



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
L'EFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A

RECEIVED

8/24/88

DATE

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AUG 23 1988

The Honorable Franklin J.A. Quitugua
Speaker, 19th Guam Legislature
163 Chalan Santo Papa
PO Box CB-1
Agana, GU 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 296, which has been designated as Public Law 19-19.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank F. Blas", written over a horizontal line.

FRANK F. BLAS
Governor,
Acting

190653

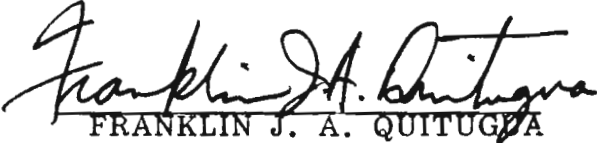
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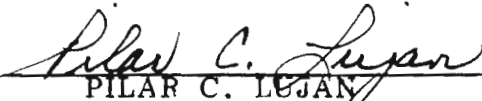
NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 296, "AN ACT TO ADD SUBSECTION (S) TO SECTION 12101, TITLE 10, GUAM CODE ANNOTATED, DEFINING INDIVIDUAL, FAMILY AND MARRIAGE THERAPISTS FOR LICENSING, AND FOR OTHER PURPOSES," returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 22nd day of August, 1988, agree to pass said bill notwithstanding the objections of the Governor by a vote of two-thirds of all members thereof, to wit: by a vote of sixteen (16) members.


FRANKLIN J. A. QUITUGUA
Speaker

Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 23rd day of August 1988,
at 3:10 o'clock p.m.


Assistant Staff Officer
Governor's Office

Public Law No. 19-19

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 296 (LS)
Substitute

Introduced by:

J. T. San Agustin
T. S. Nelson
F. R. Santos

E. P. Arriola
H. D. Dierking
J. G. Bamba
E. R. Duenas
E. M. Espaldon
P. C. Lujan
M. D. A. Manibusan
M. Z. Bordallo
F. J. A. Quitugua
F. J. Gutierrez
M. K. Hartsock
A. J. Shelton
D. Parkinson
J. G. Miles
M. C. Ruth
J. M. Rivera

AN ACT TO ADD SUBSECTION (s) TO
SECTION 12101, TITLE 10, GUAM CODE
ANNOTATED, DEFINING INDIVIDUAL,
FAMILY AND MARRIAGE THERAPISTS FOR
LICENSING, AND FOR OTHER PURPOSES.

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

2 Section 1. A new subsection (s) is added to Section 12101, Title 10,
3 Guam Code Annotated, to read:

4 "(s) 'Individual, Family and Marriage Therapist' means a skilled
5 individual qualified by practical and academic training to provide
6 planned intervention to help the client(s) enlarge competencies and
7 increase problem solving skills and coping abilities. Licensure
8 requirements and scope and procedures of practice for such individuals
9 shall be promulgated by the Board of Allied Health Examiners."

10 Section 2. WHEREAS, U.S. Public Law 91-596, also known as the
11 "Occupational Safety and Health Act of 1970", was enacted to assure safe
12 and healthy working conditions for private sector employees; and

1 (k) 'Standing citation' shall mean the written citation issued by
2 the Administrator to an agency after hearing and concurrence by the
3 Safety Review Board.

4 (1) 'Effective date' shall mean ninety (90) days after this Act
5 becomes law.

6 Section 87102. Division of Inter-governmental Occupational Safety and
7 Health Created. There is within the Government of Guam the 'Division of
8 Occupational Safety and Health' which shall be administratively attached to
9 the Department of Labor. 'Administratively attached' shall mean that the
10 Director will have overall authority over the Division's budget, and that
11 concurrence of the Director must be obtained by the Administrator in hiring
12 employees of the Division. The Director shall have no authority or
13 jurisdiction and shall exercise no control over the Administrator or the
14 Division with respect to Sections 87104, 87105, 87106, 87107, 87109, 87110,
15 87111, 87112, 87113, 87114, 87115, 87116, 87121, 87123, 87124 and 87127 of
16 this Chapter.

17 Section 87103. Administrator. There shall be within the Division an
18 Administrator who shall act as the Chief Officer and direct the operations of
19 the Division. The Administrator shall be hired by the Director and shall be
20 in the classified service as established by the Government of Guam's Civil
21 Service Commission. The Administrator shall receive a salary equal to that
22 of the Director.

23 Section 87104. Duties of the Division. The general duties of the
24 Division shall be: (1) to continually review and modify safety standards
25 and rules, and to recommend to the Legislature enactment of same; (2) to
26 continually monitor and enforce enacted or temporarily promulgated safety
27 and health standards within the Government of Guam; and (3) to
28 continually assess employee safety, training and education programs on an
29 agency basis.

30 Section 87105. Safety Standards to be Recommended to the
31 Legislature. Within ninety (90) days from the effective date of this Act,
32 the Division shall recommend to the Legislature enactment of specific safety
33 and health standards for the Government of Guam. Such standards to be
34 considered by the Division shall include, but not be limited to, standards

1 deriving from U.S. Public Law 91-596. Thereafter, from time to time, the
2 Division will continue to review standards and make recommendations to the
3 Legislature for revision or expansion.

4 Section 87106. Review of Safety Standards Prioritized. In its
5 consideration of standards to be recommended to the Legislature for
6 enactment, the Division shall prioritize same. The first three priorities
7 shall be: (1) toxic, chemical or hazardous substance storage and handling,
8 including, but not limited to, the acquisition and use of protective gear and
9 equipment; (2) electrical and fire safety conditions; and (3) employee
10 education and training with respect to (1) and (2) above.

11 Section 87107. Temporary Waiver, Modification, Promulgation and
12 Enforcement of Standards Authorized. The Division is hereby authorized
13 to temporarily waive or modify any locally-enacted standard or rule on an
14 individual agency basis provided compliance of said standard, prior to
15 waiver or modification, may, in the written opinion of both the Chief Officer
16 of the affected agency and Administrator, prove beyond the financial means
17 of said agency. The Division is hereby authorized to temporarily
18 promulgate recognized standards and to enforce same on written order to
19 the Administrator or the Safety Review Board, if, in the opinion of the
20 Administrator or the Safety Review Board, an unsafe condition exists and is
21 likely to cause injury in the affected agency. Enforcement of such
22 modifications, waivers, or promulgations of safety standards or rules, shall
23 not exceed one (1) year unless enacted into local law.

24 Section 87108. Safety Inspectors and Other Employees. In addition to
25 clerical personnel hired by the Administrator with the concurrence of the
26 Director and in accordance with the personnel and compensation laws, the
27 Division shall be staffed by six (6) Safety Inspectors, each representing
28 one of the following safety disciplines: heavy construction, light
29 construction, industrial hygiene, hazardous substance control, electrical and
30 fire engineering. In order to qualify as a Safety Inspector, a person must
31 meet the qualifications established by the Government of Guam's Civil
32 Service Commission. Safety Inspectors shall be selected by the
33 Administrator with the concurrence of the Director and will be classified

1 employees of the Government of Guam to be established by the Civil Service
2 Commission.

3 Section 87109. Annual Inspections and Report. At least once a year,
4 every agency shall be inspected by the Division. Such inspection shall
5 include, but not be limited to, on-site inspection of every facility,
6 discussion with employees, and assessment of any educational, training and
7 safety programs, including, but not limited to, the administration of same.
8 As each agency is inspected, the Administrator shall cause a report to be
9 written by the Safety Inspector(s): (a) describing any safety and health
10 violations; (b) citing any standards so violated; (c) indicating the hazard
11 rating of each violation; (d) recommending specific corrective action; and
12 (e) the date by which each cited violation must be corrected. This report
13 shall be submitted to the Chief Officer of said agency for comment and
14 action. A follow-up inspection shall take place after the corrective date
15 deadline indicated in the Report, but in no event later than sixty (60) days
16 from said date. The Safety Inspector(s) shall note any positive action
17 taken, as well as the failure of the agency to correct other cited
18 deficiencies. The Safety Inspector(s) shall then include these findings in a
19 report to the Administrator, including, but not limited to, any
20 recommendations to issue citations or give temporary relief to the agency
21 through waiver or modification of specific standards.

22 Section 87110. Other Inspections Authorized. In addition to annual
23 and follow-up inspections, the Division may (a) inspect any agency for
24 safety violations upon the written request of any person, organization or
25 group of persons; and (b) conduct 'spot' or 'no notice' inspections for any
26 safety deficiencies without prior notice to the affected agency, at the
27 Division's discretion. The identity of any person, organization or group of
28 persons requesting an inspection of an agency of the Government of Guam
29 or reporting an unsafe condition shall be confidential.

30 Section 87111. Employee Hazard Reporting Program. The following
31 procedure is set forth for the submission of employee reports of unsafe or
32 unhealthful conditions in the workplace:

33 (a) All Government of Guam employees shall be encouraged to orally
34 report unsafe or unhealthful working conditions to their immediate

1 supervisor who will promptly investigate the situation and take appropriate
2 corrective actions, including, but not limited to, apprising the Safety
3 Officer of the agency. The Safety Officer may contact the Division for
4 assistance as necessary. The Safety Officers shall keep the reporting
5 employee informed of all actions taken.

6 (b) Any Government of Guam employee (or employee representative)
7 may submit a written report of an unsafe or unhealthful working condition
8 directly to the Division. A standard 'hazard report' form for this purpose
9 shall be drafted by the Division and provided by the same to each agency.
10 Such forms shall be placed by each agency in areas convenient to all
11 workplaces. Employees' names shall remain anonymous and the form shall so
12 indicate.

13 (c) Upon receipt of a 'hazard report' form, a Safety Inspector will
14 contact the originator, if identified, to acknowledge receipt and discuss the
15 seriousness of the reported hazard. The Division shall advise the cognizant
16 supervisor and Safety Officer that a hazard has been reported. Unsigned
17 'hazard report' forms may be investigated at the discretion of the Division.

18 (d) The Division shall investigate all signed reports. Alleged
19 imminent danger situations, including, but not limited to, the potential for
20 death or severe injury and/or loss of facility or major property damage,
21 shall be investigated within twenty-four (24) hours. Potentially serious
22 situations shall be investigated within three (3) days. If the reported
23 situation involves a health hazard, as opposed to a safety hazard, the
24 Division will refer the report to the cognizant medical authority for
25 investigation as necessary.

26 (e) The Division shall provide an interim or complete response in
27 writing to the originator of the report within fifteen (15) working days of
28 receipt. Interim responses will include the expected date for a complete
29 response. If the investigation validates the reported hazard, the complete
30 response shall include a summary of the action taken for abatement. If no
31 significant hazard is found to exist, the reply shall include the basis for
32 that determination.

1 (f) The complete response shall encourage, but not require, the
2 originator to informally contact the Division if he or she desires additional
3 information or is dissatisfied with the response.

4 Section 87112. Government of Guam to Furnish Information. Every
5 agency shall at all times cooperate with the Division in the performance of
6 its functions, and, upon request, furnish the Division all information that it
7 may require respecting any of the matters concerning employee safety,
8 health or working conditions, and shall permit the examination of its
9 personnel, facilities, books, records, contracts, maps and other documents
10 by the Division, or any person authorized by it in writing to make such
11 examination.

