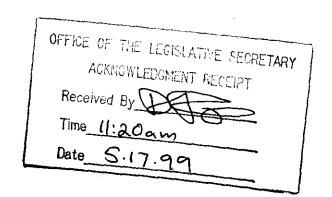




## MAY 14 1999

The Honorable Antonio R. Unpingco Speaker I Mina'Bente Singko na Liheslaturan Guåhan Twenty-Fifth Guam Legislature Guam Legislature Temporary Building 155 Hesler Street Hagåtña, Guam 96910



Dear Speaker Unpingco:

Enclosed please find Bill No. 135 (COR), "AN ACT TO REPEAL AND REENACT §63202, ARTICLE 2, CHAPTER 63, DIVISION 3, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD", which I have signed into law today as Public Law No. 25-18.

This legislation allows the Assistant Adjutant General for the Army of the Guam National Guard to assume the responsibilities of the National Guard at times when the Adjutant General is not able to do so, due to the separate duties of managing the civil defense response to natural disasters, such as typhoons, which occur on Guam.

The authorized position is federally funded, and will allow for an already qualified person to fill it, as is done in the various states of the United States.

Very truly yours,

Carl T. C. Gutierrez

I Maga'Lahen Guåhan
Governor of Guam

Attachment:

cc:

copy attached for signed bill or overridden bill

original attached for vetoed bill

Office of the Speaker ANTONIO R. UNPINGCO

Date\_ Time:

Rec'd by:

Legislative Secretary

The Honorable Joanne M. S. Brown

## MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

### CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 135 (COR), "AN ACT TO REPEAL AND REENACT §63202 OF ARTICLE 2, CHAPTER 63, DIVISION 3, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD," was on the 3<sup>rd</sup> day of May, 1999, duly and regularly passed.

ANTONIO R. UNPINGCO Speaker Attested: 10ANNE M.S. BROWN Senator and Legislative Secretary This Act was received by I Maga'lahen Guahan this 64 day of May 4:05 o'clock .M. Assistant Staff Officer Maga'lahi's Office APPROVED: CARL T. C. GUTTERREZ I Maga'lahen Guahan Date: 5-14-99

Public Law No. 25-18

## MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

Bill No. 135 (COR)
As amended on the Floor.

Introduced by:

E. C. Bermudes

A. R. Unpingco

Mark Forbes

M. G. Camacho

L. Kasperbauer

F. B. Aguon, Jr.

K. S. Moylan

A. C. Blaz

J. M.S. Brown

E. B. Calvo

A.C. Lamorena, V

C. A. Leon Guerrero

V. C. Pangelinan

J. C. Salas

S. A. Sanchez, II

AN ACT TO REPEAL AND REENACT §63202 OF ARTICLE 2, CHAPTER 63, DIVISION 3, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD.

#### BE IT ENACTED BY THE PEOPLE OF GUAM:

1

22

23

Section 1. Legislative Finding and Intent. I Guåhan 2 Liheslaturan finds that although the Assistant Adjutant General position in the Guam 3 Army National Guard is authorized the rank of Brigadier General by the 4 Federal government, §63202 of Article 2, Chapter 63, Division 3, Part 2 of Title 5 10 of the Guam Code Annotated, does not clearly state this authorization. I 6 7 Liheslaturan Guåhan further finds that the Assistant Adjutant General for Air 8 National Guard is *not* authorized the rank of Brigadier General due to the low 9 It is also noted that the number of Air National Guard assigned. 10 establishment of the rank of Brigadier General for the Assistant Adjutant 11 General for Army will balance the Chain of Command, as well as provide an 12 excellent opportunity and motivation for our local National Guard people to 13 work hard and aspire to Flag rank. It is therefore the intent of I Liheslaturan 14 Guåhan to place Guam on the same level as other states and territories which 15 are authorized the rank of Brigadier General for the position of Assistant 16 Adjutant General for Army of the Guam National Guard by clarifying the 17 Guam statute. 18 Section 2. Section 63202 of Article 2, Chapter 63, Division 3, Part 2 of 19 Title 10 of the Guam Code Annotated is hereby repealed and reenacted to read 20 as follows: 21 "Section 63202. Assistant Adjutant General for Army. The

