

House Engrossed Senate Bill

adjutant general; duties

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

# **SENATE BILL 1281**

AN ACT

AMENDING SECTIONS 26-101, 26-102, 26-104 AND 26-181, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY AND MILITARY AFFAIRS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2       Section 1. Section 26-101, Arizona Revised Statutes, is amended to  
3 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~~ **MUST**:

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 EITHER 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) BE A GENERAL OFFICER WHO IS CURRENTLY SERVING, OR A RETIRED  
29 GENERAL OFFICER WHO HAS BEEN ON RETIRED STATUS FOR NOT MORE THAN  
30 TWENTY-FOUR MONTHS, AND WHO HAS A MINIMUM OF FIVE YEARS OF SERVICE IN THE  
31 RANK OF COLONEL OR HIGHER IN THE NATIONAL GUARD IN A STATE WHERE THE  
32 OFFICER WAS ASSIGNED.

33      E. In appointing the adjutant general, the governor may give  
34 preference to a person who has served in the national guard of this state.  
35 At the time of the appointment, the person appointed shall have  
36 qualifications required by the United States department of defense for the  
37 adjutant general and, IF THE PERSON IS NOT ALREADY A GENERAL OFFICER,  
38 shall attain federal recognition in a grade of at least brigadier general  
39 not later than two years after the appointment. BEFORE APPOINTMENT, ANY  
40 PERSON WHO IS CURRENTLY SERVING AND WHO IS NOTIFIED THAT THE PERSON IS  
41 BEING CONSIDERED BY THE GOVERNOR FOR APPOINTMENT SHALL PROVIDE EVIDENCE,  
42 BY THE DEADLINE STIPULATED, TO THE AGENCY, DEPARTMENT OR OFFICE DESIGNATED  
43 BY THE GOVERNOR THAT THE PERSON IS IN GOOD STANDING WITH CURRENT ARMY OR  
44 AIR FORCE REQUIREMENTS, DEPENDING ON THE PERSON'S BRANCH OF SERVICE, FOR  
45 MILITARY SERVICE. IF A RETIRED GENERAL OFFICER IS SELECTED FOR

1 APPOINTMENT TO SERVE AS THE ADJUTANT GENERAL, THAT GENERAL OFFICER SHALL  
2 PROVIDE, WITHIN SIX MONTHS AFTER THE DATE OF APPOINTMENT, EVIDENCE TO THE  
3 OFFICE OF THE GOVERNOR OF GOOD STANDING WITH CURRENT ARMY OR AIR FORCE  
4 REQUIREMENTS, DEPENDING ON THE PERSON'S BRANCH OF SERVICE, FOR MILITARY  
5 SERVICE. A PERSON'S failure to meet these SERVICE STANDARDS OR OTHER  
6 qualifications WITHIN THE TIME PRESCRIBED, failure to retain federal  
7 recognition or failure to meet the age provided by federal law relating to  
8 state adjutants general ~~shall terminate~~ TERMINATES the appointment.

9       F. The adjutant general shall receive compensation as  
10 determined pursuant to section 38-611 and shall devote full time to the  
11 office.

12       F. At the time of appointment, the adjutant general shall  
13 receive the state rank of major general and, at that time, shall become  
14 the ranking officer in the department of emergency and military affairs.

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

17       26-102. Powers and duties of the adjutant general

18       A. The adjutant general shall serve as head of the department and,  
19 subject to the orders of the commander in chief, command the national  
20 guard of this state. The governor as commander in chief shall administer  
21 and control the national guard, and the adjutant general is responsible to  
22 the governor for executing all orders relating to the militia, organizing,  
23 activating, reactivating, inactivating and allocating units, recruiting  
24 personnel, public relations and disciplining and training the national  
25 guard and those members of the militia inducted into the service of this  
26 state as provided in this chapter. The adjutant general shall act as  
27 military chief of staff to the governor and as the commanding general of  
28 all branches of the militia. The adjutant general may belong to the  
29 national association and other organizations for the betterment of the  
30 national guard, subscribe to and obtain periodicals, literature and  
31 magazines of such other organizations and pay dues and charges from monies  
32 of this state appropriated for that purpose. Except for the authority  
33 expressly reserved for the governor, the adjutant general is responsible  
34 for emergency management, and all emergency activities are subject to the  
35 approval of the adjutant general.