12 Section 87113. 30-Day Citation Issued. The Administrator shall cause
13 a 30-day citation to be issued to the Chief Officer of the affected agency
14 when: (1) violation(s) have been identified in the annual inspection report
15 and no substantial action to correct same has taken place by the deadline
16 set by Safety Inspectors; (2) on the written order of the Safety Review
17 Board; or (3) on any inspection made by the Division a safety violation is
18 found to exist that if not corrected immediately, poses a serious threat to
19 employee health or safety. This shall include, but not be limited to, 'spot'
20 or 'no notice' inspections authorized by Section 87110 of this Chapter.
21 Notice of a 30-Day Citation shall be provided by the Chief Officer of the
22 agency, the agency's Safety Officer, and posted at each affected worksite
23 in a place(s) where it can be easily read by employees. The 30-Day
24 Citation shall include the following information: (a) a description of the
25 violation and standard violated; (b) the hazard rating of said violation; (c)
26 the telephone contact number of the Division for further information; (d) a
27 statement that no action may be taken against employees for refusing to
28 endanger themselves by working in an unsafe site, and (e) a statement that
29 if an employee is ordered or coerced to work at said unsafe site, he/she is
30 to report same to either the Safety Officer of the agency or the Division.

31 Section 87114. 30-Day Citation Removed. A 30-Day Citation may be
32 withdrawn only on the written approval of the Administrator or by written
33 order of the Safety Review Board. If violation(s) cited in a 30-Day
34 Citation are corrected any time within the thirty (30) days specified, the

1 Division shall be informed and an inspection shall be made by same. If the
2 violation has in fact been corrected, the Administrator shall cause the
3 citation to be withdrawn and notice of same shall be provided to the Chief
4 Officer of the agency and the Safety Officer. It shall likewise be posted at
5 each affected worksite at a place where it can be easily read by employees.

6 Section 87115. Standing Citation Issued. In the event that an agency
7 of the Government of Guam does not take action to correct violations cited
8 in a 30-Day Citation within the thirty (30) days specified, the Administrator
9 shall recommend issuance of a Standing Citation to the Safety Review
10 Board. In the event the Safety Review Board concurs in this
11 recommendation, Notice of a Standing Citation and the written findings of
12 the Safety Review Board shall be provided to the Chief Officer of the
13 affected agency, its Safety Officer, the Governor, and the Speaker of the
14 Guam Legislature. In addition, such Notice shall be posted at each affected
15 worksite in a place where it can be easily read by employees. The
16 Standing Citation shall include the following information: (a) a description
17 of the violation and standard violated; (b) the hazard rating of said
18 violation; (c) the telephone number of the Division to contact for further
19 information; (d) a statement that no action may be taken against employees
20 for refusing to endanger themselves by working in an unsafe site, and (e)
21 a statement that if an employee is ordered or coerced to work at said
22 unsafe site, he/she is to report same to either the Safety Officer of the
23 agency or the Division.

24 Section 87116. Standing Citation Removed. A Standing Citation may
25 be withdrawn only on the written approval of the Administrator or on
26 written order of Safety Review Board. If violation(s) cited in a Standing
27 Citations are corrected at any time after issuance, the Division shall be
28 informed and an inspection shall be made by the same. If the violation has
29 in fact been corrected, the Administrator shall cause the citation to be
30 withdrawn and notice of same shall be provided to the Chief Officer of the
31 agency, the Safety Review Board, the Governor and Speaker of the Guam
32 Legislature. It shall likewise be posted at each affected worksite at a place
33 where it can be easily seen by employees.

1 Section 87117. Safety Review Board Created. There is hereby
2 created a Safety Review Board comprised of five (5) members who shall be
3 appointed by the Governor with the advice and consent of the Legislature.
4 One shall be an attorney who has experience in representing accident
5 victims; one shall be an attorney who has experience in representing
6 insurance companies in accident cases; one shall be an employee from a line
7 department; one shall be an employee of an autonomous agency; and one
8 shall be a medical practitioner. The Board shall choose a Chairman from
9 among its members. At least three members must be present for there to
10 be a quorum. All decisions of the Board shall be by a majority vote, there
11 being at least four (4) members voting. The Board may hire an
12 independent safety consultant, a secretary and its own attorney. All
13 decisions rendered by the Board shall be binding on the Government and
14 the Division and shall be in writing.

15 Section 87118. Safety Review Board Meetings Public. All meetings,
16 hearings and deliberations of the Board shall be public and minutes kept.
17 The only exception to open and public meetings, hearings and deliberations
18 shall be those concerning personnel matters of the Division. Personnel
19 matters of the Division shall not, however, mean meetings, hearings or
20 deliberations on the evaluation of any agency's safety performance. No
21 meeting, hearing or deliberation of the Board shall take place unless there
22 is notice of same with the purpose stated thereof and the date, time and
23 place at which it will be held. Such notice must have been advertised not
24 less than two (2) times in a newspaper of general circulation in Guam, the
25 first publication being not more than seven (7) days before the scheduled
26 meeting, hearing or deliberation, and the last publication being not less
27 than two (2) days prior to the scheduled meeting, hearing or deliberation.
28 The Board shall inform the Administrator, the Chief Officer of the affected
29 agency and the Safety Officer, who shall inform employees working at the
30 affected site. The Board may use additional media such as radio or
31 television to advise the public if it finds it necessary to do so.

32 Section 87119. Duties of Safety Review Board. The Safety Review
33 Board shall meet at least once a month to: (a) hear agency appeals from
34 citations issued by the Division and to make a determination as provided

1 herein; or (b) to act on recommendations from the Division as provided
2 herein.

3 Section 87120. Safety Review Board may make Rules and Establish
4 Fees. In the hearings before it, the Board is not bound by the procedures
5 set out in Chapter II of Title XXV of the Government Code, as amended,
6 (Section 24100 through 24142 of the Government Code) but may establish its
7 own procedures for the conduct of hearings and the admission of evidence.
8 It shall establish its own procedures however, by promulgating rules
9 according to the rule-making procedures set out in Chapter III of Title XXV
10 of the Government Code, as amended, (Section 24200 through 24211 of the
11 Government Code). The Board shall not be bound by the strict rules of
12 statutory or common law relating to the admission or rejection of evidence,
13 but may exercise its own discretion in these matters with a view to doing
14 substantial justice. However, in making a determination whether to uphold
15 a 30-Day Citation or to issue a Standing Citation, the Safety Review Board
16 shall above all:

17 (a) Place the burden of proof on the affected agency as to why said
18 citation should not be upheld or issued;

19 (b) Consider the potential danger to employees, as well as the
20 potential liability to the Government should an accident occur; and

21 (c) Consider whether the cited violation can be corrected within the
22 financial and personnel means of the affected agency.

23 All findings of the Safety Review Board shall be in writing and
24 furnished to the Chief Officer of the affected agency, its Safety Officer,
25 and the Administrator. The Board may establish and amend a schedule of
26 reasonable fees and costs for copies of papers and records requested by
27 interested parties or any person or entity, and for the filing and serving
28 of papers and documents required by this Chapter. All such fees and
29 costs charged and collected shall be paid into the Safety Review Board
30 Fund.

31 Section 87121. Appeals. The Chief Officer of any agency of the
32 Government of Guam may file a notice of appeal with the Safety Review
33 Board from a citation issued by the Division. This Notice of Appeal shall
34 be in writing stating briefly the reason the agency feels the citation is

1 unjustified. A copy of said Notice shall be furnished to the Administrator.
2 On receipt of said notice of appeal, the Chairman of the Safety Review
3 Board shall schedule a hearing and inform both the Chief Officer of the
4 affected agency, the Safety Officer and the Administrator. This appeal
5 shall be timely heard, but in no event not later than sixty (60) days after
6 receipt of said notice. If a citation has not been actually issued, the
7 Division shall not post citation until a determination of the appeal by
8 the Board. In the event the Board concurs with the affected agency, the
9 Administrator shall not issue said citation or shall remove same as provided
10 in Sections 87114 and 87116 of this Chapter. In the event the Board finds
11 with the Division, the Board shall order issuance of the citation as provided
12 in Sections 87113 and 87115 of this Chapter. In the event the Board
13 concurs with the Administrator in the issuance of a Standing Citation, the
14 Standing Citation shall be printed in full and publicized one (1) time a
15 month in a newspaper of general circulation until cited violations are
16 corrected.

17 Section 87122. May Compel Witnesses and Furnish Information. In
18 making a determination and in all proceedings before it, the Board shall
19 have the same powers respecting administering oaths, compelling the
20 attendance of witnesses, the production of documentary evidence, and
21 examining witnesses as are possessed by the Superior Court. In case of
22 contempt or disobedience by any person to any order of the Board or any
23 subpoena issued by it, or of the refusal of any witness to testify to any
24 matter regarding which he may be questioned lawfully, the Superior Court,
25 on application by the Board, shall compel obedience and punish said person
26 as in the case of disobedience of the requirements of a subpoena issued
27 from the Superior Court or a refusal to testify therein. Nothing herein
28 shall be construed as giving to an agency immunity of any kind
29 except as may already be conferred by law. The fees and traveling
30 expenses of witnesses shall be the same as allowed witnesses in the
31 Superior Court and shall be paid out of any appropriation available for the
32 expenses of the Board.

1 Section 87123. Division Priorities. In addition to the priorities
2 outlined in Sections 87105 and 87106 of this Chapter, during its first year
3 of operation, the Division shall conduct its annual, follow-up and 'no notice'
4 investigations of the Government of Guam as provided in Sections 87109 and
5 87110 of this Chapter. However, no citations shall be issued during this
6 time for any violation whose corrective action requires substantial monetary
7 expenditure. Citations will be issued for any safety or health violation not
8 requiring any substantial expenditure of funds. During its first year of
9 operation, the Division shall work with each agency of the Government of
10 Guam to (a) explain applicable standards; (b) consider legislation amending
11 or waiving any standards on an agency-by-agency basis; (c) assessing and
12 determining a reasonable employee safety education and training program,
13 including, but not limited to, the minimum number of hours to be spent by
14 every employee in safety training or education; (d) recommending the
15 percentage of each agency's budget which should be earmarked for safety,
16 including, but not limited to, employee education and training; (e)
17 determining the expenditure necessary to correct major life-threatening
18 violations; and (f) reviewing employee accident compensation legislation.

19 In considering standards, training, education and enforcement of same,
20 the Division shall prioritize same as follows: (1) toxic, chemical or
21 hazardous substance storage and handling, including, but not limited to,
22 the acquisition and use of protective gear and equipment; (2) electrical and
23 fire safety conditions; (3) employee education and training in (1) and (2)
24 above.

25 At the end of the first year, the Division shall begin issuing citations
26 on all violated standards regardless of monetary expenditure needed to
27 correct same.

28 Section 87124. Report to the Governor. Within one (1) year after the
29 effective date of this Act, the Division shall furnish a report to the
30 Governor, recommending on an agency-by-agency basis: (a) remedial rules
31 and legislation with respect to safety standards; (b) detailing safety and
32 health deficiencies, including, but not limited to, any citations issued,
33 withdrawn, corrected and outstanding; (c) recommending appropriations to
34 correct life-threatening safety deficiencies; (d) recommending appropriations

1 for employee safety education and training; (e) recommending what
2 percentage of each agency's budget should be set aside for safety; and (f)
3 recommending remedial legislation with respect to employee accident
4 compensation. A copy of this Report shall be furnished to the Legislature,
5 together with the Governor's recommendations on same. Thereafter, a
6 similar report shall be made to the Governor on an annual basis with a copy
7 transmitted to the Legislature. Notwithstanding any provisions of Chapter
8 IX of Public Law 19-5, this report shall be considered a public document.