Assistant Adjutant General for Army shall be recommended by the

Adjutant General to I Maga'lahen Guåhan, and he shall:

1	(a) be a citizen of the United States and a resident of						
2	Guam;						
3	(b) hold the rank of Colonel, which is Federally						
4	recognized;						
5	(c) be promoted to a rank <i>not</i> to exceed Brigadier General						
6	at the discretion of I Maga'lahen Guåhan as Commander-in-Chief of						
7	the Guam National Guard; and						
8	(d) perform such military duties as the Commander of the						
9	Guam Army National Guard, under the direction of the Adjutant						
10	General and shall perform such other military duties as may be						
11	required of him by the Adjutant General.						
12	The Assistant Adjutant General for Army shall be under the						
13	supervision and control of the Adjutant General. When so designated						
14	by I Maga'lahen Guåhan, the Assistant Adjutant General shall be the						
15	acting Adjutant General during the Adjutant General's absence from						
16	Guam or during the unavailability of the Adjutant General due to illness						

or incapacitation."



### MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN TWENTY-FIFTH GUAM LEGISLATURE

155 Hesler Street, Hagatña, Guam 96910

May 5, 1999

The Honorable Carl T.C. Gutierrez I Maga'lahen Guåhan Ufisinan I Maga'lahi Hagåtña, Guam 96910



Dear Maga'lahi Gutierrez:

Transmitted herewith is Bill No. 135 (COR) which was passed by I Mina'Bente Singko Na Liheslaturan Guåhan on May'3, 1999.

Sincerely,

JOANNE M.S. BROÚ

Senator and Legislative Secretary

Enclosure (1)

## MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

### CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 135 (COR), "AN ACT TO REPEAL AND REENACT §63202 OF ARTICLE 2, CHAPTER 63, DIVISION 3, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD," was on the 3<sup>rd</sup> day of May, 1999, duly and regularly passed.

ANTONIO R. UNPINGCO **Speaker** Attested ∕IOANNE M.S. BROWN Senator and Legislative Secretary This Act was received by I Maga'lahen Guahan this 64 day of May, 1999, at 4:05 o'clock f.M.

Murin World **Assistant Staff Officer** Maga'lahi's Office APPROVED: CARL T. C. GUTIERREZ I Maga'lahen Guahan Date: Public Law No.

## BE IT ENACTED BY THE PEOPLE OF GUAM:

1

Guåhan Section 1. Legislative Finding and Intent. I Liheslaturan 2 finds that although the Assistant Adjutant General position in the Guam 3 Army National Guard is authorized the rank of Brigadier General by the 4 Federal government, §63202 of Article 2, Chapter 63, Division 3, Part 2 of Title 5 10 of the Guam Code Annotated, does not clearly state this authorization. I 6 Liheslaturan Guåhan further finds that the Assistant Adjutant General for Air 7 National Guard is *not* authorized the rank of Brigadier General due to the low 8 number of Air National Guard assigned. 9 It is also noted that the establishment of the rank of Brigadier General for the Assistant Adjutant 10 11 General for Army will balance the Chain of Command, as well as provide an 12 excellent opportunity and motivation for our local National Guard people to 13 work hard and aspire to Flag rank. It is therefore the intent of I Liheslaturan 14 Guåhan to place Guam on the same level as other states and territories which 15 are authorized the rank of Brigadier General for the position of Assistant 16 Adjutant General for Army of the Guam National Guard by clarifying the 17 Guam statute. 18 Section 2. Section 63202 of Article 2, Chapter 63, Division 3, Part 2 of 19 Title 10 of the Guam Code Annotated is hereby repealed and reenacted to read 20 as follows: 21 "Section 63202. Assistant Adjutant General for Army. The 22 Assistant Adjutant General for Army shall be recommended by the 23 Adjutant General to I Maga'lahen Guåhan, and he shall:

1	(a) be a citizen of the United States and a resident of
2	Guam;
3	(b) hold the rank of Colonel, which is Federally
4	recognized;
5	(c) be promoted to a rank not to exceed Brigadier General
6	at the discretion of I Maga'lahen Guåhan as Commander-in-Chief of
7	the Guam National Guard; and
8	(d) perform such military duties as the Commander of the
9	Guam Army National Guard, under the direction of the Adjutant
10	General and shall perform such other military duties as may be
11	required of him by the Adjutant General.
12	The Assistant Adjutant General for Army shall be under the
13	supervision and control of the Adjutant General. When so designated
14	by I Maga'lahen Guåhan, the Assistant Adjutant General shall be the
15	acting Adjutant General during the Adjutant General's absence from
16	Guam or during the unavailability of the Adjutant General due to illness

or incapacitation."



## MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN TWENTY-FIFTH GUAM LEGISLATURE

155 Hesler Street, Hagatña, Guam 96910

<b>*</b> .	
	April 26, 1999
	(DATE)
Memorano	FILE.
То:	Senator ELOY C. BERMUDES
From:	Clerk of the Legislature
Subject:	Report on Bill No. 135 (COR)
herewith i	o §7.04 of Rule VII of the 25 <sup>th</sup> Standing Rules, transmitted s a copy of the Committee Report on Bill No. 135 (COR), you are the prime sponsor.
	u have any questions or need further information, please dersigned at 472-3464/5.
-	Josephine Blennan-Badley
Attachmer	ıt
ACKNOWLEDGEN Received by:	HINT RECEIP!

## Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUÀHAN Twenty•Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagátña, Guam 96910 Suite 108A • Ado Plazo Center Phones (671) **479 8261 / 62 /63 / 64** Facsimile (671) **472 8223** 

April 20, 1999

The Honorable Antonio Unpingco, Speaker I Mina'Bente Singko na Liheslaturan Guahan 155 Hesler St. Hagåtña, Guam 96910

Via:

Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, to which was referred the following: Bill No. 135 "AN ACT TO REPEAL AND REENACT §63202, ARTICLE 2, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, TO AUTHORIZE THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD." wishes to report back to the Legislature its recommendation TO DO PASS.

Committee Votin	g Record:
To do pass:	8
Not to pass:	<del></del>
Abstain:	
A copy of the Con	amittee Report is attached for your consideration

Sincerely yours,

MARCEL G. CAMACHO

Chairman

Attachments



173 Aspinali Avenue, Hagátña, Guam 96910 Suite 108A • Ada Plaza Center Phones (671) **479 8261 / 62 /63 / 64** Focsimile (671) **472 8223** 

March 24, 1999

#### **MEMORANDUM**

TO: Members,

Committee on Land, Agriculture, Military Affairs and the Arts

FR: Chairman

**RE:** BILL NO. 135 (SEE ATTACHED)

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report BILL NO. 135 (SEE ATTACHED FOR DETAILS).

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,

MARCEL G. CAMACHO

M-1 y. C.

Chairman

# COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS and the ARTS

## I Mina'Benta Singko Na Liheslaturan Guåhan Twenty-Fifth Guam Legisture

### **VOTING SHEET**

**April 20, 1999** 

RE: Bill No. 135 " AN ACT TO REPEAL AND REENACT §63202, ARTICLE 2, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, TO AUTHORIZE THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD."

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## Committee on Land, Agriculture, Military Affairs & the Arts Senator Marcel G. Camacho, Chairperson

## PUBLIC HEARING March 22, 1999

### Committee Report

Senators present: Marcel G. Camacho, Eloy C. Bermudes, John C. Salas.

### Testimony Submitted by:

Benny M. Paulino, Adjutant General of Guam National Guard Jose U. Garrido, Guam National Guard Raymond Taimanglo, Guam National Guard

**BIII No. 135(COR):** AN ACT TO REPEAL AND REENACT 63202, ARTICLE 2, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, TO AUTHORIZE THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD.

### **Summary of Testimonies:**

Mr. Garrido testified in support of Bill 135.

Gen. Paulino stated Guam is the only territory of the 54 states and territories that does not have the authorized Rank of Brigadier General as the Assistant Adjutant General for the Army, as authorized by the federal government. We just have to amend the statute. It will not cost the government of Guam any additional expense, in fact it will be a federally funded position. For the position to be federally recognized the person has to meet and fulfil all federal requirements for the rank. The primary reason for having an Assistant Adjutant is in case of a natural disaster or emergency I can step down as the Adjutant General of the National Guard and go run the Civil Defense and the Assistant Adjutant can take over my duties at the National Guard. Without the Assistant Adjutant's position I can not statutorily do both jobs.

