

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
91-38 (COR)	Joe S. San Agustin V. Anthony Ada Tina Rose Muña Barnes Vincent A. V. Borja Jesse A. Lujan Christopher M. Dueñas William A. Parkinson	AN ACT TO ADD A NEW (n) TO §63201 AND AMEND §63202(a)AND §63203(a), ALL OF ARTICLE 2, CHAPTER63, TITLE 10, GUAM CODE ANNOTATED RELATIVETO ESTABLISHING A MINIMUM RESIDENCYREQUIREMENT FOR THE GUAM NATIONAL GUARDLEADERSHIP.	3/14/25 1:10 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No.91-38 (COR)

Introduced by:

Joe S. San Agustin
V. Anthony Ada
Tina Rose Muña Barnes
Vincent Anthony V. Borja
Jesse A. Lujan
Christopher M. Dueñas
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AN ACT TO ADD A NEW (n) TO §63201 AND AMEND §63202(a) AND §63203(a), ALL OF ARTICLE 2, CHAPTER 63, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A MINIMUM RESIDENCY REQUIREMENT FOR THE GUAM NATIONAL GUARD LEADERSHIP.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* recognizes that the position of Adjutant General and Assistant Adjutant General are critical leadership roles within the Guam National Guard. They are responsible for overseeing the day-to-day operations of the Guard, ensuring its readiness, and fostering the professional development of its service members. This position requires a unique combination of military experience, strong leadership skills, and a deep understanding of Guam's distinct geopolitical and cultural context.

I Liheslaturan Guåhan finds that in order to embrace such characteristics a minimum residency requirement is needed. *I Liheslaturan Guåhan* proposes a minimum of five (5) year residency prior to appointment of leadership. This

1 residency requirement ensures that the appointee has a comprehensive
2 understanding of the island's needs, challenges, and opportunities, and is well-
3 positioned to lead the Guam National Guard with insight and effectiveness.

4 Therefore, the intent of *I Liheslaturan Guåhan* is to establish a transparent
5 and accountable process for the appointment of the Guam National Guard top
6 leadership that reflects the values and priorities of the people of Guam. It is designed
7 to ensure that the individual selected for these critical roles are not only qualified but
8 also deeply connected to the community they serve, fostering public trust and
9 reinforcing commitment to responsible governance and leadership.

10 **Section 2.** A new (n) to §63201, Article 2, Chapter 63, Title 10, Guam Code
11 Annotated, is hereby *added* to read:

12 **“§ 63201. The Adjutant General.**

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

16 (a) be, or have been, a Federally recognized commissioned officer in
17 the Army or Air Force or their Reserve components in the grade of at least
18 Lieutenant Colonel (O-5, Promotable) pursuant to Army or Air Force
19 promotion regulations and policies at the time of appointment;

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

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

25 (d) issue and promulgate regulations in furtherance of the provisions of
26 this Title (The regulations shall take effect by Executive Order of *I*
27 *Maga'lahaen Guahan*. The provisions of the Administrative Adjudication Law

1 shall not apply to the issuance and promulgation of regulations of the
2 Department of Military Affairs.);

3 (e) be the senior commander, under the Commander-in-Chief of the
4 Guam National Guard, and be responsible for the training of all members and
5 units of the Guam National Guard for both Federal and Guam missions;

6 (f) be the paymaster general and be charged with all disbursements of
7 pay and allowances for the service of the troops when in the service of Guam;

8 (g) give his entire time to the management of the Department of
9 Military Affairs;

10 (h) have such military and civilian assistants and clerks as may be
11 required to properly conduct the operation of his department;

12 (i) issue and transmit and keep a record of all orders and regulations of
13 the Commander-in-Chief and the Department of Military Affairs pertaining
14 to the Guam National Guard;

15 (j) keep a record of all appointments, commissions and warrants of
16 officers and appointments of non-commissioned officers and shall have
17 general charge of recruiting and records of enlistments and discharges;

18 (k) keep the military history of the Guam National Guard and personnel
19 records of each individual member thereof;

20 (l) have charge of all correspondence and records pertaining to the
21 Department of Military Affairs, and file for record all reports and records of
22 all active service performed by members of the Guam National Guard in the
23 service of Guam or of the United States; and

24 (m) direct and have charge of all purchase of military supplies and
25 stores, subject to the purchasing procedure of the government of Guam.

26 (n) shall have maintained residency in Guam for no less than (5) years
27 prior to appointment.”

1 **Section 3.** §63202(a), Article 2, Chapter 63, Title 10, Guam Code Annotated, is
2 hereby *amended* to read:

3 **“§ 63202. Assistant Adjutant General for Army.**

4 The Assistant Adjutant General for Army shall be recommended by the
5 Adjutant General to *I Maga’lahen Guåhan*, and he shall:

6 (a) be a citizen of the United States and a resident of Guam for no less than
7 five (5) years prior to appointment;

8 (b) hold the rank of Colonel, which is Federally recognized;

9 (c) be promoted to a rank not to exceed Brigadier General at the
10 discretion of *I Maga’lahen Guåhan* as Commander-in-Chief of the Guam
11 National Guard; and

12 (d) perform such military duties as the Commander of the Guam Army
13 National Guard, under the direction of the Adjutant General and shall perform
14 such other military duties as may be required of him by the Adjutant General.
15 The Assistant Adjutant General for Army shall be under the supervision and
16 control of the Adjutant General. When so designated by *I Maga’lahen*
17 *Guåhan*, the Assistant Adjutant General shall be the acting Adjutant General
18 during the Adjutant General’s absence from Guam or during the unavailability
19 of the Adjutant General due to illness or incapacitation.”

20 **Section 4.** §63203(a), Article 2, Chapter 63, Title 10, Guam Code Annotated, is
21 hereby *amended* to read:

22 **“§ 63203. Assistant Adjutant General for Air.**

23 The Assistant Adjutant General for Air shall be appointed by the Adjutant
24 General and he shall:

25 (a) Be a citizen of the United States and a resident of Guam for no less than
26 five (5) years prior to appointment;

27 (b) Be qualified for immediate federal recognition as a colonel; and

1 (c) Be promoted to a rank not to exceed Brigadier General at the discretion of
2 *I Maga'lāhen Guåhan* as Commander-in-Chief of the Guam National Guard, and
3 perform such military duties as the Commander of the Guam Air National Guard,
4 under the direction of the Adjutant General, and shall perform all such military duties
5 as may be required of him by the Adjutant General.”

6 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.

7 **Section 6. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall
9 not affect other provisions or applications of this Act which can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.