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

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

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

42           3. Supervise and direct the organization, regulation, instruction  
43 and other activities of the national guard.

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

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

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

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

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

16       9. Authenticate with the seal of the office of the adjutant general  
17 all orders and copies of orders issued by the adjutant general's  
18 office. An authenticated copy has the same force and effect as the  
19 original.

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

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

25       1. Be the administrator of the department.

26       2. Coordinate the functions of the divisions and offices of the  
27 department.

28       3. Subject to title 41, chapter 4, article 4 and, as applicable,  
29 article 5, appoint, suspend, demote, promote or dismiss employees of the  
30 department. The adjutant general may delegate this authority.

31       4. Appoint an auditor for the department to conduct periodic  
32 financial and compliance audits of each division and office in the  
33 department and perform other duties as prescribed by law. At least  
34 annually the auditor shall audit accounts that are open for more than  
35 twelve months. The auditor shall determine within the department  
36 compliance with purchase and bidding procedures prescribed by law.

37       5. Adopt, with the approval of the governor, rules necessary for  
38 operating the department and for organizing, governing, arming, equipping,  
39 instructing and compensating the national guard and authorized employees.  
40 Rules that are adopted for the national guard and authorized employees  
41 pursuant to this paragraph shall be in force and effect when approved by  
42 the governor.

43       6. Establish and administer accounts for federal, state or other  
44 monies made available to carry out the functions of the department.

1       7. As deemed necessary, appoint to peace officer status members of  
2 the Arizona national guard who have been awarded a United States army  
3 military occupational specialty as military policeman or a United States  
4 air force specialty code as security policeman or who have served as a law  
5 enforcement officer in any branch of the United States armed forces or as  
6 a special agent of a military criminal investigative organization within  
7 the United States department of defense. Before appointment as peace  
8 officers, the individuals must successfully complete a course of study  
9 prescribed by the Arizona peace officer standards and training board.  
10 Individuals appointed as peace officers pursuant to this paragraph, when  
11 performing duties at facilities or on land operated or controlled by or  
12 under the jurisdiction of the adjutant general, have all the powers,  
13 privileges and immunities of peace officers provided by law. Individuals  
14 appointed as peace officers pursuant to this paragraph are not eligible to  
15 participate in funding provided by the peace officers' training fund  
16 established by section 41-1825 or in the public safety personnel  
17 retirement system.

18       8. Establish, abolish or reorganize the positions or organizational  
19 structure within the department, subject to legislative appropriation, if,  
20 in the adjutant general's judgment, the modification would make the  
21 operation of the department more efficient, effective or economical.

22       9. Establish an educational program for persons who have previously  
23 dropped out of high school and who are under twenty years of age but who  
24 are not adjudicated delinquent. The educational program shall be  
25 designated "project challenge" and shall be conducted by the national  
26 guard of Arizona in a paramilitary environment. The goal of the  
27 educational program is to provide persons who are enrolled in the program  
28 with the knowledge and skills necessary to become productive citizens and  
29 to obtain a general equivalency diploma. In addition to monies  
30 appropriated for the program, the adjutant general may accept and spend  
31 monies from any other lawful public or private source.

32       10. 9. Submit to the governor, the president of the senate and the  
33 speaker of the house of representatives annually by September 1 a report  
34 for the department for the preceding fiscal year that includes:

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

36           (b) The business transactions of the department.

37           (c) A detailed statement of expenditures for all military and  
38 civilian purposes.

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

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

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

1       D. The adjutant general, with the approval of the governor, may:  
2       1. Enter into contracts with individuals, this state, political  
3 subdivisions of this state or the federal government and its agencies to  
4 purchase, acquire, rent or lease lands, buildings or military materiel and  
5 take title in the name of this state for establishing and maintaining  
6 armories, subject to legislative appropriation for these purposes.

7       2. Procure and contract for procurement of equipment and its  
8 issuance to members of the militia inducted into the service of this  
9 state.

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

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

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

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

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

22      8. Adopt methods of security for the national guard reservations or  
23 facilities that are consistent with the laws, regulations or directives of  
24 the United States department of defense or any subdivision of the United  
25 States department of defense and the laws of this state.

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

28       (a) TRAINING.

29       (b) EMERGENCY OPERATIONS.

30       (c) MAINTENANCE OF AIRCRAFT.

