

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-965
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00 PM
Received by JS

Dear Madame Speaker:

Transmitted herewith is 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", which was signed into law on September 30, 2011 as Public Law 31-119.

Senseramente,


EDDIE BAZA CALVO

2011 OCT -5 AM 8:09
JWK

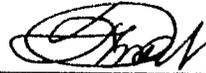
Attachment: copy of Bill

965

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.



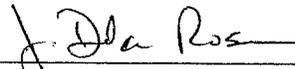
Judith T. Won Pat, Ed.D.
Speaker

Attested:



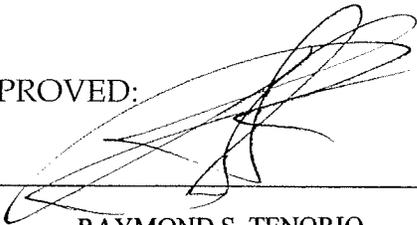
Tina Rose Muña Barnes
Legislative Secretary

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:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: _____

SEP 30 2011

Public Law No. 31-119

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.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

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

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

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

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

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

21 **“§ 63201. The Adjutant General.**

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

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

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

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

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

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

Bill No. 242-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.		✓			
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.		✓			

TOTAL

13 2 0 0 0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

31st Guam Legislature • *I Mina'trenai Unu na Liheslaturan Guåhan*

155 Hesler Place, Hagåtña, Guam 96910 • (671)472-JUDI (5834) • Fax: (671)472-3547 • judiguthertz@pticom.com

Handwritten notes:
Mina
Liheslaturan Guåhan

VICE CHAIRPERSON

• COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS, AND HUMAN & NATURAL RESOURCES

• COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES (WITH OVERSIGHT OVER THE UNIVERSITY OF GUAM)

MEMBER

• COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT, AND JUDICIARY

• COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING, INSURANCE, RETIREMENT & LAND

• COMMITTEE ON MUNICIPAL AFFAIRS, TOURISM, HOUSING AND RECREATION

• COMMITTEE ON HEALTH AND HUMAN SERVICES, SENIOR CITIZENS, ECONOMIC DEVELOPMENT, AND ELECTION REFORM

• COMMITTEE ON YOUTH, CULTURAL AFFAIRS, PROCUREMENT, GENERAL GOVERNMENT OPERATIONS AND PUBLIC BROADCASTING

July 18, 2011

The Honorable Rory J. Respicio

Acting Speaker

I Mina'Trenai Unu na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

Via: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report
Bill 242-31(COR)

Buenas Speaker Respicio:

Transmitted herewith is the Committee Report of the Public Hearing on Bill 242-31 (COR): An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard. The Committee on The Guam Military Buildup and Homeland Security hereby reports out its findings and recommendation.

Attachments include the following:

- 6 TO PASS
- 0 NOT TO PASS
- 3 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Senseramente,

Judi P. Guthertz, DPA

Attachments



SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

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ELECTION REFORM**

• **COMMITTEE ON
YOUTH, CULTURAL
AFFAIRS,
PROCUREMENT,
GENERAL
GOVERNMENT
OPERATIONS
AND PUBLIC
BROADCASTING**

Committee Report

on Bill 242-31 (COR):

An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard.



SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

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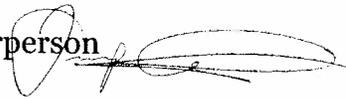
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YOUTH, CULTURAL
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GENERAL
GOVERNMENT
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AND PUBLIC
BROADCASTING**

July 15, 2011

MEMORANDUM

TO: All Members
Committee on the Guam Military Buildup and Homeland Security

FROM: Chairperson 

Subject: Voting Sheet
Bill No. 242-31(COR)

Transmitted herewith are the voting sheet and the Committee Report on Bill 242-31 (COR): An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard. The Committee convened on July 8, 2011 to receive testimony during a public hearing on the proposed measure. The Committee's findings and recommendation and summary of its proceedings are attached for your review and signature.

Your attention to this matter is greatly appreciated.

Attachments include the following:

- Committee Voting Sheet
- Committee Report Digest
- Public Hearing Sign-in Sheet
- Submitted Testimonies
- Referral of Bill
- Notices of Public Hearing & Related Correspondence
- Public Hearing Agenda

Attachments



SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

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• COMMITTEE ON YOUTH, CULTURAL AFFAIRS, PROCUREMENT, GENERAL GOVERNMENT OPERATIONS AND PUBLIC BROADCASTING

COMMITTEE VOTING SHEET

Bill 242-31 (COR): An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard.

Bill 242-31 (COR)	Signature	TO PASS	NOT TO PASS	TO Report Out	Abstain	Inactive File
SEN. JUDITH P. GUTHERTZ, D.P.A Chairperson		7/15/11				
SEN. RORY J. RESPICIO Vice-Chairperson		7/15/11				
SPEAKER JUDITH T. WON PAT, ED.D. Member						
VICE-SPEAKER BENJAMIN J. F. CRUZ Member		7/15/11				
LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES, Member		7/15/11				
SEN. THOMAS C. ADA Member						
SEN. ADOLPHO B. PALACIOS Member		7/15 ✓				
SEN. VICENTE C. PANGELINAN Member		7/18		✓		
SEN. DENNIS G. RODRIGUEZ, JR. Member						
SEN. FRANK F. BLAS, JR. Member						
SEN. ALINE A. YAMASHITA, Ph.D. Member				7/18/11		
SEN. V. ANTHONY ADA Member				7/18/11		
SEN. CHRISTOPHER M. DUENAS Member		7/18/11 ✓				
SEN. SHIRLEY SAM MABINI, Ph.D. Member						
SEN. MANA SILVA TAIJERON Member						



REPORT DIGEST

Bill 242-31(COR):

Bill 242-31 (COR): An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard.

