

**38.040 Appointment of officers and warrant officers -- Staff officers -- Conformity with federal standards.**

- (1) All commissioned officers and warrant officers of the Kentucky National Guard shall be appointed by the Governor, upon the recommendation of the adjutant general and the commanding officers of the organizations to which such officers are to be assigned for duty, and shall be appointed according to grade in the branch or corps of the service in which they are appointed. No officer or warrant officer shall be appointed unless he is eighteen (18) years of age or older and until he shall have successfully passed such tests as to his physical, moral and professional fitness as are or shall be prescribed by federal law for federal recognition as an officer.
- (2) All appointments as staff officers shall be of individuals with previous military experience.
- (3) The Governor may issue such regulations governing the appointment of commissioned officers and warrant officers in the Kentucky National Guard as may be necessary in order to conform to the requirements made by Congress for participation in federal appropriations for the Kentucky National Guard.
- (4) No officer or warrant officer except the adjutant general shall retain the grade to which he may have been appointed or promoted unless, within a reasonable length of time, he obtains federal recognition for such grade.

**History:** Amended 1974 Ky. Acts ch. 108, sec. 14. -- Amended 1962 Ky. Acts ch. 47, sec. 2. -- Amended 1954 Ky. Acts ch. 98, sec. 4. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2711a-164.