Mr. Taimanglo testified in support of Bill 135.

Sen. Salas: If there was an Assistant Adjutant and the position of

Adjutant General is vacated, does the Assistant Adjutant move up to the vacated spot?

Gen. Paulino stated no, the Adjutant General is appointed by the Governor and confirmed by the Legislature, it is not an automatic promotion.

Mr. Greg Perez testified in support of Bill 135 and would like to add that the Bill should provide a training ground for a two star General, In the event there is a vacancy the Governor needs to make a selection, there is someone on board that has been groomed, trained and knows the Guam Guard.

Bill No. 135 (COR) has been publicly heard.

The Committee recommends TO DO PASS Bill No. 135.



## MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

Senator Mark Forbes, Chairman

MAR 1 2 1999

### **MEMORANDUM**

TO:

Chairman

Committee on Land, Agriculture, Military Affairs and Arts

FROM:

Chairman

Committee on Rules, Government Reform, Reorganization

and Federal Affairs

SUBJECT:

Principal Referral - Bill No. 135

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

**Attachment** 

155 Hesler Street, Hagatha, Guam 96910

Telenhone: 671-472-3407/408/512 • Facsimile: 671-477-5036 • Email : senforhes@kuentos.guam.net

MAR 0 5 1999

## MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) REGULAR SESSION

Bill No. 135 (cap)

Introduced by:

E. C. Bermudes

A. R. Unpingco

M. Forbes

M. G. Camacho

L. Kasperbauer

F. B. Aguon

K. S. Moylan

AN ACT TO REPEAL AND REENACT §63202, ARTICLE 2, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, TO AUTHORIZE THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD

- 1 BE IT ENACTED BY THE PEOPLE OF GUAM:
- 2 Section 1. Legislative Finding and Intent. I Liheslaturan
- 3 Guahan finds that although the Assistant Adjutant General
- 4 position in the Guam Army National Guard is authorized
- 5 the rank of Brigadier General by the federal government,
- 6 §63202, Article 2, Chapter 63, TITLE 10, Guam Code
- 7 Annotated, does not clearly state this authorization. I

- 1 liheslaturan Guahan further finds that the Assistant Adjutant
- 2 General for Air National Guard is not authorized the rank of
- 3 Brigadier General due to the low number of Air National Guard
- 4 assigned. It is also noted that the establishment of the rank of
- 5 Brigadier General for the Assistant Adjutant General for
- 6 Army will balance the Chain of Command as well as provide an
- 7 Excellent opportunity and motivation for our local National
- 8 Guard people to work hard and aspire to Flag rank. It is therefore
- 9 the intent of I Liheslaturan Guahan to place Guam on the same
- 10 level as other States and Territories which are authorized the rank
- of Brigadier General for the position of Assistant Adjutant
- 12 General for Army of the Guam National Guard by clarifying the
- 13 Guam statute.
- 14 Section 2. §63202, Article 2, Chapter 63 of Title 10, Guam
- 15 Code Annotated, is hereby repealed and reenacted as follows:
- 16 "§63202. Assistant Adjutant General for Army.
- 17 The Assistant Adjutant General for Army shall be
- 18 recommended by the Adjutant General to the Governor of
- 19 Guam, and he shall:
- 20 (a) Be a citizen of the United States and a resident of Guam;
- 21 (b) Hold the rank of Colonel which is federally recognized;

- 1 (c) Be promoted to a rank not to exceed Brigadier General
- 2 at the discretion of the Governor of Guam as Commander-in-
- 3 Chief of the Guam National Guard;
- 4 (d) Perform such military duties as Commander of the Guam
- 5 Army National Guard under the direction of the Adjutant
- 6 General and shall perform such other military duties
- 7 as may be required of him by the Adjutant General.
- 8 the Assistant Adjutant General for Army shall be under the
- 9 supervision and control of the Adjutant General. When so
- 10 designated by the Governor of Guam, the Assistant Adjutant
- 11 General shall be the acting Adjutant General during the
- 12 Adjutant General's absence from Guam or during the
- 13 unavailability of the Adjutant General due to illness or
- 14 incapacitation."