I. Overview

The Committee on the Guam Military Buildup and Homeland Security convened for a Public Hearing on Friday, July 8, 2011. Proceedings began at 9:31a.m. in the public hearing room of I Liheslatura to receive testimony on **Bill 242-31 (COR)**. Bill 242-31 (COR) was introduced on June 22, 2011 by Senator Thomas C. Ada, and was subsequently referred by the Committee on Rules to the Committee on Guam Military Buildup and Homeland Security on June 23, 2011.

Public Notice Requirements

As required per the open government law of the government of Guam, notice of the hearing was disseminated (see attached) to all local media outlets via electronic format as well, notice of the hearing was also made known on the Guam Legislature's Website <http://www.guamlegislature.com/calendar.htm>. Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on Tuesday, June 28, 2011(advance Notice), Friday, July 1, 2011 (5-Day Notice), and again on Wednesday, July 6, 2011 (48-Hour Notice).

Senators Present

Senator Judith P. Guthertz, DPA	Chairperson
Senator Thomas C. Ada	Member
Senator Adolpho B. Palacios, Sr.	Member
Senator Aline A. Yamashita, Ph.D.	Member
Senator Mana Silva Taijeron	Member
Senator V. Anthony Ada	Member
Senator Christopher M. Dueñas	Member

Individuals Present

Major General Benny Paulino, Director, Department of Military Affairs; Adjutant General, Guam National Guard (*oral and written testimony*)

Colonel David Riano, Staff Judge Advocate, Guam National Guard (*supporting oral testimony*)



II. Summary of Testimony and Discussion

Senator Judith P. Guthertz, DPA, Chairperson: Chairperson Guthertz called the proceedings to order at 9:31a.m. She noted the day's agenda and accompanying announcements. The Chair then invited Sen. Ada, sponsor of Bill 242-31(COR) to make present an overview of Bill 242-31(COR).

Senator Tom Ada: Provided overview of Bill 242-31. Stated that Bill 242-31 aims to amend current statute regarding qualifications for selection of an Adjutant General and the tenure of the Adjutant for the Guam National Guard. Further, the bill expands the pool from which the Governor is able to select the Adjutant General of the Guam National Guard. Currently, the law states that those eligible for consideration must hold the rank of, at minimum, Colonel (O-6). First, Bill 242-31 would allow for those holding rank of Lieutenant Colonel O-5 (Promotable), i.e. field grade officers who have met all time in service and time in grade requirements, have completed the required military educational training that field grade officers must successfully complete. – AND has been reviewed by a promotion board for evaluation as to suitability for promotion to the grade of Colonel (O-6). Promotion however, is not effected until a certain date or until a Colonel (O-6) position becomes vacant. The Bill would further authorize consideration of an individual who, prior to retirement from military service, had achieved the grade and federal recognition requirement. At this time, military regulations require that officers must be mandatorily retired by age 66, and are lose their federal recognition. Sen. Ada emphasized that attainment of 66-years old does not necessarily mean loss of capacity to perform effective as the Adjutant General.

Second, the Bill would allow the Adjutant General (TAG) to remain in the position beyond the mandatory retirement age, despite the loss of federal recognition. Cites the case of previous TAG, wherein he reached the mandatory retirement age (66 years) and federal recognition is automatically lost. With the recommendation of the Governor, the TAG was able to obtain a waiver from the National Guard Bureau to retain federal recognition in order to remain in position for the remainder of the Administration's term. Sen. Ada emphasized that the Bill does not decrease the qualitative standards expected of TAG nominees.

Major General Benny Paulino: In support of bill. Introduces Colonel Riano, Staff Judge Advocate, to assist in providing technical testimony. Believes bill would support Guam National Guard (GNG). Reads testimony, stating that existing law does not allow the Adjutant General (TAG) to serve past the date of his mandatory loss of federal recognition due to age. States that current law does not allow TAG to serve concurrently with the Governor-Commander-in-Chief, who appoints him, and also loss of TAG would also mean loss of GNG's most senior leader during time of numerous deployments and war. Makes the point that present law is arguably vague with regard to federal recognition, and flawed in its capability to be understood. Cites examples in the law wherein language is vague and flawed.

States that by National Guard regulation, state qualifications and appointments of Adjutant Generals are a function of state law. There exists no federal requirement that TAG hold federal recognition of his rank to be an Adjutant General. Federal recognition is relevant primarily for an officer who is on active duty or a drilling Reservist, for pay purposes.



Makes the point that many state laws do not require federal recognition for position of Adjutant General. States that California and New York (two largest National Guard units) do not require federal recognition of TAG. Cites other examples in which states have unique considerations for the position of Adjutant General.

Believes that proposed legislation is in best interests of Guam National Guard and the Commander-in-Chief, and will help resolve the inadequacies of the existing, flawed law.

Question & Answer

Senator Tom Ada: Asks if MG Paulino has LTCs in unit in “Promotable” status?

MG Paulino: Responds that he has two. States that until he’s able to get rank (control grade) changed, he is unable to promote individual. Individual has been “boarded.” Explains that if no position available to promote individual to, then s/he is given a Certificate of Eligibility, which is good for two (2) years.

States that there are three (3) other officers eligible for promotion but until position is open, they cannot be “boarded.” Adds five (5) more to the pool.

Senator Tom Ada: Asks to elaborate on broadening the pool? Does the Guam National Guard have Colonels who are waiting for the Adjutant General position? Recognizes that there are perhaps many O-6s in the Guard and perhaps in the Army Reserves as well, but are not lining up for position of TAG. Asks for further discussion on that anomaly.

