies to promote the best interests of the national guard and
29 military training of students of the institutions.

30 4. Lease property acquired under this chapter for any public
31 purpose for a period of one year that is renewable.

32 5. Convey for any public purpose in the name of this state
33 easements on real property acquired under this chapter.

34 6. Enter into contracts or agreements with the federal government
35 that are deemed to be in the best interest of this state and the national
36 guard.

37 7. Delegate the powers and duties prescribed in this section.

38 8. Adopt methods of security for the national guard reservations or
39 facilities that are consistent with the laws, regulations or directives of
40 the United States department of defense or any subdivision of the United
41 States department of defense and the laws of this state.

42 9. ENTER INTO A CONTRACT OR AGREEMENT WITH AN INDIVIDUAL OR
43 POLITICAL SUBDIVISION OF THIS STATE TO FACILITATE ANY OF THE FOLLOWING:

44 (a) TRAINING.

45 (b) EMERGENCY OPERATIONS.

46 (c) MAINTENANCE OF AIRCRAFT.

47 (d) SAFETY, INCLUDING EMERGENCY AND MEDICAL SERVICES.

48 (e) MOVEMENT OR ~~[STORGE]~~ [STORAGE] OF AIRCRAFT.

1 (f) RECRUITMENT AND RETENTION OF PERSONNEL FOR THE NATIONAL GUARD
2 OF ARIZONA.

3 10. SUBJECT TO LEGISLATIVE APPROPRIATIONS, ESTABLISH AN EDUCATIONAL
4 PROGRAM FOR PERSONS WHO HAVE PREVIOUSLY DROPPED OUT OF HIGH SCHOOL AND WHO
5 ARE UNDER TWENTY YEARS OF AGE BUT WHO ARE NOT ADJUDICATED DELINQUENT. THE
6 EDUCATIONAL PROGRAM SHALL BE DESIGNATED "PROJECT CHALLENGE" AND SHALL BE
7 CONDUCTED BY THE NATIONAL GUARD OF ARIZONA IN A PARAMILITARY ENVIRONMENT.
8 THE GOAL OF THE EDUCATIONAL PROGRAM IS TO PROVIDE PERSONS WHO ARE ENROLLED
9 IN THE PROGRAM WITH THE KNOWLEDGE AND SKILLS NECESSARY TO BECOME
10 PRODUCTIVE CITIZENS AND TO OBTAIN A GENERAL EQUIVALENCY DIPLOMA. IN
11 ADDITION TO MONIES APPROPRIATED FOR THE PROGRAM, THE ADJUTANT GENERAL MAY
12 ACCEPT AND SPEND MONIES FROM ANY OTHER LAWFUL PUBLIC OR PRIVATE SOURCE TO
13 ADMINISTER, OPERATE AND SUPPORT THE PROGRAM.

14 <<Sec. 3. Section 26-104, Arizona Revised Statutes, is amended to
15 read:

16 26-104. Assistant adjutants general: appointment:
17 qualifications

18 There shall be at least two assistant adjutants general of ~~[the]~~
19 ~~[THIS]~~ state, one branch of service army and one branch of service air
20 force who ~~[shall be]~~ ~~[ARE]~~ appointed by the governor. Additional
21 assistant adjutants general may be appointed if authorized by the chief
22 national guard bureau. ~~[They shall]~~ [THE ASSISTANT ADJUTANTS GENERAL MUST
23 MEET ALL OF THE FOLLOWING:

24 1.] Be [APPOINTED AS] general officers and ~~[must]~~ possess the same
25 qualifications prescribed [IN SECTION 26-101] for the adjutant general [IN
26 THE NATIONAL GUARD OF THIS STATE].

27 [2. RECEIVE FEDERAL RECOGNITION OF THEIR GENERAL OFFICER RANK
28 WITHIN TWENTY-FOUR MONTHS AFTER APPOINTMENT.

29 3. AT THE TIME OF FEDERAL RECOGNITION, BE IN COMPLIANCE WITH
30 CURRENT ARMY OR AIR FORCE STANDARDS OR REQUIREMENTS, DEPENDING ON THE
31 APPOINTEE'S BRANCH OF SERVICE, PERTAINING TO MEDICAL ELIGIBILITY, HEIGHT,
32 WEIGHT, BODY COMPOSITION AND PHYSICAL FITNESS.]>>

33 Sec. 4. Section 26-181, Arizona Revised Statutes, is amended to
34 read:

35 26-181. Evaluation of applications; payment of tuition and
36 fees reimbursement; report

37 A. After applicants submit their grade reports, the adjutant
38 general shall evaluate the applications for tuition and fees reimbursement
39 and pay those applicants the adjutant general determines to be eligible.

40 B. Such reimbursement is subject to legislative appropriation and
41 shall not exceed:

42 1. The maximum amount charged for in-state tuition and fees at a
43 state university during that academic year.

44 2. The amount spent by the ~~the~~ applicant for in-state tuition and
45 fees.

46 C. A reimbursement payment shall be made within forty-five days
47 after the date of receipt of the applicant's grade reports for the
48 semester for which reimbursement is to be paid.

1 D. The adjutant general shall report the following information as
2 provided by section 26-102, subsection C, paragraph ~~10~~ 9:

3 1. The total number of national guardsmen who received
4 reimbursement payments pursuant to this section during the preceding
5 fiscal year.

6 2. The number of newly recruited national guardsmen who received
7 reimbursement payments pursuant to this section during the preceding
8 fiscal year.

9 3. The total number of spouses and dependents of national guardsmen
10 who received reimbursement payments pursuant to this section during the
11 preceding fiscal year.

12 4. The total number of employees of the department of emergency and
13 military affairs who received reimbursement payments pursuant to this
14 section during the preceding fiscal year.

15 5. The total amount of monies spent by the national guard for
16 reimbursement payments pursuant to this section during the preceding
17 fiscal year.

18 <<Sec. 5. Emergency

19 This act is an emergency measure that is necessary to preserve the
20 public peace, health or safety and is operative immediately as provided by
21 law.>>

22 Enroll and engross to conform

23 Amend title to conform

JOHN GILLETTE

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