9 Section 87125. Employees not to be Compelled to Work in Unsafe
10 Conditions. After citation of an unsafe working condition by the Division,
11 no employee may be compelled or in any way coerced to work in an unsafe
12 working condition. Anyone who compels or coerces an employee to do so
13 shall be guilty of a misdemeanor, and, in addition, shall be held personally
14 liable for actual and punitive damages should an employee suffer injury as a
15 result of said unsafe working condition. Civil actions may be brought
16 against such person without reference to the Government Claims Act. No
17 disciplinary action may be brought against an employee who either refuses
18 to work in an unsafe working condition after citation of same by the
19 Division, or who reports an unsafe working condition to either the Safety
20 Officer or the Division. Refusal to work in an unsafe working condition
21 after citation of same by the Division, or reporting of an unsafe working
22 condition, shall not be considered in evaluating job performance or be
23 considered as a factor in the promotion or demotion or adverse action of
24 said employee.

25 Section 87126. Unauthorized Removal of Citation Prohibited. Anyone,
26 other than the Administrator or his designee, who removes a citation issued
27 by the Division shall be guilty of a felony, and, in addition,
28 shall be held personally liable for actual and punitive damages of any
29 employee who suffers injury as a result of removal of said citation. Civil
30 actions may be brought against such person without reference to the
31 Government Claims Act.

32 Section 87127. Safety Training Mandatory. Every employee, whether
33 in the classified or unclassified service, shall spend a specified number of
34 hours each year in the safety training of his or her agency to be eligible

1 for promotion and/or cost of living adjustment. The specified number of
2 hours shall be determined by the Legislature after the Division submits its
3 Report as provided in Section 87124. The number of hours each employee
4 must spend in minimum safety training may be adjusted from year-to-year
5 by the Legislature.

6 Section 87128. Severability. If any of the provisions of this Chapter,
7 or the application thereof to any person or circumstance, is held invalid,
8 such invalidity shall not affect any other provision or application of this
9 Chapter which can be given effect without the invalid provision or
10 application, and to this end the provisions of the Chapter are severable."

11 Section 3. In any case where protective gear is operable and
12 available, and an employee chooses not to use same, the Government of
13 Guam shall not be held liable for any damages or injuries preventable by
14 use of such protective devices.

15 Section 4. On the effective date of this Act, the Chief
16 Officer of every agency shall designate a Safety Officer to be
17 responsible for the safety program of his/her department. Duties
18 shall include, but not be limited to, accepting employee complaints of
19 working conditions and the dissemination to employees of any Division notice
20 of citations or withdrawal of same, as well as notice of any Board hearings
21 and decisions.

22 Section 5. There is hereby appropriated from the General Fund the
23 sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) to the
24 Department of Labor for the Division of Occupational Safety and Health for
25 its first year's operations.

26 Section 6. Safety, including, but not limited to, safety equipment,
27 training, education, and programs for correction of potential or cited
28 deficiencies, shall be a line item in the annual budget submissions of
29 agencies of the Government of Guam.

30 Section 7. Chapter VIII of Public Law 19-10 is hereby repealed and
31 reenacted to read:

"CHAPTER VIII

Superior Court of Guam Fiscal Year 1988 appropriations.

SUPERIOR COURT OF GUAM

	General Fund	Other Fund	Federal Fund	Total
A. For Administration				
1. Personnel Services	\$ 510,320			\$ 510,320
	(20.0 FTE)			(20.0 FTE)
2. Operating Expenses	427,786			427,786
3. Lease of Office Space	128,463			128,463
4. Utilities				
a. Power	104,000			104,000
b. Water/Sewer	4,100			4,100
c. Telephone	31,796			31,796
5. Capital Outlay	70,266			70,266
6. Miscellaneous				
a. Personnel Development	1,818			1,818
b. Contingency Fund	3,500			3,500
TOTAL	\$1,282,049			\$1,282,049
B. For Financial Management				
1. Personnel Services	\$ 243,012			\$ 243,012
	(9.0 FTE)			(9.0 FTE)
2. Operating Expenses	3,527			3,527
3. Capital Outlay	4,426			4,426
4. Miscellaneous				
a. Personnel Development	2,030			2,030
TOTAL	\$ 252,995			\$ 252,995
C. For Courts/Ministerial Offices				
1. Personnel Services	\$1,815,685			\$1,815,685
	(63.0 FTE)			(63.0 FTE)
2. Operating Expenses	66,769			66,679
3. Contingency Fund	10,000			10,000

1	4.	Jury Services	390,000			390,000
2	5.	Court Appointed				
3		Legal Service	350,000			350,000
4	6.	Personnel Development	90			90
5	7.	Capital Outlay	29,455			29,455
6		TOTAL	\$2,661,999			\$2,661,999
7	D.	For Marshal's Office				
8	1.	Personnel Services	\$ 583,389			\$ 583,389
9			(23.0 FTE)			(23.0 FTE)
10	2.	Operating Expenses	6,253			6,253
11	3.	Capital Outlay	6,037			6,037
12	4.	Miscellaneous				
13	a.	Personnel Development	675			675
14		TOTAL	\$ 596,354			\$ 596,354
15	E.	For Probation Services				
16	1.	Personnel Services	\$ 936,359			\$ 936,359
17			(36.0 FTE)			(36.0 FTE)
18	2.	Operating Expenses	22,345			22,345
19	3.	Utilities				
20	a.	Telephone	635			635
21	4.	Capital Outlay	10,247			10,247
22		TOTAL	\$ 969,586			\$ 969,586
23	F.	For Judicial Council				
24	1.	Operating Expenses	\$ 16,953			\$ 16,953
25	2.	For the Stipends of				
26		the Judicial Council				
27		as required by Section				
28		121 of the Civil				
29		Procedure Code of Guam	3,550			3,550
30		TOTAL	\$ 20,503			\$ 20,503
31	G.	For Board of Law Examiners				
32	1.	Operating Expenses	\$ 10,730			\$ 10,730

1 2. For the Stipends of
 2 the Board of Law
 3 Examiners as required
 4 by Section 28015 of
 5 the Government Code
 6 of Guam

2,400	_____	_____	2,400
\$ 13,130			\$ 13,130

7 TOTAL

9 GRAND TOTAL

10 SUPERIOR COURT OF GUAM \$5,796,616 \$5,796,616."

12 Section 8. Concurrence. The Legislature concurs in the execution by
 13 the Judicial Council of a loan agreement with the Farmers Home
 14 Administration, United States Department of Agriculture, in the sum of
 15 Eleven Million Dollars (\$11,000,000) to build a new Judicial Building, which
 16 agreement is embodied in the loan resolution adopted by the Judicial Council
 17 on March 17, 1988, pursuant to Section 189.5 of the Code of Civil
 18 Procedure.

19 Section 9. Effective date. The loan agreement referred to in Section
 20 8 of this Act shall also become effective upon the effective date of this Act
 21 pursuant to Section 189.5 of the Code of Civil Procedure.

22 Section 10. Section 81.2 of the Guam Code of Civil Procedure is
 23 repealed and reenacted to read as follows:

24 "Section 81.2. Resignation or retirement for age. Any judge or
 25 justice who resigns after serving at least twenty (20) years,
 26 continuously or otherwise, or after attaining the age of sixty-five (65)
 27 years and after serving at least fifteen (15) years, continuously or
 28 otherwise, shall continue during the remainder of his life to receive
 29 ninety percent (90%) of the salary he received when he relinquished
 30 the office, or after attaining the age of seventy (70) years and after
 31 serving at least seven (7) years, but less than fifteen (15) years
 32 continuously or otherwise, shall continue during the remainder of his
 33 life to receive sixty percent (60%) of the salary he received when he
 34 relinquished the office."

1 Section 11. The sum of Three Million Four Hundred Thirty-nine
2 Thousand Dollars (\$3,439,000) is appropriated from the General Fund to the
3 Department of Education as an advance appropriation from the FY'89 budget
4 to procure textbooks, workbooks, and library books from off-island vendors
5 for the School Year 1988-89. The FY'89 budget approved by the Board of
6 Education and transmitted to the Legislature shall include, broken down by
7 school and by subject matter, the amount of the appropriation in this
8 Section within the ceiling set for the Department of Education. The amount
9 approved pursuant to this Section shall be allocated for book purchases not
10 to exceed the following:

11 Public Schools and Private Schools/School Libraries

12 Elementary Schools	\$1,446,000
13 Secondary Schools	1,168,000
14 Special Education	114,000
15 Library Books	406,000
16 Private Schools	<u>305,000</u>
17 Total	\$3,439,000

18 Section 12. The sum of Ninety-Six Thousand Dollars (\$96,000) is
19 appropriated from the General Fund to the Guam Economic Development
20 Authority to subsidize the payment of interest on Federal Fund loans
21 available to local farmers so that the farmers will pay interest at the rate of
22 three percent (3%) to four percent (4%), as set forth by the Guam Economic
23 Development Authority, and the difference between the rate of interest and
24 the interest charged according to Federal Fund Programs will be paid from
25 this appropriation.

26 Section 13. A new Subsection (f) is added to 11 GCA 24401 to read:

27 "(f) Property use in active farming for at least eight (8) months
28 in any tax year."

29 Section 14. Notwithstanding any other provision of law, all subdivided
30 lots located within Tract 538, and within Lot 10090-2, Tract 534,
31 Municipality of Machanao, Dededo, currently zoned 'A', are rezoned "R-1".

32 Section 15. The Governor by Executive Order shall postpone the
33 effective date of the provisions of Section 14 of this Act until a sewer
34 system which is adequate to protect the water lens underlying the affected

1 properties is operational, as certified by the Guam Environmental Protection
2 Agency.

3 Section 16. The sum of Forty-Five Thousand Dollars (\$45,000) is
4 appropriated from the Tourist Attraction Fund to the Guam Council on the
5 Arts and Humanities Agency to fund the participation of Guam in the Fifth
6 Festival of Pacific Arts to be held in Townsville, Australia.

7 Section 17. The sum of One Hundred Thousand Dollars (\$100,000) is
8 appropriated from the General Fund to the Off-Island Sports Fund of the
9 Department of Parks and Recreation for the purposes of funding off-island
10 travel of the Guam National Olympic Team to Seoul, Korea and for other
11 allowable purposes.

12 Section 18. Chapter II, Part XX, E of Public Law 19-10 is repealed
13 and reenacted to read as follows:

	General Fund	Other Fund	Federal Fund	Total
14				
15				
16	"E. Special Events Development Fund			
17	1. Christmas in Guam '87	\$ 10,000		\$ 10,000
18	2. Fiestan Guam Celebration	-0-		-0-
19	3. Jet Ski International	-0-		-0-
20	4. Off-Roaders International	35,000		35,000
21	5. Bicycle International Race	-0-		-0-
22	6. Guam-Micronesia Island Fair	50,000		50,000
23	7. International Baseball	25,000		25,000
24				
25	TOTAL	\$120,000		\$120,000"

26 Section 19. A new Section G is added to Chapter II, Part XX of Public Law 19-10
27 read as follows:

	General Fund	Other Fund	Federal Fund	Total
28				
29				
30	"G. Special Projects Committee			
31	1. Grant-in-aids	\$ 55,000		\$ 55,000
32				
33	TOTAL	\$ 55,000.		\$ 55,000"

1 Section 20. The sum of One Hundred Thousand Dollars (\$100,000) is
2 appropriated from the General Fund to the Department of Public Works for
3 the necessary improvements of the new Merizo Public Cemetery in
4 accordance with the provisions of P.L. 16-17.

