

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

SB 425, relative to the terms and qualifications for the adjutant general and deputy adjutant general, and commandant of the New Hampshire veterans' home.

Hearing Date: January 8, 2026

Time Opened: 9:21 a.m.

Time Closed: 10:05 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill:

I. Changes the retirement age for both the adjutant general and deputy adjutant general from 65 to 64.

II. Changes the adjutant general's tenure from the age cap alone to 5 years or upon reaching the new age cap of 64.

III. Creates a new appointment process for the commandant of the New Hampshire veterans' home.

Sponsors:

Sen. Lang

Sen. Gannon

Sen. Pearl

Sen. Watters

Sen. Innis

Rep. Edwards

Who supports the bill: Executive Councilor Joe Kenney, Lisa Mulkern

Who opposes the bill: Major Gen. David Mikolaities (DMAVS), Nicole Desilets-Bixler (DMAVS), Brent Fraser (DMVAS), Tony Gagnon (NGANH), Kim MacKay (NHVH), Leo Paquin (SVAC), Kevin Grady (SVAC), Margaret LaBrecque

Who is neutral on the bill: Eric Pauer

Summary of testimony presented in support:

Executive Councilor Joe Kenney

- This is a bill to give Ex. Council more opportunities to have oversight over Adjunct General & Commandant positions.
- This bill allows Adjunct General to come up every 5 years. Presently, once the Adjunct General is in office the executive council does not have the chance to review again until the office becomes vacant. This is unlike the Deputy Adjunct General, reviewed every four years.
- This bill would also make this the case for the Commandant, who is appointed by the Board of Managers. The Governor and Council only have a say in the Board of Managers, based on recommendations from the veteran's community. The Board of Managers would make a recommendation for the commandant position, pending approval.
- Ex. Council oversees many of the top executive branch officials, unique to nation. I want to underline those in the current position have good incumbents, there is merely a need to increase oversight and allow Ex. Council to do their job.
- Most of the time, the Adjunct General serves around 10 years. We have had some great ones; however, we don't have oversight if they don't come back at regular intervals. We do this already with the Deputy.
- Similarly, we have had many good commandants over the years. If there is an issue which arises, where do I bring it? Who has oversight? We just want to have Executive Council oversight on these positions.

Senator Pearl asked if Councilor Kenney had concerns about politicization.

Councilor Kenney expressed that he did not, and offered an option to have the law only come into effect the next time the office becomes vacant and not with the incumbents. He expressed the main concern was not having sufficient oversight ability if the need arose.

Senator Pearl asked if this would make these positions have a similar appointment structure as other Executive Branch officials.

Councilor Kenney confirmed this was the goal.

Executive Councilor Joe Kenney

- More than willing to work on amendments and changes as needed. We certainly agree a change is needed regarding the question of age discrimination.
- Any time there is a hold-over position we have a 6-month time. There is always a transition period from one commandant to the next.

- This increases oversight and helps citizens know who to approach when they have issues or questions. It would let the executive council more directly respond to these complaints.

Summary of testimony presented in opposition:

Tony Gagnon, Executive Director, National Guard Association of New Hampshire:

- I speak on behalf of Steve Greco and NHNGA. We oppose this bill. We do not believe any further restrictions on these positions are needed as the governor can already remove for cause. We also believe the bill weakens the position by removing the “immediate” requirement to five years of prior service. The way this position is currently structured benefits NH and having a tenured Adjunct General boosts our competitiveness. Part of these benefits come from the Adjunct General having a long term and career.

Kim MacKay, Commandant, New Hampshire Veterans Homes

- I am here on behalf of Veteran’s Homes to express opposition. At its core, the bill is more about daily lives of veterans than government structure. We need long term and professional leadership, not leadership instability. Consistency, experience, and qualifications are needed especially for our residents.
- Turnover every four years, and making the position into a political one, undermines the strength of the institution. We do not want the position to become political. Commandant also needs certain qualifications as it is a limited and highly specialized field. In limiting the offices term, it would actually shrink the pool of candidates rather than increase it.
- Long term placement also helps enforce trust and relationships. Trust needed cannot be rebuilt every 4 years. We do have a board which oversees us and provides oversight on me. This bill may require the creation of a deputy position to strengthen continuity.

Senator Pearl asked about the process for oversight on with the Commandant position.

Commandant MacKay explained there is a Board of Managers which is her direct supervisor. The Commandant meet with them monthly and the Chair and certain members other members regularly. There is a yearly review of the commandant as well as subordinates.

Major Gen. David Mikolaities

- This was the only bill we weren't made aware of and is the only one we oppose. It undermines the Governor's authority and allows for Executive Council to overreach.
- What problem are we trying to solve? I am afraid we are politicizing an apolitical position. We also would be out of line with US Military Code.
- The bill also would allow retired military members, or those who were members of NH NG years ago, to come back and be appointed because of political connections.
- The position needs to be long term oriented and not focused on re-appointment every five years. Military construction is an 8-year process. It is not a 5-year time line for oversight.
- We also have concerns that the Deputy Adjunct General change is age discriminatory, which is a problem. This is not a military position, but even if it was federal rules would trump state.
- To summarize: The bill violates gov's authority, US Military Code, age discriminates and politicizes an apolitical organization.

Senator Pearl asked about the oversight and disciplinary process for the Adjunct General position.

Major General Mikolaities stated that the Adjunct General reports directly to the Governor and may be dismissed by the Governor. Additionally, all members of the military are governed by the Uniform Code of Military Justice.

Paul Lloyd, Chairman of the Veterans Homes Board of Managers

- Board of Managers opposes this bill. The position should stay apolitical.
- We have had four commandants since 1968. This adds more layers and bureaucracy to our state-run veterans homes. This can be very bad for our residents.
- We oversee operation of the homes. We communicate weekly and regularly with the commandant or whoever we need to. We oversee, and we do it well. 9/12 of board members are appointed by the Governor and others because of their status in the veteran's community. I have concerns about the instability this would cause, for example if there was an impasse between the Board, Governor, and Executive Council on a nomination. There is no deputy, so no one would be in charge if there was a lapse in leadership.

Kevin Grady, (SVAC)

- State Veterans Advisory Committee opposes this legislation.
- The removal of the word "immediate" causes great concern.

- Age discrimination is of concern too, potentially throwing off the person a year off before Medicare, that could be a real problem.

Bill Reddel

- I am the former Adjunct General of New Hampshire. There are lots of departments in this state. National Guard is a billion-dollar agency. It is incredibly complicated and requires a long on-ramp to run the agency. The fact that I had so many connections made it possible for me to do my job well.
- We also had to send men to war.
- We receive oversight not just from the state but the United States Army and United States Air Force. They have inspector generals and other codes and regulations for internal management. They have the authority to watch over us and know the details.
- Appointing retirees will not work for the adjunct general position and I see that as a political appointee.

Neutral Information Presented:

Eric Pauer

- I am from the town of Brookline. 30-year Air Force veteran and 2 years in reserve. Most of my career was at the state level. I worked for the Adjunct General and deputies in MA. I worked across the region with the National Guard doing FEMA work. I have things I like and I don't about this legislation.
- The age issue should match federal law.
- However, I do support review by executive council for these positions. Construction and other projects are certainly long-term issues, however many of these positions have shorter terms than here at the 1-start level and above.
- The committee should consider upping O-4 position to O-6 for the deputy position in New Hampshire. This could guard against political influence and more experience would be good for the deputy.

BM

Date Hearing Report completed: January 13, 2026