MG Paulino: Explains that GNG is fairly new organization, and turns thirty (30) years old. GNG has reached a point at which they have active Guard Reserve – such individuals desiring to be in position of TAG, and if accepted, would be required to resign their active duty position (i.e., retire), and become TAG. For “traditional” soldiers and airman, there are two and three Army folks eligible to be considered for promotion. Until there is a Colonel slot available for promotion, they will then be “boarded.” States that there is a pool of seven who are eligible for consideration for the TAG position.

Senator Tom Ada: States that individuals are not likely to do that since there would be a significant decrease in salary

MG Paulino: Agrees.

Senator Tom Ada: Asks if MG Paulino came on board after retirement?

MG Paulino: Responds ‘Yes’.

Senator Tom Ada: States that bill removes requirement that Adjutant General must have to obtain federal recognition. Asks if Colonels, when achieved rank, have had to obtain federal recognition?



MG Paulino: Responds that that is accurate.

Senator Tom Ada: Asks if he were to turn 66 tomorrow, would he be any less capable of handling the position of Adjutant General?

MG Paulino: Responds, “Unless affected by health, no.”

Senator Tom Ada: States that if an officer is mandatorily retired at age 66, this has implications on wearing the uniform and his duties and obligations with National Guard to the National Guard Bureau. Asks MG Paulino to further elaborate.

MG Paulino: States that with the National Guard Bureau, when you become Adjutant General and held federal recognition and are reappointed as Adjutant General, you will be allowed to wear uniform. If one should lose federal recognition and stay beyond 66 years in the position still allows for uniform to be worn. Knows of half a dozen TAGs who continue to wear the uniform.

Senator Tony Ada: Asks how many states do/do not have federal recognition?

MG Paulino: Refers to Staff Judge Advocate, Col. Riano.

Col. David Riano: Col. Riano is Staff Judge Advocate for the Guam National Guard. Reports that he reviewed 42 states – 22 required the TAG to have federal recognition, 20 did not require. Of the 20 that did not require, many required it at one time, but a loss of fed rec would not be a disqualifier. A couple of states had TAGs that were voted in with no qualifications required. Some had requirement that the Adjutant General had to have been a member of the actual state Guard unit. In sum, a little more than half required it, and a little less than half did not require it. Believes that it is due largely to the history of each state. Southern states have large sense of independence from the federal government; tend to be strong in their claim to have inherent freedom of action.

Senator Tony Ada: Asks what is the importance of being federally recognized?

Col. David Riano: States that he is uncertain. Assumes that it is to put an end date in place. Doesn't seem that there is a sound basis. Current law is similar to many states in that it is unclear if federal recognition is required to continue in the position. States that the only disability that surfaces is TAGs inability to get military pay over a drill weekend or annual training.

Senator Tony Ada: Asks if it hampers the ability of TAG to apply for federal assistance with the National Guard.

Col. Riano: Responds “Not at all.”

MG Paulino: Adds that he did not have federal recognition when appointed by the Governor in January, but subsequently had it processed and received it in March. During that time he wore the



uniform, and was able to command and control the Guam National Guard, the funding from National Guard Bureau to his organization continued uninterrupted. Continued to represent the Guard Unit at the national level; was able to work with Army and Air counterparts in Hawai'i and DC. States that with the exception of pay, regardless of federal recognition, you're in the rolls of the Army and you'll get paid, accumulate retirement points, and so forth. Army pension is offset when involved in Guard duties or training.

Senator Tony Ada: Clarifies that if law was enacted and MG Paulino turned 66 tomorrow, he would not receive federal pay?

MG Paulino: Responds "Correct."

Senator Tony Ada: Asks what the retirement age is on the Air side?

MG Paulino: Responds that it is the same regardless of branch of service.

Senator Yamashita: Asks for clarification of term "reboarded."

MG Paulino: Responds that it is a promotion board, a selection. Further clarifies term through examples.

Senator Yamashita: Clarifies that federal recognition would say that age is not a factor of service for the Adjutant General.

MG Paulino: Responds yes.

Senator Yamashita: Asks that it doesn't take away qualifications, lower standards for potential promotions.

MG Paulino: States "correct."

Senator Yamashita: Asks if amendment of federal recognition is an age issue then?

MG Paulino: Responds "yes."

Senator Tony Ada: Asks the number of O-5s and O-6s eligible for this position?

MG Paulino: Responds that total number would be about 5-6 eligible.

Senator Tom Ada: Asks if one of the Colonel O-6s selected decided to retire today to take on TAG position, but has not completed Army War College (prerequisite for General rank), would the individual not be able to attain federal recognition for the General rank?



MG Paulino: Responds that it would be difficult to get promoted to general officer rank without War College.

Senator Tom Ada: States, however, that for the case of Guam, all Colonels have completed War College?

MG Paulino: Three have completed, and two (2) are expected to complete in two weeks. Three (3) Lt. Colonels will be eligible for promotion to full Colonel.

Senator Guthertz: Thanks MG Paulino for being present to offer testimony. Makes the point that Governor should have a wide spectrum of candidates to be able to appoint to this position, and that should be accomplished by this bill without prejudicing the mission of the Guard. Congratulates the GNG on celebrating their 30th birthday this month.

Senator Tom Ada: States for the record that the current Governor had a relatively small pool of candidates from which to choose, but that his selection was a good one.

MG Paulino: Thanks, Senator. Explains Resumption of Command Event taking place during the weekend.

Senator Yamashita: Asks if federal recognition gives him weight at the national level? Asks if he works with non-voting delegate in raising issues of federal importance?

MG Paulino: Responds “yes.” TAG carries same weight as any other TAG as full Colonel waiting for promotion to Brigadier or you’ve lost your federal recognition. Fifty-four TAGs carry equal weight in terms of doing Guard business with the National Guard Bureau. Asked constantly, in DC, of status in Guam and issues concerning Guam.