5 Section 21. Section 7 of P.L. 19-14 is repealed and reenacted to read:

6 "Section 7. It shall be considered an illegal water hookup to
7 interconnect a residence or a commercial business to a line which is
8 metered for agricultural use. Any person who is receiving water at an
9 agricultural rate may not use such water for residential or commercial
10 purposes, or for any purpose other than agricultural use or livestock
11 watering. On any ranch having a residence or business thereon,
12 there shall be a residential or commercial water meter (as appropriate),
13 in addition to a meter monitoring agricultural use. In addition to all
14 other penalties, violation of this Section shall also result in
15 disconnection of all agricultural water to the offending lot for a period
16 of eighteen (18) months, unless all fines, penalties, and water charges
17 have been paid and proper connections have been made for residential
18 or commercial water use."

19 Section 22. The sum of Forty-three thousand Eight Hundred
20 Seventy-six Dollars and Twenty-three Cents (\$43,876.23) is appropriated
21 from the General Fund to the Legislative Operations Fund for reimbursement
22 of State Funeral expenses.

23 Section 23. Subitem (4) of Subsection (a) of Section 8136 of Title 4 of
24 the Guam Code Annotated is repealed and a new Subitem (4) is added to
25 Subsection (a) of said Section 8136 to read as follows:

26 "(4) At the written option of the member, eight and one-half
27 percent (8.5%) of the following non-base pay of such members:
28 Overtime, bonuses, hazardous duty pay, night differential pay, lump
29 sum annual leave paid upon retirement, summer school pay, extra
30 teaching assignments pay, and other salary for services rendered paid
31 to members by the government. A new member shall exercise in
32 writing his or her option to contribute for such non-base pay within
33 sixty (60) days of joining the Fund, failing which such member shall
34 be deemed to have permanently waived the right to exercise such

1 option. All current members shall have until October 1, 1988 to
2 exercise such option. After a member exercises such option the
3 contribution of such member shall be based on such member's base and
4 non-base pay. To complete a current member's exercise of such
5 option, such a member shall pay into the Fund such member's share
6 plus regular interest to the date such deposit is completed of the total
7 contribution required for such non-base pay for such period for which
8 such member wishes to make a retroactive contribution up to the
9 effective date of this Subsection, but not to exceed any period prior
10 to October 1, 1983. The Board shall report to the Legislature by
11 November 1, 1988, (i) the number of members who have exercised the
12 option to contribute for their non-base pay, (ii) the amounts paid by
13 such members as their contribution, and (iii) sums necessary to
14 constitute the employer's share of such contribution so as to maintain
15 the integrity of the Fund in order that the necessary amount shall be
16 appropriated, authorization for which is given. A current member
17 exercising his or her option shall have up to thirty-six (36) months in
18 which to pay the contribution required for the non-base pay for which
19 retroactive credit is sought, under such rules and regulations as to
20 such extended payments plans as are promulgated by the Board;
21 provided, however, that all such contributions shall be paid in by a
22 member before such a member's retirement."

23 Section 24. There is appropriated to the Guam Economic Development
24 Authority, for a loan for the use and benefit of the Option 3 claimants in
25 the Guam Land Claims cases filed pursuant to 48 U.S.C. Section 1424(c) the
26 sum of \$418,272.00, which corresponds to the amount being returned to the
27 General Fund of Guam by reason of settlement of the Option 1 and Option 2
28 cases and the provision in that settlement for repayment of land claims
29 support loans and appropriations previously made to or on behalf of the
30 land claimants through the Guam Economic Development Authority and the
31 Guam Public Defender Service Corporation. The Guam Economic
32 Development Authority shall administer this appropriation pursuant to the
33 provisions of Public Law 17-52. All funds loaned pursuant to this Section

1 shall be repaid under terms and conditions consistent with Public Law
2 17-52.

3 Section 25. A new Article 4.1 is added to Title 12 of Chapter 2 of the
4 GCA to read:

5 "Article 4.1

6 Land Claims Rebate

7 Section 2450. Limited Qualifying Certificate. A Limited
8 Qualifying Certificate is an instrument valid for not more than two (2)
9 years issued by the Chairman of the Board upon recommendation of the
10 Board to a beneficiary who has qualified for a tax rebate under this
11 Article.

12 Section 2451. Same: eligibility. Any person shall be eligible for
13 a Limited Qualifying Certificate who has received compensation for land
14 takings from the United States pursuant to Omnibus Territories Act of
15 1977 (the 'Act').

16 Section 2452. Same: rescission. A Limited Qualifying Certificate
17 may be rescinded for fraud or misrepresentation of any material
18 allegation in the application for such Certificate.

19 Section 2453. Same: application. Applications for Qualifying
20 Certificates shall be filed on forms prescribed and furnished by the
21 Corporation.

22 Section 2454. Rebate. Each beneficiary of the Limited Qualifying
23 Certificate shall receive a rebate of one hundred percent (100%) of all
24 income tax paid to the government of Guam on any payment by the
25 United States as compensation for land taking pursuant to the Act.

26 Section 2455. Same: claim. To claim the rebate, the Beneficiary
27 shall attach a certified true copy of the Limited Qualifying Certificate
28 to his Guam income tax return when filing it. The amount of tax due
29 prior to rebate shall be deposited with the Treasurer of Guam at the
30 time of filing the income tax return. The Director of Revenue and
31 Taxation shall thereafter cause the return to be reviewed and audited,
32 and if the rebate is found in order, shall cause the amount deposited
33 to be returned to the taxpayer within sixty (60) days from the date of
34 the deposit.

1 Section 2456. Rules. The Director of Revenue and Taxation may
2 issue such rules as are deemed necessary to implement the procedures
3 outlined in this Article.

4 Section 2457. Fee. An application fee of Five Dollars (\$5) shall
5 accompany each application for a Limited Qualifying Certificate."

6 Section 26. The sum of Twenty-Five Thousand Dollars (\$25,000) is
7 appropriated from the General Fund to the Department of Parks and
8 Recreation for the purpose of funding the 1988 Guam Youth Football League
9 and for other purposes related to the League.

10 Section 27. Title LXVI, Chapter 3, Sections 62200 through 62210,
11 inclusive, of the Government Code, establishing the Guam International Air
12 Terminal Gaming Zone, is hereby repealed in its entirety.

13 Section 28. §47104.1 of the Government Code, which exempts from
14 criminal liability the importation or operation of slot machines or any other
15 gambling devices at the Guam International Air Terminal Gaming Zone, is
16 hereby repealed in its entirety.

17 Section 29. Title XXVII, Chapter IV, Sections 26400 through 26438,
18 inclusive, of the Government Code (the "Guam Jai Alai Act"), is hereby
19 repealed in its entirety.

20 Section 30. §64.55 of Title 9 GCA, Chapter 64, permitting wagering
21 by persons eighteen years of age or older on the Spanish game known as
22 jai-alai at certain facilities licensed by the Guam Gaming Commission is
23 hereby repealed in its entirety.

24 Section 31. Title LXVI, Chapter IV, Sections 62300 through 62326,
25 inclusive, of the Government Code (the "Territorial Lottery Act"), is
26 hereby repealed in its entirety.

27 Section 32. §64.60 of Title 9 GCA, Chapter 64, which exempts from
28 criminal liability any gambling or wagering permitted under the "Territorial
29 Lottery Act" is hereby repealed in its entirety.

30 Section 33. Notwithstanding any other provision of law, Lot No.
31 5138-2-3NEW, Municipality of Dededo, Guam, is hereby rezoned Commercial.

32 Section 34. Twenty-Five Thousand Dollars (\$25,000) are appropriated
33 from the Tourist Attraction Fund to Guam Visitors Bureau for repairing and
34 re-erecting the Dos Amantes Statue.

1 Section 35. The Governor of Guam is authorized to convey, for a sale
2 price of no less than One Hundred Fifty Dollars (\$150.00) per square
3 meter, a certain parcel of government land, more particularly described as
4 a portion of Old Padre Palomo Street, contiguous to Lot No. 2005 New-1,
5 Agana Village, containing an area of 34.83+/- square meters, (374.92+/- sq.
6 ft.) as delineated on the attached map to Mr. Robert E. DeLodge, current
7 owner of Lot No. 2005 New-1, Agana Village.

8 Section 36. The provisions of Section 3 of P.L. 12-61, as amended,
9 shall not apply to the land sale authorized by this Act.

10 Section 37. Notwithstanding any other provision of law, rule or
11 regulation to the contrary, the sale as authorized in Section 35 is approved
12 by the Legislature.

13 Section 38. Notwithstanding any provision of law, rule or regulation
14 to the contrary, the Governor of Guam is authorized to lease government
15 owned real property in the Municipality of Piti, described as a portion of
16 submerged land containing an area of approximately 668 square meters, as
17 shown on Sketch No. 1611, to Pacific Underwater Observatory, Inc., for a
18 term not to exceed fifty (50) years. Payment for any such lease shall not
19 be less than Five Hundred Dollars (\$500.00) per month for the first year
20 and One Thousand Dollars (\$1,000.00) per month in the second year, with
21 standard escalation procedures to be followed thereafter.

22 Section 39. There is hereby appropriated the sum of One Hundred
23 Eighty Thousand Dollars (\$180,000.00) from the General Fund to the
24 Department of Public Works to reconstruct the retaining wall on San Ramon
25 Hill Road and next to the Friary, Municipality of Sinajana, of which One
26 Hundred Thousand Dollars (\$100,000.00) of that amount shall be used for
27 the purpose of installing traffic control signals and devices at the
28 intersection of Route 1, Marine Drive and Macheche Road in the Municipality
29 of Dededo. Any funds which are not expended or encumbered through
30 contract, for actual installation/construction, within one hundred twenty
31 (120) days of this Act's enactment, for the strict purposes expressed in
32 this Act, shall revert to the General Fund.

1 Section 40. The sum of Sixty-six Thousand Dollars (\$66,000) is
2 appropriated to the Commissioners' Council of Guam for the purpose of
3 purchasing a dump truck with a load capacity of twelve (12) cubic yards.
4 The dump truck is to be used by the commissioners of Guam on a rotating
5 basis, as established by the Council, to serve the needs of village
6 residents. The vehicle shall be under the custody of the Commissioner's
7 Office of Yona, which office has other heavy equipment which complements
8 the use of a dump truck.

9 Section 41. The following positions in the Bureau of Budget and
10 Management Research are classified as follows:

<u>Position</u>	<u>Existing</u> <u>Pay Range</u>	<u>Reclassified</u> <u>Pay Range</u>
Budget & Management Analyst I	from 30	to 38
Budget & Management Analyst II	from 34	to 42
Budget & Management Analyst III	from 38	to 47
Budget & Management Analyst IV	from 42	to 53
Budget & Management Program Supervisor	from 45	to 58

18 The reclassification in this Section shall take effect September 30,
19 1988. Each Budget and Management Analyst and Budget and Management
20 Program Supervisor shall remain in the same step he or she holds prior to
21 the reclassification but shall have his or her pay range adjusted according
22 to the schedule set forth in this Section.
23

24 Section 42. Notwithstanding any other provision of law or other
25 regulations, a student who otherwise would not have qualified for a student
26 loan financial assistance award from the University of Guam for off-island
27 and on-island studies, shall be deemed eligible for such financial assistance
28 award upon satisfactory completion of no less than sixty (60) credit hours
29 at a U.S. recognized and accredited college and/or university with a grade
30 point average of no less than 3.0. All other eligibility criteria have still to
31 be adhered to.

