











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

2011 JUN 22 PM 2:22 gba

Bill No. 242-31(COR)

Introduced by:

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**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.