Senator Guthertz: Concluded the hearing at 10:13a.m and noted that she felt the measure would garner the necessary support as evidenced by number of co-sponsors who had signed on.

III. Findings and Recommendations

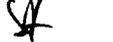
The Committee on Committee on Guam Military Buildup and Homeland Security hereby reports out Bill 242-31 (COR) with the recommendation **To Pass**.

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

2011 JUN 22 PM 2:22
gda

Bill No. 242-31(COR)

Introduced by:

T.C. Ada 
J.P. Guthertz, DPA 
A.B. Palacios, Sr. 
R.J. Respicio 
V.A. Ada 
A.A. Yamashita, Ph.D. 
T.R. Muña-Barnes 
M. Silva-Tajeron 
B.J.F. Cruz 
C.M. Duenas 

**AN ACT TO AMEND §63201, CHAPTER 63, TITLE 10,
GUAM CODE ANNOTATED, RELATIVE TO
AMENDING THE QUALIFICATIONS FOR SELECTION
AND TENURE OF THE ADJUTANT GENERAL OF THE
GUAM NATIONAL GUARD.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*
2 finds that current statute regarding the qualifications for The Adjutant
3 General (TAG) of the Guam National Guard needs to be amended in order to
4 provide the Governor and Commander-in-Chief with an expanded pool of
5 eligible candidates for nomination to serve as the Adjutant General of the
6 Guam National Guard.

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

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

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

18 **Section 2.** § 63201 of Chapter 63, Title 10, Guam Code Annotated, is
19 hereby *amended* to read as follows:

20 § 63201. The Adjutant General.

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

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

1 components in the grade of at least Lieutenant Colonel (O-5,
2 Promotable pursuant to Army or Air Force promotion
3 regulations and policies) at the time of appointment ~~be capable~~
4 ~~of being Federally recognized in accordance with Federal law,~~
5 ~~and Army and Air Force regulations, as appropriate, in the~~
6 ~~grade of at least Colonel;~~

7 (b) be promoted in the Guam Army or Air National
8 Guard, as appropriate, at the discretion of the Commander-in-
9 Chief, to a grade *not to exceed* Lieutenant General (O-9); ~~and~~
10 ~~shall serve only so long as federally recognized in such grade;~~

11 (c) serve until such time as his replacement is appointed
12 by *I Maga'lahañ Guåhan* or until he resigns (~~*I Maga'lahañ*~~
13 ~~*Guåhan* may relieve the Adjutant General for malfeasance,~~
14 ~~misfeasance or his inability to continue Federally recognized~~
15 ~~status.);~~

16 **Section 3. Effective Date.** This Act shall be effective upon date of
17 enactment.

18 **Section 4. Severability.** *If* any provision of this Law or its
19 application to any person or circumstance is found to be invalid or contrary
20 to law, such invalidity *shall* not affect other provisions or applications of this
21 Law which can be given effect without the invalid provisions or application,
22 and to this end the provisions of this Law are severable.



SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY
31st Guam Legislature • I Mina'trenai Unu na Liheslaturan Guahan
 155 Hesler Place, Hagåtña, Guam 96910 • (671)472-1UD1 (5834) • Fax: (671)472-3547 • judguthertz@pticom.com

COMMITTEE HEARING
 Friday, July 8, 2011
 9:30am.
 I Liheslatura's Public Hearing Room
 Hagåtña, Guam

VICE
 CHAIRPERSON

- **Bill 242-31 (COR):** An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard.

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN	ORAL	PHONE NUMBER	EMAIL or Mailing ADDRESS
Major General Berny Paulin	Dept M.L. Ryan Affairs / Guam Guard	Support	X		735-2426	bpaullin@ yahoo.com
COL DAVID B. RIANO	Guam Army NG	Support		✓		david.riano @us.army.mil

MEMBER

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 PUBLIC LIBRARIES
 (WITH OVERSIGHT
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 GUAM)

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 TOURISM, HOUSING
 AND RECREATION

• **COMMITTEE ON**
 HEALTH AND HUMAN
 SERVICES, SENIOR
 CITIZENS, ECONOMIC
 DEVELOPMENT, AND
 ELECTION REFORM



GOVERNMENT OF GUAM
DEPARTMENT OF MILITARY AFFAIRS
(DIPARTAMENTON ASUNTON MILITAT)
430 Army Drive, Building 300, Room 113
Barrigada, Guam 96913-4421

JFHQ-GU-TAG

5 July 2011

Senator Judith P. Guthertz
The 31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Re: Testimony – Bill No. 242-31(COR)

Dear Senator Guthertz:

Thank you for this opportunity to provide written testimony on Bill No. 242-31 (“An Act to Amend Section 63201, Chapter 63, Title 10, Guam Code Annotated, Relative to Amending the Qualifications for Selection and Tenure of The Adjutant General of the Guam National Guard”). I am in support of this bill and believe that such proposed law would benefit the Guam National Guard.

At present, the existing law of section 63201 does not authorize The Adjutant General to serve past the date of his loss of federal recognition due to age. The implication of this loss is that The Adjutant General loses the capability of serving concurrently with the term of the Governor-Commander-in-Chief, who appoints him. A further implication arises in that in a time of numerous deployments and war, the Guam National Guard loses its most senior leader. Both situations need to be remedied for the good of the Commander-in-Chief and the command. Additionally, the present law is arguably vague in its language on federal recognition, and is flawed in its capability to be understood.