1 Section 43. Creation of a Task Force. There is hereby established a
2 Task Force on Employment for Displaced Workers to consist of seven (7)
3 members who shall be appointed by the Governor for the purpose of
4 implementing the intent of this Act.

5 Section 44. Membership. The members of the Task Force shall be
6 selected in a manner that will ensure adequate representation of both public
7 and private sector and one (1) member shall be selected from each of the
8 following: the Department of Labor; the Guam Community College; the
9 Agency for Human Resources and Development; the Guam Visitors Bureau;
10 the Chamber of Commerce; the Guam Employers Council, and the Hotel and
11 Restaurant Owners Association.

12 The members shall, from among themselves, select a chairman, and
13 other officers as they deem necessary.

14 Section 45. Duties and Responsibilities. Notwithstanding any other
15 law, rule or regulation, the Task Force shall coordinate, centralize and
16 identify all job announcements and to appropriately inform and solicit
17 employment applications to the respective departments, agencies and
18 instrumentalities, of the Government of Guam and to private sector
19 industries.

20 The Task Force shall also conduct studies for the following purposes
21 to ensure employment of these displaced workers:

22 (a) examine alternative ways and means to eventually employ
23 displaced workers; and

24 (b) develop a comprehensive plan for public and private sector
25 employment.

26 Section 46. Eligibility. To be eligible for the program, the owners or
27 general managers shall submit to the Task Force a certified and complete
28 list of employees terminated as a result of seizure and confiscation of poker
29 machines.

30 Section 47. Within fifteen (15) days after the enactment of this Act,
31 the Task Force shall report its findings to the Legislature along with any
32 recommendations it may have as to future action.

1 Section 48. Notwithstanding any other provision of law, the Governor
2 is authorized to utilize funds appropriated in the FY'88 Budget Act, P.L.
3 19-10, to pay prior years' personnel overtime liabilities of the Department of
4 Corrections.

5 Section 49. Lot Nos. 5172-3-5A, 5172-3-6A-1, and 5172-3-7A-1,
6 Tamuning, are re-zoned from "R-2" (Multiple Dwelling) to "H" (Hotel).

7 Section 50. There is appropriated the sum of Two Hundred
8 Twenty-One Thousand Dollars (\$221,000) to the Guam Commission on
9 Self-Determination from the General Fund for Fiscal Year 1988 operations,
10 professional service contracts, and travel. Sums appropriated shall remain
11 available until expended.

12 Section 51. The sum of Ten Thousand Dollars (\$10,000) is
13 appropriated from the General Fund to the Superior Court of Guam for the
14 purpose of funding the cost of the swearing-in and reception of its new
15 Presiding Judge.

16 Section 52. 4 GCA Section 8113.1 is repealed and reenacted to read:

17 "8113.1. Extension of Eligibility for Educational Credits. (a)
18 Any person who is a current member of the Retirement Fund or is a person
19 who has retired on a service retirement annuity, who first joined the fund
20 as a new member on or before January 31, 1987, and who received his
21 graduate or undergraduate degree from an accredited institution offering
22 college or university degrees based upon classroom instruction which is:

- 23 1. an institution accredited in the United States which is recognized
24 by the University of Guam or, the Department of Education; or
- 25 2. an institution in a foreign country which is
 - 26 a. accredited with the Ministry of Education or its equivalent in
27 the foreign country;
 - 28 b. a member of the International Association of Universities; or
 - 29 c. recognized by the United Nations as a bona fide institution of
30 higher learning; or
 - 31 d. recognized by the Department of Education, the University of
32 Guam or the Guam Community College;

33 and was employed by the government of Guam while or after obtaining such
34 degree, may claim retirement credit equal to the period of time, including

1 vacations, that a full-time student would normally take to complete the
2 program leading to the degree he received, or any lesser period he may
3 elect to claim, by paying to the Fund the appropriate member's and
4 employer's shares based on the period of credit sought to be obtained and
5 his salary when he began employment with the government of Guam;
6 provided, however, that:

7 (1) the person is a vested member of the Fund on the effective
8 date of this Act.

9 (2) the member exercises his or her option to pay in for such
10 educational service within 30 days of the effective date of this
11 Act by paying such amount or signing a promissory note for up
12 to five (5) years for such amount, or filing an application to do
13 the same. The application shall be fully processed within 90 days
14 of the effective date of this Act, which processing time may be
15 extended by the Board of Directors of the Retirement Fund if
16 necessary for an additional 90 days.

17 (3) payment of the appropriate member's and employer's shares
18 for the period of credit sought to be obtained on or before
19 January 31, 1987 shall include interest at a rate which is one (1)
20 point under the prevailing prime rate charged on Guam on the
21 date the promissory note is signed.

22 (4) any member who has earned a graduate or undergraduate
23 degree while working for the government of Guam or while on
24 paid leave for educational purposes shall not receive retirement
25 credit for that part of his or her education which was paid for by
26 the government of Guam or which was obtained during a period of
27 paid leave for educational purposes.

28 (5) any member who qualifies for the provisions of this Act on
29 the basis of obtaining a graduate or undergraduate degree while
30 working for the government of Guam, shall have until 30 days
31 after the enactment of this Act to apply for his or her retirement
32 credit, as herein provided.

1 (6) any member who has not claimed his or her retirement credit
2 for education within 30 days of the effective date of this Act shall
3 forfeit the right to take such educational credit.

4 (b) When a person already receiving a service retirement annuity
5 claims educational credit pursuant to Subsection (a) of this Section 8113.1
6 the annuity shall be adjusted accordingly and the increase in such annuity
7 shall be effective on the date on which the person makes full payment of
8 the appropriate member's and employer's shares for the period of credit
9 sought to be obtained, including interest that may be due."

10 Section 53. A new section 8113.2 is added to Title 4 of the Guam
11 Code Annotated, to read as follows:

12 "8113.2. Notwithstanding Section 8113.1 of the Guam Code
13 Annotated, for purposes of this Act, a person shall be deemed to have
14 graduated from an accredited institution and shall be eligible for the
15 benefits of this Act if that degree has been recognized for Teaching or
16 Professional licensing or certification by the government of Guam, its
17 agencies or instrumentalities, as a basis for current employment; as
18 satisfying educational requirements for the position held by the
19 employee; or has been used as a qualification for promotion of the
20 employee by the department, agency, or instrumentality of the
21 government of Guam (including autonomous agencies and
22 instrumentalities) which has hired or employed the member."

23 Section 54. 4 GCA Subsection (b) of Section 8108 is repealed and
24 reenacted to read:

25 "(b) Subsequent Service. An employee shall be allowed credit
26 for any active service in the Armed Forces of the United States
27 subsequent to May 1, 1951, not to exceed five (5) years, provided
28 that if the employee entered the Armed Forces while employed by the
29 government of Guam and re-enters its employ within the period of one
30 (1) year following his discharge from said Armed Forces under
31 conditions other than dishonorable, or if upon said discharge,
32 completes his education under the provisions of the various Acts of
33 Congress extending educational benefits to veterans and re-enters its
34 employ within six (6) months after completing such education, such

1 employee may obtain said retirement credit (not to exceed five (5)
2 years) without making contribution to the Fund, provided that the
3 contribution of both the employee and the employer for such service
4 shall be made by the government of Guam or the employer involved.

5 If the employee was not employed by the government of Guam
6 upon entering the Armed Forces he may obtain said retirement credit
7 (not to exceed three (3) years) only upon making payment to the Fund
8 of two (2) times the appropriate member contribution based on the
9 period of credit sought to be obtained and the average salary paid the
10 employee by the Armed Forces during that period ending with the
11 termination of his military service which is equal to the period of
12 credit sought to be obtained; provided, that while any employee may
13 claim and pay in for such credit, no such credit shall be counted until
14 and unless the employee has actually, subsequently worked for the
15 government of Guam, its autonomous instrumentalities or agencies, for
16 whatever time is otherwise required by law for vesting. For purposes
17 of this Section, salary means (1) basic pay, and (2) any special pay
18 which was taxable under federal income tax law."

19 Section 55. No credit for retirement authorized under this Act shall
20 be recognized for retirement purposes until all employee and employer
21 contributions are fully paid as herein provided. Any employee eligible for
22 retirement credit under this Act shall have such times as herein specified to
23 claim such credit or lose his or her eligibility and be deemed to have
24 waived his or her rights to such eligibility.

25 As to retirement credit for active duty military service, employees on
26 the effective date of this Act shall have 180 days to apply for retirement
27 credit for military service or lose their eligibility and be deemed to have
28 waived their rights to such eligibility. New members after the effective
29 date of this Act shall have 60 days after commencement of employment to
30 elect to take retirement credit for military service, or be deemed to have
31 waived such right to credit.

32 Section 56. A new subsection (f) is added to Section 47060 of the
33 Government Code to read:

1 "(f) Annually, on or before May 1, to compile a cost of living
2 index based on consumer prices and other related information and to
3 determine a rate of inflation for the previous calendar year, for use
4 by the Government of Guam Retirement Fund and the government of
5 Guam in adjusting benefits received under the Government of Guam
6 Retirement Fund law and the salaries of employees of the government
7 of Guam. Such cost of living index and rate of inflation shall be
8 forwarded annually, on or before May 10 of each year to the
9 Governor, to the Board of Trustees of the Government of Guam
10 Retirement Fund, and to the Speaker of the Legislature."

11 Section 57. A new 4 GCA Section 8137.1 is added to read:

12 "8137.1. Annual Cost of Living Allowance. Annually, on the
13 first retirement payday after July 1 of each year, each person entitled
14 to receive a benefit under this Chapter shall receive, in addition to
15 any other adjustment to which such person may be entitled under this
16 Chapter, an annual lump sum cost of living allowance paid out of the
17 General Fund and administered by the Retirement Fund, to be
18 computed by multiplying the entitled benefit times the rate of inflation
19 based on the cost of living index computed annually by the Department
20 of Commerce pursuant to Subsection (f) of Section 47060 of the
21 Government Code. The base year used in these computations shall be
22 calendar year 1988. The right to this cost of living allowance shall be
23 deemed not to be a vested right of the members of the Retirement
24 Fund. The money necessary to fund this section shall be automatically
25 appropriated from the General Fund on an annual basis as required,
26 unless later amended."

27 Section 58. A new 4 GCA 8137(c) is added to read as follows:

28 "In addition to all other contributions made by the government to
29 the Retirement Fund pursuant to this chapter, the government shall
30 pay as an additional contribution to the Fund one percent (1%) of the
31 total salaries of all members, effective October 1, 1988. These
32 payments shall be first applied towards any unfunded liability of the
33 Fund, if there be any."

1 Section 59. 4 GCA 8104(j) is hereby amended by adding after the last
2 sentence the following:

3 "The term 'average annual salary' shall include contributions paid
4 under 4 GCA 8112."

5 Section 60. Section 8130 of Title 4 Guam Code Annotated is repealed
6 and reenacted to read:

7 "8130. Refund on Separation.