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

32       (e) MOVEMENT OR STORAGE OF AIRCRAFT.

33       (f) RECRUITMENT AND RETENTION OF PERSONNEL FOR THE NATIONAL GUARD  
34 OF ARIZONA.

35      10. SUBJECT TO LEGISLATIVE APPROPRIATIONS, ESTABLISH AN EDUCATIONAL  
36 PROGRAM FOR PERSONS WHO HAVE PREVIOUSLY DROPPED OUT OF HIGH SCHOOL AND WHO  
37 ARE UNDER TWENTY YEARS OF AGE BUT WHO ARE NOT ADJUDICATED DELINQUENT. THE  
38 EDUCATIONAL PROGRAM SHALL BE DESIGNATED "PROJECT CHALLENGE" AND SHALL BE  
39 CONDUCTED BY THE NATIONAL GUARD OF ARIZONA IN A PARAMILITARY ENVIRONMENT.  
40 THE GOAL OF THE EDUCATIONAL PROGRAM IS TO PROVIDE PERSONS WHO ARE ENROLLED  
41 IN THE PROGRAM WITH THE KNOWLEDGE AND SKILLS NECESSARY TO BECOME  
42 PRODUCTIVE CITIZENS AND TO OBTAIN A GENERAL EQUIVALENCY DIPLOMA. IN  
43 ADDITION TO MONIES APPROPRIATED FOR THE PROGRAM, THE ADJUTANT GENERAL MAY  
44 ACCEPT AND SPEND MONIES FROM ANY OTHER LAWFUL PUBLIC OR PRIVATE SOURCE TO  
45 ADMINISTER, OPERATE AND SUPPORT THE PROGRAM.

1 Sec. 3. Section 26-104, Arizona Revised Statutes, is amended to  
2 read:

3 26-104. Assistant adjutants general: appointment;  
4 qualifications

5 ~~There shall be~~ THE GOVERNOR SHALL APPOINT at least two assistant  
6 adjutants general of ~~the~~ THIS state, one OF WHOSE branch of service IS THE  
7 army and one OF WHOSE branch of service IS THE air force ~~who shall be~~  
8 ~~appointed by the governor~~. THE GOVERNOR MAY APPOINT additional assistant  
9 adjutants general ~~may be appointed~~ if authorized by the chief national  
10 guard bureau. ~~They shall~~ THE ASSISTANT ADJUTANTS GENERAL MUST MEET ALL OF  
11 THE FOLLOWING:

12 1. Be ASSIGNED IN THE NATIONAL GUARD OF THIS STATE AND BE APPOINTED  
13 AS general officers ~~and must possess the same qualifications prescribed~~  
14 ~~for the adjutant general~~ IN THE NATIONAL GUARD OF THIS STATE.

15 2. RECEIVE FEDERAL RECOGNITION OF THEIR GENERAL OFFICER RANK WITHIN  
16 TWENTY-FOUR MONTHS AFTER APPOINTMENT.

17 3. AT THE TIME OF FEDERAL RECOGNITION, BE IN GOOD STANDING WITH  
18 CURRENT ARMY OR AIR FORCE STANDARDS OR REQUIREMENTS, DEPENDING ON THE  
19 APPOINTEE'S BRANCH OF SERVICE, FOR MILITARY SERVICE.

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

22 26-181. Evaluation of applications; payment of tuition and  
23 fees reimbursement: report

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

27 B. Such reimbursement is subject to legislative appropriation and  
28 shall not exceed:

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

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

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

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

38 1. The total number of national ~~guardsmen~~ GUARD MEMBERS who  
39 received reimbursement payments pursuant to this section during the  
40 preceding fiscal year.

41 2. The number of newly recruited national ~~guardsmen~~ GUARD MEMBERS  
42 who received reimbursement payments pursuant to this section during the  
43 preceding fiscal year.

1       3. The total number of spouses and dependents of national ~~guardsmen~~  
2 GUARD MEMBERS who received reimbursement payments pursuant to this section  
3 during the preceding fiscal year.

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

7       5. The total amount of monies spent by the national guard for  
8 reimbursement payments pursuant to this section during the preceding  
9 fiscal year.

10      Sec. 5. Effective date

11      Section 26-101, Arizona Revised Statutes, as amended by this act, is  
12 effective from and after December 31, 2026.