For example, the law at present includes the language “...be capable of being federally recognized...in the grade of at least Colonel.” Such language does not suggest or identify when that “capability” must be realizable. Additionally, further language reads “...shall serve only so long as is federally recognized...” This language appears to mandate federal recognition for the position, yet it is succeeded by language which states the Governor “...may relieve the Adjutant General for...inability to continue federally recognized status”. The word “may” suggests that relief of the Adjutant General for loss of federal recognition is not mandatory.

By National Guard regulation, state qualifications and appointments of Adjutant Generals are a function of state law. There is no federal requirement that an Adjutant General hold federal recognition of his rank to be an Adjutant General. Should state law require an Adjutant General to hold federal recognition, then federal regulations govern the rules for federal recognition of any given rank. Federal recognition concerns, among other things, such criteria as age, education, ability to attain 20 years of service, experience in rank, and professionalism. There are maximum age

ceilings and years in rank for each pay grade. By federal law, an Adjutant General loses federal recognition on the last day of the month in which he turns 66 years of age. The bill before you would require that The Adjutant General be, or have been at one time, federally recognized. This insures that the Adjutant General would meet, or have met federal qualifications for his rank except for age.

Many state laws do not require federal recognition for the position of Adjutant General. Such state laws recognize the inherent right of states to set the qualifications for the senior leader of their state National Guard. The two largest state National Guard units – California and New York – are governed by respective state laws that do not require federal recognition of the Adjutant General. The state of Oregon recently amended its state law to withdraw the requirement of federal recognition for the position of Adjutant General, because of the inability of the present Adjutant General to serve concurrently with the Governor past the age of 66. A reading of more than 42 state laws governing Adjutant General qualifications reveals a potpourri of unique considerations for the position; some require only National Guard state service, others require no service, while others require active service experience. Some states do not give credit for Navy or Marine Corps service! As can be seen, states have developed their own considerations for the position based on their history and perspective on independence from the federal government.

In requiring continual federal recognition, under present law, of the Adjutant General, Guam is burdening itself with an unnecessary requirement which is contrary to the best interests of the island's National Guard and Commander-in-Chief. The time has come to remove that objectionable provision. The present bill before you will resolve the inadequacies of the existing, flawed law.

Sincerely,



Benny M. Paulino
Major General, Guam National Guard
The Adjutant General

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JUL 18 2011

JOHN A. RIOS
ACTING DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 242-31(COR) is granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 242-31 is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.


JOHN A. RIOS
Acting Director



COMMITTEE ON RULES

I Minu'trentai Unu na Liteslaturan Guahan • The 31st Guam Legislature
155 Fisker Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: info@guamlegislature.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY
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Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicencio c. pangolinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 27, 2011

VIA FACSIMILE
(671) 472-2825

Ms. Bernita Manglona
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 242-31 (COR) through 249-31 (COR)

Hafa Adai Ms. Manglona:

Transmitted herewith is a listing of *I Minu'trentai Unu na Liteslaturan Guahan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'ise' for your attention to this matter.

Very Truly Yours,

Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Attachments

CC: Clerk of the Legislature

ATB
2011 Jun 29 11 04

MESSAGE CONFIRMATION

JUN-28-2011 10:06 AM TUE

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 8
START TIME : JUN-28-2011 10:04AM TUE
ELAPSED TIME : 01:42"
MODE : STD BCM
RESULTS : [O.K.]



COMMITTEE ON RULES

I Minu'trentai Unu na Liteslaturan Guahan • The 31st Guam Legislature
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June 27, 2011

VIA FACSIMILE
(671) 472-2825

Ms. Bernita Manglona
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 242-31 (COR) through 249-31 (COR)

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Si Yu'os ma'ise' for your attention to this matter.

Very Truly Yours,

Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Attachments

CC: Clerk of the Legislature

Rec'd by Jackie
date: 6/28/11
time: 1:29pm



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 JUN 21 PM 2:04

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
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LEGISLATIVE SECRETARY
MAJORITY WHIP

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Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 23, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bill Nos. 242-31 (COR) through 246-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 242-31 (COR) through 246-31 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(4) Attachment

I Mina' Trentai Unu Na Lihestaturan Guahan

Bill Log Sheet

June 22, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
242-31 (COR)	T. C. Ada, J. P. Guthertz, DPA, A. B. Palacios, Sr., R. J. Respicio, V. A. Ada, A. A. Yamashita, Ph.D., T. R. Muña-Barnes, M. Silva Tajeron, B. J.F. Cruz, C. M. Duenas	AN ACT TO AMEND §63201, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE QUALIFICATIONS FOR SELECTION AND TENURE OF THE ADJUTANT GENERAL OF THE GUAM NATIONAL GUARD.	6/22/11 2:22 p.m.	6/23/11		Committee on Guam Military Buildup & Homeland Security			



SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

31st Guam Legislature • *I Mina'trenai Unu na Liheslaturan Guåhan*

155 Hesler Place, Hagåtña, Guam 96910 • (671)472-JUDI (5834) • Fax: (671)472-3547 • judiguthertz@pticom.com

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INSURANCE,
RETIREMENT & LAND

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DEVELOPMENT, AND
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PROCUREMENT,
GENERAL
GOVERNMENT
OPERATIONS
AND PUBLIC
BROADCASTING

July 1, 2011

MEMORANDUM

To: All Members
Committee on the Guam Military Buildup and Homeland Security

From: Chairperson 

Subject: **Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.**

Please be advised that the Committee on the Guam Military Buildup and Homeland Security has scheduled a public hearing to take place on Friday, July 8, 2011. The meeting will take place in the Public Hearing Room of *I Liheslatura Guahan*. Proceedings are scheduled to begin at 9:30a.m. The agenda is as follows:

9:30 am

- **Bill 242-31 (COR):** An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard. (Sponsor: T.C. Ada / J.P. Guthertz, DPA / A.B. Palacios, Sr. / R.J. Respicio / V.A. Ada / A.A. Yamashita, Ph.D. / T.R. Munabarnes / M.S. Taijeron / B.J.F. Cruz / C.M. Duenas)

Please join me. *Senseramente!*

CC: All Senators
Executive Director/Sgt.-At-Arms
Clerks
MIS/Audio



Robert Tupaz <rob.tupaz@gmail.com>

Re: Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.