8 (a) Upon complete separation from service before a member shall
9 have completed at least twenty (20) years of total service, the member
10 shall be entitled to receive a refund of his total contributions,
11 including regular interest, but no payment of interest shall be made in
12 any case in which total service is less than one (1) year. Total
13 contributions shall include all contributions made by a member to
14 obtain various types of credit authorized by this Chapter.

15 Any member who withdraws after having completed at least five
16 (5) years total service shall have the option of leaving his
17 contributions in the Fund and receiving a service retirement annuity
18 upon attainment of the age of sixty (60) years without choice of any of
19 the optional survivors' benefits hereinunder described.

20 If such member has less than twenty (20) years of total service,
21 he may elect to receive his contributions, with regular interest, as
22 hereinabove provided, in lieu of the service retirement annuity. If his
23 total service is twenty (20) years or more, the acceptance of such
24 deferred retirement annuity payment beginning at the age of sixty (60)
25 years, shall be mandatory as to such member.

26 Any member receiving a refund of contributions shall thereby
27 forfeit, waive and relinquish all accrued rights and benefits in the
28 system, including all credited and creditable service. The Board may,
29 in its discretion regardless of cause, withhold payment of a refund for
30 a period not to exceed one (1) year after receipt of an application
31 from a member.

32 (b) Any member who withdraws his contribution after the
33 effective date of this Act shall lose all service credit earned up to the
34 date of the withdrawal of his contribution, and may not hereafter

1 receive credit for such time, and may not repurchase or pay in for
2 retirement credit for the time withdrawn. As a condition of
3 withdrawing his or her contribution, a member must first sign a
4 statement that he or she understands that the withdrawal is permanent
5 and that the withdrawal cannot hereafter be paid back in and that if
6 the member later re-enters the retirement system, the member shall not
7 receive credit for the previous service. For those members who
8 withdraw their contributions to the Retirement Fund prior to the
9 effective date of this Act, such members shall have one hundred
10 eighty (180) days from the effective date of this Act to make payment
11 of the amount withdrawn including interest for the entire time the
12 amount was withdrawn, at the prevailing bank prime interest rate on
13 loans, and not less than the interest rate charged by the United
14 States Internal Revenue Service on unpaid overdue income tax liability
15 (exclusive of penalties). Members may sign a promissory note and may
16 repay on installment payments of up to five years at said interest
17 rates. Any member who does not claim such credit for prior service
18 within 180 days from the effective date of this Act, shall be deemed to
19 have waived and forfeited the right to do so. If a member pays back
20 the withdrawal pursuant to this paragraph, the member may not retire
21 or count the time for which the withdrawal was made for any purpose
22 until the member actually, subsequent to the withdrawal, works for the
23 government of Guam, its agencies or its instrumentalities, as a full
24 time employee and member of the Retirement Fund for whatever period
25 of time is otherwise required by law for vesting, and

26 (c) Any member who has withdrawn his or her retirement
27 contribution from the Fund who later has paid back such amounts or
28 who is paying back such amounts pursuant to a repayment agreement
29 or promissory note on the effective date of this Act and who is
30 currently, on the effective date of this Act, a member (whether or not
31 vested) shall be deemed to have reentered the Retirement Fund on the
32 terms and conditions in effect on the date he or she originally became
33 a member of the Fund, subject, however, to the provisions,
34 conditions, and restrictions of this Act.

1 (d) Prior members who withdrew their contributions and are no
2 longer members may pay back their contributions within 180 days from
3 the effective date of this Act, or shall thereafter be ineligible to claim
4 retirement credit for such periods of prior employment, provided, that
5 the reentry into the retirement system shall be on the following terms:

- 6 (1) The prior member may not retire or count the time for which
7 the withdrawal was made for any purpose until the prior
8 member actually, subsequently, works for the government of
9 Guam, its agencies or instrumentalities, as a full time
10 employee and member of the Retirement Fund for whatever
11 period of time is otherwise required by law for vesting, and
12 (2) The prior employee must be otherwise eligible to reenter the
13 government service as a full time employee, and
14 (3) The prior employee pays interest on the amount withdrawn,
15 at the prevailing bank prime interest rate on loans, and not
16 less than the interest rate charged by the United States
17 Internal Revenue Service on unpaid overdue income tax
18 liability (exclusive of penalties).

19 Any prior member who does not claim such retirement credit for
20 prior employment within 180 days from the effective date of this Act
21 shall be deemed to have waived and forfeited the right to do so."

22 Section 61. The Retirement Fund shall send a copy of the sections of
23 this Act relative to the Retirement Fund to all members by mail to their last
24 known mail addresses, along with a summary of the provisions and deadlines
25 contained in this Act, and shall advertise the provisions and deadlines of
26 this Act relating to the Retirement Fund in Guam newspapers.

27 Section 62. Subparagraph (1) of Subsection (d) of Section 8135 of
28 Title 4 of the Guam Code Annotated is hereby repealed and reenacted to
29 read:

30 "(1) Spouse. The annual annuity shall be equal to fifty percent
31 (50%) of the disability or service retirement annuity earned by the
32 member and accruing to his or her credit or payable to the member at
33 the date of his or her death for the period of his or her total service,
34 whichever is greater. The spouse's annual annuity shall not, in any

1 case, be less than One Thousand Two Hundred Dollars (\$1,200) per
2 year."

3 Section 63. Notwithstanding any other provision of law, the
4 government shall pay such amounts of the group life insurance premiums for
5 retired employees and survivors of retired employees who are receiving
6 annuities as necessary to maintain their contributions of the premiums,
7 excluding coverage for dependents, at the same rates as are in effect March
8 1, 1988.

9 Section 64. Notwithstanding Public Law 19-10 the Guam Memorial
10 Hospital Authority may enter into the following contracts for services:

11 (a) One with a risk management firm to assist the hospital in
12 preparing specifications for liability insurance for its real and personal
13 property; and

14 (b) One with the Joint Commission on Health Care Organizations
15 to conduct a standards interpretation workshop in pursuit of
16 accreditation.

17 Section 65. The FTE Restrictions imposed by Public Law 19-10 shall
18 not be applicable to Guam Memorial Hospital for health professionals because
19 of the high number of part-time employees.

20 Section 66. Section 6010 of the Government Code is hereby repealed
21 and reenacted to read as follows:

22 "§6010. Notwithstanding any other provision of law, unless work
23 has commenced or ten percent (10%) of the funds have been expended
24 to accomplish the purpose of an appropriation, any appropriation for
25 capital improvements or the acquisition of capital goods and equipment
26 made by the Legislature shall cease to be an appropriation and shall
27 become an authorization for an appropriation five years from the date
28 the appropriation is made and all sums previously appropriated shall
29 revert to the General Fund. The Director of Administration shall
30 identify the sums which are changed from an appropriation to an
31 authorization for an appropriation pursuant to this Section, and their
32 uses, and shall report them to the Legislature within ninety (90) days
33 of the date of the changes. The provisions of this Section shall be
34 effective September 30, 1985 for any appropriation made before

1 September 30, 1984; except that the Director of Administration shall
2 make a report of sums which will be changed from an appropriation to
3 an authorization for an appropriation, and their uses, and also a
4 report in a format which will be submitted to the Committee on Ways
5 and Means on sums which have been appropriated and which will
6 continue to be appropriated for ongoing projects as of September 30,
7 1985, to the Legislature within ninety (90) days after the effective
8 date of this Act."

9 Section 67. Twenty-five Thousand Dollars (\$25,000) are appropriated
10 from the General Fund to the Guam Power Authority for power extension in
11 the municipality of Dededo.

12 Section 68. Eighteen Thousand Dollars (\$18,000) are hereby
13 appropriated from the General Fund to Guam Power Authority for the
14 purpose of providing power extension to Lot No. 3 RI Tract 296 Yona,
15 Guam.

16 Section 69. One Hundred Thousand Dollars (\$100,000) are
17 appropriated from the General Fund to the Department of Land Management
18 for a land survey revolving fund, to finance the survey and appraisal of
19 government lands identified as available to exchange for lots being acquired
20 for the new Judicial Building. The land acquisition allotment of the Judicial
21 Building Fund shall reimburse the land survey revolving fund for costs of
22 surveys and appraisals which have resulted in land exchanges in lieu of
23 direct payments to landowners for lots acquired through condemnation
24 proceedings.

MEAN HIGH WATER

GOVERNMENT

LAND

T 84° 08' 35" E 24 48
N 84° 13' 00" E 24 43 1

N 03° 44' 08" W 3 62
03° 53' 10" W 3 62 1

LOT 2005-NEW-1

AREA = 1.755 ± SQ.M.

LOT 2005-NEW-2
AREA = 1.031 ± SQ.M.

BASIC

BASIC LOT 2004

AREA = 743.50 M (REG)
AREA = 724 ± SQ.M (COMP)
DUG 308145 (SEE NOTE 4)

LINDA'S CAFE

S 78° 56' 10" W 23 95
S 80° 38' 15" W 24 02 1
S 61° 17' 55" W 23 94

S 78° 35' 46" W 15 13

P.O.B.
N 50.423 88
E 51.037 75

N 84° 11' 46" E 11 90

14 03
12 03
11 57

S 04° 52' 00" E

Prime Fnd
by Jink

LOT 2005-NEW-1

LOT 2005

LOT 2006-NEW

LOT 2006-1

S 04° 53' 14" E 5.89

N 78° 39' 46" E 49.63

39'

31'

W 125.80

N 77° 35' 46" E 40.68

N 77° 31' 46" E 36.09

PORTION OF OLD
PADRE PALOMO ROAD
COMP AREA = 332.02 SQ.FT
AREA = 30.85 SQ.M

50'

50'

LINE OF ROUTE NO. 1 100' R/W

To Farmington



SCALE 1" = 20 FT.

NINETEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No. 296

DATE: 8/22/20

Res. No. _____

QUESTION: 1) Shall vetoed Bill 296 become law notwithstanding the Governor's objection?

SENATOR	AYE	NAY	VOTING	ABSENT
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
H. D. Dierking	✓			
E. R. Duenas				✓
E. M. Espaldon	✓			
F. J. Gutierrez				✓
M. K. Hartsock	✓			
A. C. Luorend III	X	X	X	X
P. C. Lujan	✓			
M. D. A. Manibusan				✓
J. G. Miles	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
J. F. Quisenberry	X	X	X	X
F. J. Quitugua	✓			
J. M. Rivera	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
A. J. Shelton II	✓			

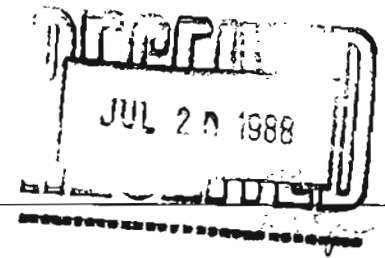
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Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
L'HEBINAN I MAGA LAHI
AGANA, GUAM 96910 U.S.A.



JUL 20 1988

The Honorable Franklin J.A. Quitugua
Speaker, Nineteenth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill 296, which I have regretfully vetoed in its entirety.

I say regretfully, not because I have any misgivings about this action. No, after careful deliberation, I have come to the conclusion that I truly have no alternative but to follow the dictates of conscience and principle. In the interests of our people I could do nothing less than stand firm, regardless of the personal consequences.

No, my regrets are limited to the fact that once again, I appear in opposition to a body of men and women who I hold in high esteem, the Nineteenth Guam Legislature.