## Georgia Marcel (3) Composito

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Committee (10 to 10 to 1

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The public is invited and encouraged to altend.



173 Aspinali Avenue, Hagárña, Guam 96910 Suile 108A • Ada Plazo Center Phones (671) **479 8261 / 62 /63 / 64** Facsimile (671) **472 8223** 

## Monday, March 22, 1999

### 9:00 AM - 5:00 PM

### **AGENDA**

- I. Confirmation Hearing Ms. Rita Okada re-appointment to Chamorro Land Trust Commission
- II. Bill No. 71 (COR) -AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE GOVERNMENT LAND, LOT 134 AGAT AND ADJACENT PORTION OF OLD DRIED UP RIVER BED, CONTAINING A TOTAL AREA OF 305± SQUARE METERS WITH PRIVATE LAND, PORTIONS OF LOT NUMBER 288-1 MERIZO, CONTAINING A TOTAL AREA OF 1,026±SQUARE METERS.
- III. Bill No. 72 (COR)- AN ACT TO AUTHORIZE THE GOVERNOR TO EXCHANGE A PORTION OF THE AGANA-PITI ROAD BETWEEN LOTS 32, 33, 34, 8 AND 7 CONTAINED WITHIN BLOCK 10, CITY OF NEW AGANA, GUAM FOR A PORTION OF LOT 237-3-2-1 ON A VALUE-FOR-VALUE BASIS.
- IV. Bill No. 18 (COR)- AN ACT RELATIVE TO RECOGNIZING THE TREMENDOUS IMPORTANCE OF GUAM'S TRADITIONAL AGRICULTURE INDUSTRY THROUGH EXTENDING THE ASSISTANCE OF THE GOVERNMENT OF GUAM IN ENCOURAGING THE ESTABLISHMENT OF A GUAM FARMERS COOPERATIVE ASSOCIATION WHICH WILL SUPPORT THE DISTRIBUTION AND MARKETING OF AGRICULTURAL PRODUCTS/GOODS AND PROVIDE FURTHER ASSISTANCE TO THE LOCAL FARMERS.
- V. Bill No. 28 (COR)- AN ACT RELATIVE TO THE ESTABLISHMENT OF "THE GUAM NATIONAL GUARD EDUCATIONAL TRAINING AND SCHOLARSHIP PROGRAM"
- VI. Bill No. 55 (COR)- AN ACT TO REZONE LOT NOS. 55-1-3-1, 55-1-3-2, 55-1-3-3, 55-1-3-4, 55-1-3-5, 55-1-3-6 AND 55-1-3-R6, CONTAINING A TOTAL AREA OF 10,000 SM FROM "A" (AGRICULTURAL) TO "C" (COMMERCIAL); AND TO REZONE LOT NO. 55-1-4 FROM "A" (AGRICULTURAL) TO "R1" (SINGLE-FAMILY RESIDENTIAL), ALL LOCATED IN THE MUNICIPALITY OF TALOFOFO.
- VII. Bill No. 135 (COR)- AN ACT TO REPEAL AND REENACT §63202, ARTICLE 2, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED, TO AUTHORIZE THE RANK OF BRIGADIER GENERAL FOR THE ASSISTANT ADJUTANT GENERAL FOR ARMY OF THE GUAM NATIONAL GUARD.



## TESTIMONY SIGN-IN SHEET COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS and the ARTS

TESTIMONY RELATIVE TO THE PUBLIC HEARING: Monday, March 22, 1999

9:00 am - 5:00 pm - Legislature Public Hearing Room

NAME	AGENCY / BUSINESS / SULT / ORGANIZATION	ТОРІС	WIGHTEN TESTIMONY	ORAI TESTIMONY	REMARKS
1 MAJOR Seres / Bendy M Pryalud	NATI GUARDS MAN	Bul 135	V	~	
JOSE U. GARRIDO	NATI GUARDSMAN	1314135		V	I Support
RAYMOND L. 4. TARMANGLO	11 11	11		<b>V</b>	u it
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