1 message

Robert Tupaz <rob.tupaz@gmail.com>

Fri, Jul 1, 2011 at 12:20 PM

To: Speaker Judi Won Pat <speaker@judiwonpat.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Senator Tina Muna-Barnes <senator@tinamunabarnes.com>, "Rory J. Respicio" <rorjorguam@gmail.com>, judiguthertz@pticom.com, Ben Pangelinan <senbenp@guam.net>, Tom Ada <tom@senatorada.org>, "Adolpho B. Palacios" <senabpalacios@gmail.com>, "Senator Dennis Rodriguez Jr." <dgr.rodriguez@yahoo.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Sen. Ailene Yamashita" <Aline4families@gmail.com>, "SEN. ADA, Tony" <senatorTonyada@guamlegislature.org>, Senator Chris Duenas <duenasenator@gmail.com>, Senator Sam Mabini <senatorsam@senatormabini.com>, Senator Mana Silva Taijeron <senatormana@gmail.com>, Vince Arriola <vparriola@guamlegislature.org>, Tom Unsiog <tunsiog@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, mis@guamlegislature.org
Cc: Frank Torres <fbtorres@judiwonpat.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>, Elaine Tajalle <etajalle@guamlegislature.org>, FLORENTINA TERLAJE <floterlaje@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Nicole Santos <nsantos@senatorada.org>, Priscilla Cruz <pris@senatorpalacios.com>, "mtorres.senatordrodriguez" <mtorres.senatordrodriguez@gmail.com>, "tanya m.c. mendiola" <tanya4families@gmail.com>, Angela Leon Guerrero <leonguerrero.angela@gmail.com>, Leslie Gatan <leslie.g@senatormabini.com>, Mary Fejeran <maryfejeran@gmail.com>, Therese C Santos <chechsantos@gmail.com>, "ATALIG, Louise A." <louise_atalig@yahoo.com>

July 1, 2011

MEMORANDUM

To: All Members
Committee on the Guam Military Buildup and Homeland Security

From: Chairperson

Subject: **Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.**

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Please join me. *Senseramente!*

CC: All Senators

Executive Director/Sgt.-At-Arms

Clerks

MIS/Audio

—
Senseramente,

Robert Q. Tupaz
Deputy Chief of Staff
Committee on the Guam Military Buildup and Homeland Security
Office of Sen. Judith P. Guthertz, Assistant Majority Leader
I Mina' Trentai Unu na Liheslaturan Guåhan (31st Guam Legislature)
Contact No. (Office) 671.472.5834 email - rob.tupaz@gmail.com



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238K



SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

31st Guam Legislature • *I Mina'trenai Unu na Liheslaturan Guåhan*

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BROADCASTING

July 1, 2011

MEMORANDUM

To: All Media (*5-Day Notice*)

From: Chairperson _____
Committee on the Guam Military Buildup and Homeland Security

Subject: **Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.**

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Please address all testimony to be submitted relative to the items on the agenda to Senator Judi P. Guthertz, Chairperson. Testimony may be submitted via hand delivery to the Office of Sen. Guthertz, or mailed to 155 Hesler Place, Hagåtña, Guam 96932, or via email to judithguthertz@gmail.com, and cc floterlaje@gmail.com. Testimonies may also be faxed to (671) 472-3547. All testimony should be submitted by close of business (5:00p.m) on Wednesday, July 13, 2011.

Individuals that want to attend the public hearing and require special accommodations, auxiliary aids, or services are asked to contact Sen. Guthertz or Ms Flo Terlaje at 472-5834. *Senseramente!*

###



Robert Tupaz <rob.tupaz@gmail.com>

Re: Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.

1 message

Robert Tupaz <rob.tupaz@gmail.com>

Fri, Jul 1, 2011 at 12:15 PM

To: Catriona Melyan <cmelyan@guam.gannett.com>, therese@mvguam.com, Sabrina Salas <sabrina@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, rgibson@k57.com, Alicia Perez <kstonews@ite.net>, news@hitradio100.com, thebuzz@kuam.com

Cc: judithguthertz@gmail.com, Tom Ada <tom@senatorada.org>, FLORENTINA TERLAJE <floterlaje@gmail.com>, Nicole Santos <nsantos@senatorada.org>

July 1, 2011

MEMORANDUM

To: All Media (*5-Day Notice*)

From: Chairperson

Committee on the Guam Military Buildup and Homeland Security

Subject: **Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.**

Please be advised that the Committee on the Guam Military Buildup and Homeland Security has scheduled a public hearing to take place on Friday, July 8, 2011. The meeting will take place in the Public Hearing Room of *I Liheslatura Guahan*. Proceedings are scheduled to begin at 9:30a.m. The agenda is as follows:

9:30 am

- **Bill 242-31 (COR): An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard. (Sponsor: T.C. Ada / J.P. Guthertz, DPA / A.B. Palacios, Sr. / R.J. Respicio / V.A. Ada / A.A. Yamashita, Ph.D. / T.R. Muna-Barnes / MS. Taijeron / B.J.F. Cruz / C.M. Duenas)**

Please address all testimony to be submitted relative to the items on the agenda to Senator Judi P. Guthertz, Chairperson. Testimony may be submitted via hand delivery to the Office of Sen. Guthertz, or mailed to 155 Hesler Place, Hagåtña, Guam 96932, or via email to judithguthertz@gmail.com, and cc floterlaje@gmail.com. Testimonies may also be faxed to (671) 472-3547. All testimony should be submitted by close of business (5:00p.m) on Wednesday, July 13, 2011.