You and I are similar, Mr. Speaker, in that we value cooperation over confrontation. We agree, I know, that in the conduct of public affairs, it is far more advantageous to the people of our Territory for the Executive and Legislative branches to work together to solve the problems that face us, rather than argue over them incessantly.

I am convinced this is what the people of Guam expect from their leaders, and I am of the opinion, that for the most part, this is the manner in which this administration has tried to conduct itself ... and that you and many of your colleagues have tried to conduct yourselves, to the credit of the Territory.

This is why we can point to so many past successes: because we have cooperated so well.

Recognizing, of course, the fact that we are now in the midst of an election season, it is my hope that this spirit of cooperation can continue - we owe this to the people of Guam; we must not let political considerations sow discord among us.

The people of Guam have outgrown the politics of anger and discontent. We have returned to our cultural roots and

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Honorable Franklin J.A. Quitugua
Page Two

believe in the value of cooperative effort. No longer do people look at who screams the loudest, but who accomplishes the most for the people of Guam. And as we are aware, accomplishment requires cooperation.

It is not essential that the branches of Government agree on everything at every occasion. Reasonable people may disagree reasonably. I take this action today for reasons which are by now very apparent and require little in the way of illustration. I cannot sign this bill, and will find it difficult to sign future bills put together in this manner, with large numbers of unrelated riders. You know that several of this Bill's provisions meet with this administration's favor. Indeed, several are vital and timely.

Fortunately, we have managed to relieve the time burden on one of the issues contained in this measure by obtaining an extension of the contract period for the new judicial building. Through the cooperation of Judge Abbate and the contractor in question, we have gained another month. However, legislative approval of the loan documents is still mandatory.

Further, we have seen that the Board of Trustees of the Retirement Fund has decided to extend retirement credit to graduates of foreign universities. This is pleasant news, as we mutually have agreed that this credit should have been extended for the sake of equity. When the board notified us last week of its decision, it made clear that it took its action because the impact of Bill 296 on the Retirement Fund, in the words of the Board, "would be most damaging to the integrity of the fund, as that bill not only provides credit to those foreign graduates who applied, it contains many other provisions that will increase the unfunded liability of the Fund, the sum total of which will be an impact far more severe than that posed by just the foreign graduation credit".

Finally, this week, the Department of Education identified existing funds for the immediate purchase of the more than 300,000 textbooks needed for the upcoming school year - which begins in just a very few short weeks. We felt it vital that the purchase be made immediately, or we could face a tragic situation wherein our school children would not have books when classes begin. However, this is merely a temporary solution - while we used our transfer authority for the purchase of the school books, the funds that would have been earmarked for the book purchase - some 3.4 million dollars - must still be appropriated in order for DOE to meet its financial obligations for the balance of this fiscal year.

Honorable Franklin J.A. Quitugua
Page Three

With the resolution of these major issues surrounding Bill 296, and its predecessors, I hope that we can come to some terms with respect to the balance of the issues addressed. All I ask for is simpler bills, for issues that stand on their own merit. I simply ask that we not compromise necessary legislation, or good legislation, by burdening it with countless, unrelated riders.

I firmly believe that legislation should stand on its merit. I believe that our people deserve - indeed, must have - the opportunity to provide input on all measures that come before the Legislature. Proposals should, to the greatest extent, be deliberated based upon their specific effect on the Territory, not upon the effects of proposals which are only along for the ride. I'm sure you'll agree that public comment will safeguard against unintended negative effect.

I also feel there has been ample proof that when numerous riders are attached to a bill, even the Legislature does not have sufficient opportunity to examine the effect of the riding proposals.

In this bill's incarnation as Bill 833, for example, there was a provision that would have had the effect of subjecting the people of Guam to uncontrolled escalation of interest payments on consumer loans, resulting potentially in our people being forced to pay ever higher and higher interest rates on their family homes and the possibility of people losing, forever, an investment that someday they would hope to pass on to their children. I am sure it was not the intention of the majority of legislators to see that most precious of personal possessions - the family home - threatened in this fashion. Fortunately, as a result of the veto of Bill 833, that offending proposal was removed.

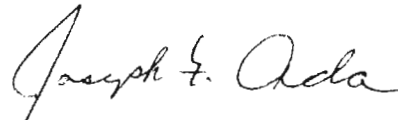
But even in Bill 296, flaws remain. For example, there is a provision in the sections dealing with the retirement fund which would allow for a Government of Guam employee who has previous work experience under federal civil service to use his or her top three federal earning years as the basis of his Government of Guam retirement. Under this provision, a person who had worked three years for the federal government at a higher salary than his or her government salary would get the benefit of more retirement pay. This is unfair to the fund, which received contributions based upon the lower GovGuam salary and would be forced to pay at a higher rate. It is unfair to other Government of Guam employees who do not receive this benefit and whose contributions would essentially be making up the difference.

Honorable Franklin J.A. Quitugua
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In conclusion, I have vetoed Bill 296 because I believe it is the right thing to do. It is possible that this veto may be overridden, but I face this possibility secure in the realization that what I do, I do for Guam, and that I stand with our people. I ask your august body to consider deeply, to ponder upon the future of this Territory, as I confess I have done over the past several days.

Through cooperation, we have accomplished so much for this Territory in the year and a half that we have had this charge from our people. I stand ever-willing, ever-eager, ever-ready to continue our good work, together.

Sincerely,


JOSEPH F. ADA
Governor

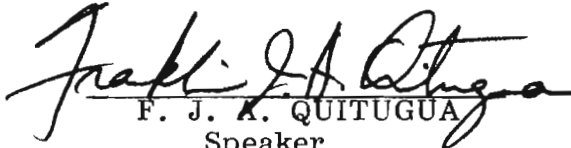
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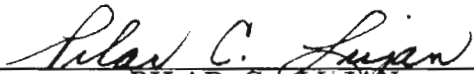
NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 296, "AN ACT TO ADD SUBSECTION (s) TO SECTION 12101, TITLE 10, GUAM CODE ANNOTATED, DEFINING INDIVIDUALS, FAMILY AND MARRIAGE THERAPISTS FOR LICENSING, AND FOR OTHER PURPOSES", was on the 7th day of July, 1988, duly and regularly passed.


F. J. A. QUITUGUA
Speaker

Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 8th day of July,
1988, at 2:50 o'clock p.m.


Assistant Staff Officer
Governor's Office

APPROVED:

VE TO
JOSEPH F. ADA
Governor of Guam

Date: _____

Public Law No. _____

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 296 (LS)
Substitute

Introduced by:

J. T. San Agustin
T. S. Nelson
F. R. Santos

E. P. Arriola
H. D. Dierking
J. G. Bamba
E. R. Duenas
E. M. Espaldon
P. C. Lujan
M. D. A. Manibusan
M. Z. Bordallo
F. J. A. Quitugua
F. J. Gutierrez
M. K. Hartsock
A. J. Shelton
D. Parkinson
J. G. Miles
M. C. Ruth
J. M. Rivera

AN ACT TO ADD SUBSECTION (s) TO
SECTION 12101, TITLE 10, GUAM CODE
ANNOTATED, DEFINING INDIVIDUAL,
FAMILY AND MARRIAGE THERAPISTS FOR
LICENSING, AND FOR OTHER PURPOSES.

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

2 Section 1. A new subsection (s) is added to Section 12101, Title 10,
3 Guam Code Annotated, to read:

4 "(s) 'Individual, Family and Marriage Therapist' means a skilled
5 individual qualified by practical and academic training to provide
6 planned intervention to help the client(s) enlarge competencies and
7 increase problem solving skills and coping abilities. Licensure
8 requirements and scope and procedures of practice for such individuals
9 shall be promulgated by the Board of Allied Health Examiners."

10 Section 2. WHEREAS, U.S. Public Law 91-596, also known as the
11 "Occupational Safety and Health Act of 1970", was enacted to assure safe
12 and healthy working conditions for private sector employees; and

1 (k) 'Standing citation' shall mean the written citation issued by
2 the Administrator to an agency after hearing and concurrence by the
3 Safety Review Board.

4 (l) 'Effective date' shall mean ninety (90) days after this Act
5 becomes law.

6 Section 87102. Division of Inter-governmental Occupational Safety and
7 Health Created. There is within the Government of Guam the 'Division of
8 Occupational Safety and Health' which shall be administratively attached to
9 the Department of Labor. 'Administratively attached' shall mean that the
10 Director will have overall authority over the Division's budget, and the
11 concurrence of the Director must be obtained by the Administrator in hiring
12 employees of the Division. The Director shall have no authority of
13 jurisdiction and shall exercise no control over the Administrator or the
14 Division with respect to Sections 87104, 87105, 87106, 87107, 87109, 87110,
15 87111, 87112, 87113, 87114, 87115, 87116, 87121, 87123, 87124 and 87127 of
16 this Chapter.

17 Section 87103. Administrator. There shall be within the Division an
18 Administrator who shall act as the Chief Officer and direct the operations of
19 the Division. The Administrator shall be hired by the Director and shall be
20 in the classified service as established by the Government of Guam's Civil
21 Service Commission. The Administrator shall receive a salary equal to that
22 of the Director.

23 Section 87104. Duties of the Division. The general duties of the
24 Division shall be: (1) to continually review and modify safety standards
25 and rules, and to recommend to the Legislature enactment of same; (2) to
26 continually monitor and enforce enacted or temporarily promulgated safety
27 and health standards within the Government of Guam; and (3) to
28 continually assess employee safety, training and education programs on an
29 agency basis.

30 Section 87105. Safety Standards to be Recommended to the
31 Legislature. Within ninety (90) days from the effective date of this Act
32 the Division shall recommend to the Legislature enactment of specific safety
33 and health standards for the Government of Guam. Such standards to be
34 considered by the Division shall include, but not be limited to, standard

1 deriving from U.S. Public Law 91-596. Thereafter, from time to time, the
2 Division will continue to review standards and make recommendations to the
3 Legislature for revision or expansion.

4 Section 87106. Review of Safety Standards Prioritized. In its
5 consideration of standards to be recommended to the Legislature for
6 enactment, the Division shall prioritize same. The first three priorities
7 shall be: (1) toxic, chemical or hazardous substance storage and handling,
8 including, but not limited to, the acquisition and use of protective gear and
9 equipment; (2) electrical and fire safety conditions; and (3) employee
10 education and training with respect to (1) and (2) above.

11 Section 87107. Temporary Waiver, Modification, Promulgation and
12 Enforcement of Standards Authorized. The Division is hereby authorized
13 to temporarily waive or modify any locally-enacted standard or rule on an
14 individual agency basis provided compliance of said standard, prior to
15 waiver or modification, may, in the written opinion of both the Chief Officer
16 of the affected agency and Administrator, prove beyond the financial means
17 of said agency. The Division is hereby authorized to temporarily
18 promulgate recognized standards and to enforce same on written order to
19 the Administrator or the Safety Review Board, if, in the opinion of the
20 Administrator or the Safety Review Board, an unsafe condition exists and is
21 likely to cause injury in the affected agency. Enforcement of such
22 modifications, waivers, or promulgations of safety standards or rules, shall
23 not exceed one (1) year unless enacted into local law.

24 Section 87108. Safety Inspectors and Other Employees. In addition to
25 clerical personnel hired by the Administrator with the concurrence of the
26 Director and in accordance with the personnel and compensation laws, the
27 Division shall be staffed by six (6) Safety Inspectors, each representing
28 one of the following safety disciplines: heavy construction, light
29 construction, industrial hygiene, hazardous substance control, electrical and
30 fire engineering. In order to qualify as a Safety Inspector, a person must
31 meet the qualifications established by the Government of Guam's Civil
32 Service Commission. Safety Inspectors shall be selected by the
33 Administrator with the concurrence of the Director and will be classified

1 employees of the Government of Guam to be established by the Civil Service
2 Commission.

