I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 242-31 (COR), "AN ACT TO *AMEND* §63201(a), (b) and (c) OF ARTICLE 2, CHAPTER 63 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS FOR SELECTION AND TENURE OF THE ADJUTANT GENERAL OF THE GUAM NATIONAL GUARD,"** was on the 19th day of September, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 20th day of Sept., 2011, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 242-31 (COR)

Introduced by: T. C. Ada
Judith P. Guthertz, DPA
Adolpho B. Palacios, Sr.
R. J. Respicio
V. Anthony Ada
Aline A. Yamashita, Ph.D.
T. R. Muña Barnes
M. Silva Taijeron
B. J.F. Cruz
Chris M. Dueñas
F. F. Blas, Jr.
Sam Mabini, Ph.D.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §63201(a), (b) and (c) OF ARTICLE 2, CHAPTER 63 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS FOR SELECTION AND TENURE OF THE ADJUTANT GENERAL OF THE GUAM NATIONAL GUARD.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the current statute regarding the qualifications for the Adjutant General (TAG) of the Guam National Guard needs to be amended in order to provide *I Maga'lahi* (the Governor) and Commander-in-Chief with an expanded pool of eligible

candidates for nomination to serve as the Adjutant General of the Guam National Guard.

I Liheslaturan Guåhan further finds that the tenure of the TAG is constrained by an unnecessary Federal recognition requirement, which may *not* allow the TAG to remain in the position for the duration of the term of the appointing authority.

I Liheslatura further finds that any subsequent loss of Federal recognition due to mandatory retirement by reason of age or time in service limits *should not* be cause for relief of the TAG. Adjutants General lose Federal recognition, under federal law, on the last day of the month that they attain sixty-six (66) years of age.

I Liheslatura finds that numerous states *do not* require the TAG to hold Federal recognition in order to either assume or remain in the position. The state determines whether Federal recognition is desirable; it is *not* a Federal or National Guard Bureau mandate. Federal recognition is primarily relevant to an officer being carried on the active roles of the Army and receiving pay. Federal recognition of a TAG *does not* affect a TAG's ability to carry out his duties, *nor* is it a factor in the amount of Federal resources the Guard receives from the Federal government.

Section 2. §63201(a), (b) and (c) of Article 2, Chapter 63 of Title 10, Guam Code Annotated, are hereby *amended* to read as follows:

"**§ 63201. The Adjutant General.**

The Adjutant General *shall* be appointed by *I Maga'lahen Guåhan*, subject to the advice and consent of *I Liheslaturan Guåhan*, and *shall* have such rank and qualifications as *I Maga'lahen Guåhan* may prescribe, and he *shall*:

(a) be, or have been, a Federally recognized commissioned officer in the Army or Air Force or their Reserve

components in the grade of *at least* Lieutenant Colonel (O-5, Promotable) pursuant to Army or Air Force promotion regulations and policies at the time of appointment;

(b) be promoted in the Guam Army or Air National Guard, as appropriate, at the discretion of the Commander-in-Chief, to a grade *not to exceed* Lieutenant General (O-9);

(c) serve until such time as his replacement is appointed by *I Maga'lahen Guåhan* or until he resigns;"