Individuals that want to attend the public hearing and require special accommodations, auxiliary aids, or services are asked to contact Sen. Guthertz or Ms Flo Terlaje at 472-5834. *Senseramente!*

###

—
Senseramente,

Robert Q. Tupaz
Deputy Chief of Staff
Committee on the Guam Military Buildup and Homeland Security
Office of Sen. Judith P. Guthertz, Assistant Majority Leader
I Mina' Trentai Unu na Liheslaturan Guåhan (31st Guam Legislature)
Contact No. (Office) 671.472.5834 email - rob.tupaz@gmail.com



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SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

31st Guam Legislature • *I Mina'trenai Unu na Liheslaturan Guåhan*

155 Hesler Place, Hagåtña, Guam 96910 • (671)472-1UDI (5834) • Fax: (671)472-3547 • judiguthertz@pticom.com

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BROADCASTING

July 7, 2011

MEMORANDUM

To: All Members
Committee on the Guam Military Buildup and Homeland Security

From: Chairperson 

Subject: **REMINDER NOTICE**
Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.

Please be advised that the Committee on the Guam Military Buildup and Homeland Security has scheduled a public hearing to take place on Friday, July 8, 2011. The meeting will take place in the Public Hearing Room of *I Liheslatura Guahan*. Proceedings are scheduled to begin at 9:30a.m. The agenda is as follows:

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- **Bill 242-31 (COR):** An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard. (Sponsor: T.C. Ada / J.P. Guthertz, DPA / A.B. Palacios, Sr. / R.J. Respicio / V.A. Ada / A.A. Yamashita, Ph.D. / T.R. Muna-Barnes / M.S. Tajjeron / B.J.F. Cruz / C.M. Duenas)

Please join me. *Senseramente!*

CC: All Senators
Executive Director/Sgt.-At-Arms
Clerks
MIS/Audio



Robert Tupaz <rob.tupaz@gmail.com>

Reminder: Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.

1 message

Robert Tupaz <rob.tupaz@gmail.com>

Thu, Jul 7, 2011 at 9:01 AM

To: Speaker Judi Won Pat <speaker@judiwonpat.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Senator Tina Muna-Barnes <senator@tinamunabarnes.com>, "Rory J. Respicio" <roryforguam@gmail.com>, judiguthertz@pticom.com, Ben Pangelinan <senbenp@guam.net>, Tom Ada <tom@senatorada.org>, "Adolpho B. Palacios" <senabpalacios@gmail.com>, "Senator Dennis Rodriguez Jr." <dgr.rodriguez@yahoo.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Sen. Ailene Yamashita" <Aline4families@gmail.com>, "SEN. ADA, Tony" <senatorTonyada@guamlegislature.org>, Senator Chris Duenas <duenasenator@gmail.com>, Senator Sam Mabini <senatorsam@senatormabini.com>, Senator Mana Silva Tajeron <senatormana@gmail.com>, Vince Arriola <vparriola@guamlegislature.org>, Tom Unsiog <tunsiog@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, mis@guamlegislature.org
Cc: Frank Torres <fbtorres@judiwonpat.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, Chelsa Muna-Brecht <chelsa@tinamunabarnes.com>, Elaine Tajalle <etajalle@guamlegislature.org>, FLORENTINA TERLAJE <floterlaje@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Nicole Santos <nsantos@senatorada.org>, Priscilla Cruz <pris@senatorpalacios.com>, "mtorres.senatordrodriguez" <mtorres.senatordrodriguez@gmail.com>, "tanya m.c. mendiola" <tanya4families@gmail.com>, Angela Leon Guerrero <leonguerrero.angela@gmail.com>, Leslie Gatan <leslie.g@senatormabini.com>, Mary Fejeran <maryfejeran@gmail.com>, Therese C Santos <chechsantos@gmail.com>, "ATALIG, Louise A." <louise_atalig@yahoo.com>

July 7, 2011

MEMORANDUM

To: All Members

Committee on the Guam Military Buildup and Homeland Security

From: Chairperson

Subject: **REMINDER NOTICE**

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Please join me. *Senseramente!*

CC: All Senators

Executive Director/Sgt.-At-Arms

Clerks

MIS/Audio

--

Senseramente,

Robert Q. Tupaz
Deputy Chief of Staff
Committee on the Guam Military Buildup and Homeland Security
Office of Sen. Judith P. Guthertz, Assistant Majority Leader
I Mina' Trentai Unu na Liheslaturan Guáhan (31st Guam Legislature)
Contact No. (Office) 671.472.5834 email - rob.tupaz@gmail.com

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SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

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AFFAIRS,
PROCUREMENT,
GENERAL
GOVERNMENT
OPERATIONS
AND PUBLIC
BROADCASTING

July 6, 2011

MEMORANDUM

To: All Media (*48 Hours Notice*)

From: Chairperson 
Committee on the Guam Military Buildup and Homeland Security

Subject: **Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.**

Please be advised that the Committee on the Guam Military Buildup and Homeland Security has scheduled a public hearing to take place on Friday, July 8, 2011. The meeting will take place in the Public Hearing Room of *I Liheslatura Guahan*. Proceedings are scheduled to begin at 9:30a.m. The agenda is as follows:

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Please address all testimony to be submitted relative to the items on the agenda to Senator Judi P. Guthertz, Chairperson. Testimony may be submitted via hand delivery to the Office of Sen. Guthertz, or mailed to 155 Hesler Place, Hagåtña, Guam 96932, or via email to judithguthertz@gmail.com, and cc floterlaje@gmail.com. Testimonies may also be faxed to (671) 472-3547. All testimony should be submitted by close of business (5:00p.m) on Wednesday, July 13, 2011.

