


SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

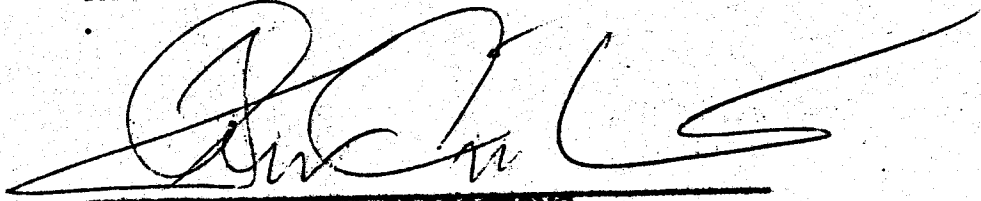
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 715, "An Act to add Chapter VII to Title XXXVI of the Government Code to establish the Guam Militia", was on the 13th day of July 1982, duly and regularly passed.



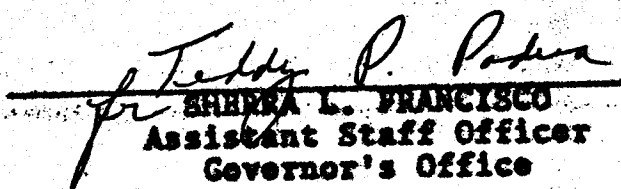
FRANK F. BLAS
Acting Speaker

ATTESTED:



THOMAS C. CRISOSTOMO
Senator and Legislative Secretary

This Act was received by the Governor this 13TH day of
JULY, 1982, at 9:05 o'clock AM.



SHERITA L. FRANCISCO
Assistant Staff Officer
Governor's Office

APPROVED:



PAUL M. CALVO
Governor of Guam
Sitting Governor of Guam

DATED: 7/28/82 10:45 Am
P.L. 16-103

SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

Bill No. 715
(As Substituted by the Committee on
Youth & Senior Citizens, Federal-
Territorial Relations, Military &
Veterans Affairs)

Introduced by: E. R. Duenas

AN ACT TO ADD CHAPTER VII TO TITLE XXXVI
OF THE GOVERNMENT CODE TO ESTABLISH THE
GUAM MILITIA.

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

2 Section 1. A new Chapter VII is added to Title XXXVI of
3 the Government Code to read:

4 "CHAPTER VII

5 Guam Militia

6 Section 40600. Authority and Name. Whenever any part
7 of the National Guard of this territory is in active federal
8 service, the Governor is authorized to activate and maintain
9 within the territory during such period, such territorial
10 defense forces as the Governor may deem necessary to assist
11 the civil authorities in maintaining law and order and
12 responding to natural disasters. Such forces shall be
13 additional to and distinct from the National Guard and shall
14 be known as the 'Guam Militia'. Such forces shall be
15 uniformed, and notwithstanding any other provisions of this
16 Act, shall be organized so as to qualify as a 'defense
17 force' within the meaning of 32 U.S.C. 109.

18 Section 40601. Membership and Muster; Rosters;
19 Ceremonies.

20 (a) The Guam Militia shall be composed of officers and
21 noncommissioned officers and such able-bodied residents of
22 the territory as shall volunteer for service therein.

1 (b) The Governor is authorized to maintain a Guam
2 Militia reserve cadre of officer and noncommissioned
3 officers; said officers and noncommissioned officers to be
4 a trained nucleus for such time as the Guam Militia may be
5 activated. Said officers and noncommissioned officers shall
6 be volunteers and shall serve with no pay or allowances
7 except when called to territorial duty.

8 (c) The Adjutant General is authorized to maintain
9 rosters of members qualified in accordance with this chapter,
10 and to order a periodic muster of the Guam Militia or any
11 part thereof, without pay except when ordered to territorial
12 duty. Said muster shall be for the purposes of updating
13 rosters and personnel information, distributing items of
14 uniform, presentation of awards and informing members
15 concerning their function within the Guam Militia.

16 (d) The Adjutant General is also authorized to invite
17 the voluntary participation of any or all members of the
18 Guam Militia in affairs of state and appropriate holidays.
19 At such times, such members of the Guam Militia shall come
20 under the command of the Adjutant General, who shall assure
21 their proper decorum and wearing of uniforms, and provide
22 such transportation or other services as are necessary and
23 available to the Department of Military Affairs.

24 Section 40602. Command of the Guam Militia. The
25 Governor is ex-officio Commander-in-Chief and shall have
26 command of the Guam Militia when ordered to territorial duty.
27 The Adjutant General shall be the senior commander, under
28 the Commander-in-Chief of the Guam Militia, and shall be
29 responsible for its administration and training prior to and
30 after said Militia is ordered to territorial duty.

1 Section 40603. Authority of Governor to Prescribe
2 Regulations. The Governor or his designee is authorized to
3 prescribe rules and regulations not inconsistent with the
4 provisions of Chapters I through VIII of this Title governing
5 the enlistment, organization, administration, equipping,
6 maintenance, training and discipline of such forces; provided,
7 however, that such rules and regulations, insofar as deemed
8 practicable and desirable, shall conform to existing law
9 governing and pertaining to the National Guard and the rules
10 and regulations promulgated thereunder, and such regulations
11 of the U. S. Department of Defense as may be applicable.

12 Section 40604. Pay and Allowances. The Governor or his
13 designee is authorized to establish a schedule of pay and
14 allowances for members of the Guam Militia for territorial
15 duty as he may deem necessary and appropriate.

