

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Public Law No. 13-32

**SENATE BILL
NO. 13-11, HS1**

FIRST REGULAR SESSION, 2002

AN ACT

To create a National Guard for the Commonwealth of the Northern Mariana Islands.

**BE IT ENACTED BY THE THIRTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Short Title. This Act may be cited as the “Northern Mariana Islands National Guard Act.”

Section 2. Militia.

(a) The militia of the Commonwealth shall consist of every citizen of the United States who is eighteen years old or older and under forty-six years of age.

(b) The militia shall be composed of two classes: the organized militia and the unorganized militia.

(1) The organized militia shall consist of the following:

(A) The federally organized and recognized national guard;

(B) The remainder of the organized militia shall be known as the Commonwealth defense force.

(2) The unorganized militia shall consist of those members of the militia who are not members of the national guard. The unorganized militia shall be subject to active military duty only when called or ordered into the service of the Commonwealth for such period as required. They may be assigned to existing organizations of the Commonwealth national guard, or the Commonwealth defense force, or otherwise as required.

Section 3. Exemptions. The following are exempt from military duty:

- (a) All persons exempt from military duty under the laws of the United States;
- (b) The members of any regularly organized fire or police department;
- (c) Justices and clerks of courts of records;
- (d) Practicing physicians, officers, and assistants of hospitals, prisons, and jails whose services are declared by the governor to be necessary for the general health, welfare, or protection of the community;
- (e) Persons determined to be mentally incompetent and felons convicted and not pardoned;
- (f) All persons who because of religious beliefs claim exemption from military service.

Section 4. Composition. The Northern Mariana Islands national guard shall consist of the national guard and other organizations and units authorized by the laws of the United States or the regulations issued thereunder for the national guard.

Section 5. Command. The governor shall be the commander in chief of the forces comprising the militia. The governor is authorized to promulgate such rules, regulations and forms therefore as are not inconsistent with law, and to carry into full effect the law relative thereto. The rules, regulations, and forms shall have the force of law.

Section 6. Organization and Recognition of units. The governor may organize the national guard in accordance with their strength as authorized from time to time and in conformity with the tables of organization prescribed by the United States Secretary of Defense.

Section 7. Adjutant General: Appointment. The adjutant general shall be the executive head of the militia. The adjutant general shall be nominated and, by and with the advice and consent of the senate, appointed by the governor, for a term to expire at the end of the term for which the governor was elected. The adjutant general may perform as executive head of such other agency or department of the Commonwealth as the governor may deem appropriate and consistent with the duties and responsibilities of the adjutant general. No

person shall be eligible for appointment as adjutant general unless the person holds or has held a commission of at least a field grade officer, federally recognized as such, or its equivalent in the national guard, state defense force, or other branch of the armed forces of this or any other territory or state of the United States, or in the armed forces of the United States or a reserve component thereof and has served as a commissioned officer in one or more of the armed services for at least ten years.

Section 8. Adjutant General: Rank and Salary. The adjutant general shall have the grade of a general officer. The salary of the adjutant general shall be commensurate with the active-duty pay and allowance fixed by the tables of the regular armed forces of the United States.

Section 9. Adjutant General: Duties. The adjutant general shall perform such duties as are prescribed by law and such other military duties consistent with the regulations and customs of the armed forces of the United States as required by the governor.

The adjutant general shall supervise all of the forces comprising the military components of the Commonwealth. The supervisory power shall include the command, discipline, training, and recruiting of the armed forces of the Commonwealth military operations, distribution of troops, inspections, armament, military education and instruction, fiscal operations, administration, and supply.

The adjutant general is authorized to confer the powers of police officers, including the power to arrest, to those engaged as security guards for national guard and civil defense facilities provided that such powers shall remain in force and effect only while the security guards are in the actual performance of their duties as security guards.

Section 10. Administration. The adjutant general shall from time to time make and publish such orders and regulations, not inconsistent with law, as are necessary to bring the organization, armament, equipment, and discipline of the organized militia to a state of efficiency as nearly as possible approaching that of the regular armed forces of the United States. The adjutant general shall attest all commissions issued to military officers, appointments issued to warrant officers, maintain personnel records, superintend preparation of

all letters and reports required by the United States from the Commonwealth. The adjutant general shall have charge of the Commonwealth military reservations, armories, and all other property of the Commonwealth used for military purposes. The adjutant general shall take an inventory at least once each year of all military stores, property, and funds under the adjutant general's jurisdiction. The adjutant general shall be the official custodian of the military records of all persons from the Commonwealth who served in the armed forces of the United States during times of war or grave national emergency, including those records which are turned over to the Commonwealth by the federal agency of selective service. The records shall be preserved perpetually in accordance with rules and regulations established by the adjutant general.

The adjutant general shall make an annual report of the operations of the adjutant general's department.

Section 11. Staff for Military Components: Organization.

(a) The headquarters staff of the national guard shall be composed of the national guard component, which shall include a selective service section. The headquarters shall be staffed by such officers, warrant officers and enlisted personnel, in the grades and branches of service as may be authorized by the United States Secretary of Defense.

(b) The national guard shall be organized and equipped as prescribed from time to time by the United States Secretary of Defense.

(c) The inactive national guard consists of officers, warrant officers, and enlisted personnel transferred to it from the national guard in accordance with

(d) regulation promulgated by the secretaries of defense. Members shall be assigned appropriately within the Commonwealth headquarters for administration only, and attached to an active unit or organization for potential assignment and service with the unit or organization.

Section 12. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 13. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/S/ _____
PAUL A. MANGLONA
President of the Senate

/S/ _____
THOMAS P. VILLAGOMEZ
Senate Legislative Secretary

Approved this 25th day of November, 2002

/S/ _____
JUAN N. BABAUTA
Governor
Commonwealth of the Northern Mariana Islands