Individuals that want to attend the public hearing and require special accommodations, auxiliary aids, or services are asked to contact Sen. Guthertz or Ms Flo Terlaje at 472-5834. *Senseramente!*

###



Robert Tupaz <rob.tupaz@gmail.com>

Palacios, Sr. / R.J. Respicio / V.A. Ada / A.A. Yamashita, Ph.D. / TR. Muna-Barner / M.S. Tajeron / B.J.F. Cruz / C.M. Duenas)

Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m. - All Media (48 Hours Notice)

Wed, Jul 6, 2011 at 11:20 AM
Robert Tupaz <rob.tupaz@gmail.com>
 To: Carolina Mayan <cmayan@guamjournal.com>, therese@myguam.com, Sabrina Sales <sabrina@guam.com>, Kevin Keringan <kevin@spjguam.com>, rgsboron@57.com, Alicia Perez <alistone@the.npr>, new s@niradio100.com, thebuzz@guam.com
 Media (48 Hours Notice)

Buenas Newsrooms:

Sen. Gutierrez respectfully requests that your organization please announce in your government meetings section or community calendar update the attached which is also pasted below. *Si Yikas Magazine*. *****

July 6, 2011

MEMORANDUM

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From: Chairperson
Committee on the Guam Military Buildup and Homeland Security
Subject: Public Hearing Notice: Friday, July 8, 2011 @ 9:30a.m.

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9:30 am

- Bill 242-31 (COR): An act to amend 643201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard. (Sponsor: T.C. Ada / J.P. Gutierrez, DPA / A.B.

Please address all testimony to be submitted relative to the items on the agenda to Senator Judi P. Gutierrez, Chairperson. Testimony may be submitted via hand delivery to the Office of Sen. Gutierrez or mailed to 155 Hester Place, Hagåtña, Guam 96932, or via email to judithgutierrez@gmail.com and cc_huterchiek@gmail.com. Testimonies may also be faxed to (671) 472-3347. All testimony should be submitted by close of business (5:00p.m) on Wednesday, July 13, 2011.

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###

Sensersaramante

Robert O. Tupaz
Deputy Chief of Staff
Committee on the Guam Military Buildup and Homeland Security
Office of Sen. Judith P. Gutierrez, Assistant Majority Leader
11Awa Trenchal Uruua Ubaesturban Guahan (31st Guam Legislature)
Contact No. (Office) 671-472-5834 email - rob.tupaz@gmail.com

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SENATOR JUDITH P. GUTHERTZ DPA

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP & HOMELAND SECURITY

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PROCUREMENT,
GENERAL
GOVERNMENT
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AND PUBLIC
BROADCASTING

PUBLIC HEARING

Friday, July 8, 2011 @ 9:30a.m.

Public Hearing Room • *I Liheslatura* • Hagåtña, Guam

A G E N D A

I. Call to Order

II. Announcements

III. Item/s for Public Consideration

9:30 AM

- **Bill 242-31 (COR):** An act to amend §63201, Chapter 63, Title 10, Guam Code Annotated, relative to amending the qualifications for selection and tenure of the Adjutant General of the Guam National Guard.

IV. Remarks

V. Adjournment

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

2011 JUN 22 PM 2:22
GON

Bill No. 242-31(COR)

Introduced by:

T.C. Ada
J.P. Guthertz, DPA
A.B. Palacios, Sr.
R.J. Respicio
V.A. Ada
A.A. Yamashita, Ph.D.
T.R. Muña-Barnes
M. Silva Tajeron
B.J.F. Cruz
C.M. Duenas

AN ACT TO AMEND §63201, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE QUALIFICATIONS FOR SELECTION AND TENURE OF THE ADJUTANT GENERAL OF THE GUAM NATIONAL GUARD.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*
2 finds that current statute regarding the qualifications for The Adjutant
3 General (TAG) of the Guam National Guard needs to be amended in order to
4 provide the Governor and Commander-in-Chief with an expanded pool of
5 eligible candidates for nomination to serve as the Adjutant General of the
6 Guam National Guard.

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

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

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

18 **Section 2.** § 63201 of Chapter 63, Title 10, Guam Code Annotated, is
19 hereby *amended* to read as follows:

20 § 63201. The Adjutant General.

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

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

1 components in the grade of at least Lieutenant Colonel (O-5,
2 Promotable pursuant to Army or Air Force promotion
3 regulations and policies) at the time of appointment ~~be capable~~
4 ~~of being Federally recognized in accordance with Federal law,~~
5 ~~and Army and Air Force regulations, as appropriate, in the~~
6 ~~grade of at least Colonel;~~

7 (b) be promoted in the Guam Army or Air National
8 Guard, as appropriate, at the discretion of the Commander-in-
9 Chief, to a grade *not to exceed* Lieutenant General (O-9); ~~and~~
10 ~~shall serve only so long as federally recognized in such grade;~~

11 (c) serve until such time as his replacement is appointed
12 by *I Maga'lahañ Guåhan* or until he resigns (~~*I Maga'lahañ*~~
13 ~~*Guåhan* may relieve the Adjutant General for malfeasance,~~
14 ~~misfeasance or his inability to continue Federally recognized~~
15 ~~status.);~~

16 **Section 3. Effective Date.** This Act shall be effective upon date of
17 enactment.

18 **Section 4. Severability.** *If* any provision of this Law or its
19 application to any person or circumstance is found to be invalid or contrary
20 to law, such invalidity *shall* not affect other provisions or applications of this
21 Law which can be given effect without the invalid provisions or application,
22 and to this end the provisions of this Law are severable.