16 Section 40605. Requisitions; Armories; Other Buildings.
17 For the use of the Guam Militia, the Governor or his designee
18 is authorized to requisition from the Secretary of Defense
19 such arms and equipment as may be in possession of, and can
20 be spared by the Department of Defense; and to make available
21 to the Guam Militia the facilities of territorial armories
22 and their equipment and such other territorial premises and
23 property as may be available.

24 Section 40606. Federal Service. Nothing in this Chapter
25 shall be construed as authorizing the Guam Militia, or any
26 part thereof, to be called, ordered or in any manner drafted,
27 as such, into the military service under any law of the
28 United States. No person shall be a member of the Guam
29 Militia while a federally recognized member of the National
30 Guard, or any active or reserve military organization.

1 Section 40607. Civil Groups. No civil organization,
2 society, club, post, order, fraternity, association,
3 brotherhood, body, union, league, or other combination of
4 persons, or civil groups, shall be enlisted in the Guam
5 Militia as an organization or unit.

6 Section 40608. Disqualifications.. No person shall be
7 commissioned in the Guam Militia who is not a citizen of the
8 United States, or who has been expelled or dishonorably dis-
9 charged from any military or naval organization of this
10 territory, or of another state, or of the United States or
11 anyone who has committed a crime.

12 Section 40609. Commissioned Officers. The initial term
13 of commission in the Guam Militia shall be for three (3)
14 years. The term of service in the Guam Militia as a
15 commissioned officer shall be indefinite subject to termina-
16 tion at the pleasure of the Governor or at the request of the
17 commissioned officer. The oath to be taken by officers
18 commissioned in the Guam Militia shall be substantially in
19 the form prescribed for officers of the National Guard,
20 substituting the words 'Guam Militia' where necessary, and
21 omitting the reference to the President of the United States.

22 Section 40610. Enlisted Personnel. The term of enlist-
23 ment in the Guam Militia shall be for three (3) years.
24 Subsequent to the initial enlistment, the term of enlistment
25 shall be for one (1) year, three (3) years or six (6) years
26 or at the request of the enlisted personnel. The oath to be
27 taken upon enlistment in the Guam Militia shall be substan-
28 tially in the form prescribed for enlisted personnel in the
29 National Guard, substituting the words 'Guam Militia' where
30 necessary, and omitting the reference to the President of the
31 United States.

1 Section 40611. Code of Military Justice; Freedom from
2 Arrest; Jury Duty.

3 (a) Whenever the Guam Militia or any part thereof,
4 shall be ordered out for territorial duty, the Code of
5 Military Justice, applicable to members of the National
6 Guard of this territory in relation to courts-martial,
7 including the jurisdiction thereof, the limits of punishment,
8 and the rules and regulations prescribed thereunder, shall
9 be in full force and effect with respect to the Guam Militia.

10 (b) No officer or enlisted person of the Guam Militia
11 shall be arrested on any warrant, except for treason or
12 felony, while going to, remaining at, or returning from, a
13 place where he is ordered for military duty. Every officer
14 and enlisted person of such Guam Militia shall, during his
15 service therein, be exempt from service upon any posse
16 comitatus, and from jury duty.

17 Section 40612. Discharge of Guam Militia. The Guam
18 Militia shall be discharged by the Governor upon the return
19 of the Guam National Guard to territorial control, or within
20 thirty (30) days thereafter.

21 Section 40613. Expenses. The expenses incurred in
22 carrying out the provisions of this Chapter shall be paid
23 from the fund for current expenses of the Department of
24 Military Affairs, by whatever name or title such fund shall
25 be known and designated, upon requisition of the Adjutant
26 General.

27 Section 40614. Uniforms and Awards to Officers and
28 Enlisted Personnel. The Adjutant General of the territory
29 is authorized and directed to cause to be prepared suitable
30 uniforms, medals, service bars, ribbons, awards or other
31 indicia of service in the Guam Militia; to prescribe regula-
32 tions for the wearing of such uniforms and the awarding

1 of such medals, service bars, ribbons, awards or other
2 indicia of service in the Guam Militia, to the officers
3 and enlisted personnel of said Guam Militia and from
4 time to time, to make such awards to the officers and
5 enlisted personnel of said Guam Militia entitled to receive
6 the same.

7 Section 40615. Short title. This Chapter may be cited
8 as the 'Guam Militia Law'."

DATE 7-13-82

SIXTEENTH GUAM LEGISLATURE

VOTING RECORD

BILL/RESOLUTION NO. 715, as amended
 MAIN SPONSOR ERP

SENATOR	AYE	NAY	NOT VOTING	ABSENT
✓ BLAS, Frank F.	✓			
✓ BORDALLO, Madeleine Z.	✓			
✓ CHARFAUROS, Edward T.		✓		
✓ CRISOSTOMO, Thomas C.	out			
✓ DUENAS, Edward R.	✓			
✓ GUTIERREZ, Carl T. C.	✓			
✓ KASPERBAUER, Carmen A.	✓			
✓ LAMORENA, Alberto C., III		✓		
✓ LEON GUERRERO, Jose I.		✓		
✓ MOYLAN, Kurt S.	✓			
✓ PEREZ, Peter F., Jr.	✓			
✓ QUAN, John F.		✓		
✓ QUITUGUA, Franklin J.	✓			
✓ SAN AGUSTIN, Joe T.		✓		
✓ SANTOS, Francisco R.		✓		
✓ SUDO, Ramon Q.		✓		
✓ TANAKA, Thomas V. C.	✓			
✓ TORRES, Jess Q.	✓			
✓ UMAGAT, Lloyd L.		✓		
UNDERWOOD, James H.		✓		
UNPINGCO, Antonio R.	✓			
TOTAL	11	9	0	1