3 Section 87109. Annual Inspections and Report. At least once a year,
4 every agency shall be inspected by the Division. Such inspection shall
5 include, but not be limited to, on-site inspection of every facility,
6 discussion with employees, and assessment of any educational, training and
7 safety programs, including, but not limited to, the administration of same.
8 As each agency is inspected, the Administrator shall cause a report to be
9 written by the Safety Inspector(s): (a) describing any safety and health
10 violations; (b) citing any standards so violated; (c) indicating the hazard
11 rating of each violation; (d) recommending specific corrective action; and
12 (e) the date by which each cited violation must be corrected. This report
13 shall be submitted to the Chief Officer of said agency for comment and
14 action. A follow-up inspection shall take place after the corrective date
15 deadline indicated in the Report, but in no event later than sixty (60) days
16 from said date. The Safety Inspector(s) shall note any positive action
17 taken, as well as the failure of the agency to correct other cited
18 deficiencies. The Safety Inspector(s) shall then include these findings in a
19 report to the Administrator, including, but not limited to, any
20 recommendations to issue citations or give temporary relief to the agency
21 through waiver or modification of specific standards.

22 Section 87110. Other Inspections Authorized. In addition to annual
23 and follow-up inspections, the Division may (a) inspect any agency for
24 safety violations upon the written request of any person, organization or
25 group of persons; and (b) conduct 'spot' or 'no notice' inspections for any
26 safety deficiencies without prior notice to the affected agency, at the
27 Division's discretion. The identity of any person, organization or group of
28 persons requesting an inspection of an agency of the Government of Guam
29 or reporting an unsafe condition shall be confidential.

30 Section 87111. Employee Hazard Reporting Program. The following
31 procedure is set forth for the submission of employee reports of unsafe or
32 unhealthful conditions in the workplace:

33 (a) All Government of Guam employees shall be encouraged to orally
34 report unsafe or unhealthful working conditions to their immediate

1 supervisor who will promptly investigate the situation and take appropriate
2 corrective actions, including, but not limited to, apprising the Safety
3 Officer of the agency. The Safety Officer may contact the Division for
4 assistance as necessary. The Safety Officers shall keep the reporting
5 employee informed of all actions taken.

6 (b) Any Government of Guam employee (or employee representative)
7 may submit a written report of an unsafe or unhealthful working condition
8 directly to the Division. A standard 'hazard report' form for this purpose
9 shall be drafted by the Division and provided by the same to each agency.
10 Such forms shall be placed by each agency in areas convenient to all
11 workplaces. Employees' names shall remain anonymous and the form shall so
12 indicate.

13 (c) Upon receipt of a 'hazard report' form, a Safety Inspector will
14 contact the originator, if identified, to acknowledge receipt and discuss the
15 seriousness of the reported hazard. The Division shall advise the cognizant
16 supervisor and Safety Officer that a hazard has been reported. Unsigned
17 'hazard report' forms may be investigated at the discretion of the Division.

18 (d) The Division shall investigate all signed reports. Alleged
19 imminent danger situations, including, but not limited to, the potential for
20 death or severe injury and/or loss of facility or major property damage,
21 shall be investigated within twenty-four (24) hours. Potentially serious
22 situations shall be investigated within three (3) days. If the reported
23 situation involves a health hazard, as opposed to a safety hazard, the
24 Division will refer the report to the cognizant medical authority for
25 investigation as necessary.

26 (e) The Division shall provide an interim or complete response in
27 writing to the originator of the report within fifteen (15) working days of
28 receipt. Interim responses will include the expected date for a complete
29 response. If the investigation validates the reported hazard, the complete
30 response shall include a summary of the action taken for abatement. If no
31 significant hazard is found to exist, the reply shall include the basis for
32 that determination.

1 (f) The complete response shall encourage, but not require, the
2 originator to informally contact the Division if he or she desires additional
3 information or is dissatisfied with the response.

4 Section 87112. Government of Guam to Furnish Information. Every
5 agency shall at all times cooperate with the Division in the performance of
6 its functions, and, upon request, furnish the Division all information that it
7 may require respecting any of the matters concerning employee safety,
8 health or working conditions, and shall permit the examination of its
9 personnel, facilities, books, records, contracts, maps and other documents
10 by the Division, or any person authorized by it in writing to make such
11 examination.

12 Section 87113. 30-Day Citation Issued. The Administrator shall cause
13 a 30-day citation to be issued to the Chief Officer of the affected agency
14 when: (1) violation(s) have been identified in the annual inspection report
15 and no substantial action to correct same has taken place by the deadline
16 set by Safety Inspectors; (2) on the written order of the Safety Review
17 Board; or (3) on any inspection made by the Division a safety violation is
18 found to exist that if not corrected immediately, poses a serious threat to
19 employee health or safety. This shall include, but not be limited to, 'spot'
20 or 'no notice' inspections authorized by Section 87110 of this Chapter.
21 Notice of a 30-Day Citation shall be provided by the Chief Officer of the
22 agency, the agency's Safety Officer, and posted at each affected worksite
23 in a place(s) where it can be easily read by employees. The 30-Day
24 Citation shall include the following information: (a) a description of the
25 violation and standard violated; (b) the hazard rating of said violation; (c)
26 the telephone contact number of the Division for further information; (d) a
27 statement that no action may be taken against employees for refusing to
28 endanger themselves by working in an unsafe site, and (e) a statement that
29 if an employee is ordered or coerced to work at said unsafe site, he/she is
30 to report same to either the Safety Officer of the agency or the Division.

31 Section 87114. 30-Day Citation Removed. A 30-Day Citation may be
32 withdrawn only on the written approval of the Administrator or by written
33 order of the Safety Review Board. If violation(s) cited in a 30-Day
34 Citation are corrected any time within the thirty (30) days specified, the

1 Division shall be informed and an inspection shall be made by same. If the
2 violation has in fact been corrected, the Administrator shall cause the
3 citation to be withdrawn and notice of same shall be provided to the Chief
4 Officer of the agency and the Safety Officer. It shall likewise be posted at
5 each affected worksite at a place where it can be easily read by employees.

6 Section 87115. Standing Citation Issued. In the event that an agency
7 of the Government of Guam does not take action to correct violations cited
8 in a 30-Day Citation within the thirty (30) days specified, the Administrator
9 shall recommend issuance of a Standing Citation to the Safety Review
10 Board. In the event the Safety Review Board concurs in this
11 recommendation, Notice of a Standing Citation and the written findings of
12 the Safety Review Board shall be provided to the Chief Officer of the
13 affected agency, its Safety Officer, the Governor, and the Speaker of the
14 Guam Legislature. In addition, such Notice shall be posted at each affected
15 worksite in a place where it can be easily read by employees. The
16 Standing Citation shall include the following information: (a) a description
17 of the violation and standard violated; (b) the hazard rating of said
18 violation; (c) the telephone number of the Division to contact for further
19 information; (d) a statement that no action may be taken against employees
20 for refusing to endanger themselves by working in an unsafe site, and (e)
21 a statement that if an employee is ordered or coerced to work at said
22 unsafe site, he/she is to report same to either the Safety Officer of the
23 agency or the Division.

24 Section 87116. Standing Citation Removed. A Standing Citation may
25 be withdrawn only on the written approval of the Administrator or on
26 written order of Safety Review Board. If violation(s) cited in a Standing
27 Citations are corrected at any time after issuance, the Division shall be
28 informed and an inspection shall be made by the same. If the violation has
29 in fact been corrected, the Administrator shall cause the citation to be
30 withdrawn and notice of same shall be provided to the Chief Officer of the
31 agency, the Safety Review Board, the Governor and Speaker of the Guam
32 Legislature. It shall likewise be posted at each affected worksite at a place
33 where it can be easily seen by employees.

1 Section 87117. Safety Review Board Created. There is hereby
2 created a Safety Review Board comprised of five (5) members who shall be
3 appointed by the Governor with the advice and consent of the Legislature.
4 One shall be an attorney who has experience in representing accident
5 victims; one shall be an attorney who has experience in representing
6 insurance companies in accident cases; one shall be an employee from a line
7 department; one shall be an employee of an autonomous agency; and one
8 shall be a medical practitioner. The Board shall choose a Chairman from
9 among its members. At least three members must be present for there to
10 be a quorum. All decisions of the Board shall be by a majority vote, there
11 being at least four (4) members voting. The Board may hire an
12 independent safety consultant, a secretary and its own attorney. All
13 decisions rendered by the Board shall be binding on the Government and
14 the Division and shall be in writing.

15 Section 87118. Safety Review Board Meetings Public. All meetings,
16 hearings and deliberations of the Board shall be public and minutes kept.
17 The only exception to open and public meetings, hearings and deliberations
18 shall be those concerning personnel matters of the Division. Personnel
19 matters of the Division shall not, however, mean meetings, hearings or
20 deliberations on the evaluation of any agency's safety performance. No
21 meeting, hearing or deliberation of the Board shall take place unless there
22 is notice of same with the purpose stated thereof and the date, time and
23 place at which it will be held. Such notice must have been advertised not
24 less than two (2) times in a newspaper of general circulation in Guam, the
25 first publication being not more than seven (7) days before the scheduled
26 meeting, hearing or deliberation, and the last publication being not less
27 than two (2) days prior to the scheduled meeting, hearing or deliberation.
28 The Board shall inform the Administrator, the Chief Officer of the affected
29 agency and the Safety Officer, who shall inform employees working at the
30 affected site. The Board may use additional media such as radio or
31 television to advise the public if it finds it necessary to do so.

32 Section 87119. Duties of Safety Review Board. The Safety Review
33 Board shall meet at least once a month to: (a) hear agency appeals from
34 citations issued by the Division and to make a determination as provided

1 herein; or (b) to act on recommendations from the Division as provided
2 herein.

3 Section 87120. Safety Review Board may make Rules and Establish
4 Fees. In the hearings before it, the Board is not bound by the procedures
5 set out in Chapter II of Title XXV of the Government Code, as amended,
6 (Section 24100 through 24142 of the Government Code) but may establish its
7 own procedures for the conduct of hearings and the admission of evidence.
8 It shall establish its own procedures however, by promulgating rules
9 according to the rule-making procedures set out in Chapter III of Title XXV
10 of the Government Code, as amended, (Section 24200 through 24211 of the
11 Government Code). The Board shall not be bound by the strict rules of
12 statutory or common law relating to the admission or rejection of evidence,
13 but may exercise its own discretion in these matters with a view to doing
14 substantial justice. However, in making a determination whether to uphold
15 a 30-Day Citation or to issue a Standing Citation, the Safety Review Board
16 shall above all:

17 (a) Place the burden of proof on the affected agency as to why said
18 citation should not be upheld or issued;

19 (b) Consider the potential danger to employees, as well as the
20 potential liability to the Government should an accident occur; and

21 (c) Consider whether the cited violation can be corrected within the
22 financial and personnel means of the affected agency.

23 All findings of the Safety Review Board shall be in writing and
24 furnished to the Chief Officer of the affected agency, its Safety Officer,
25 and the Administrator. The Board may establish and amend a schedule of
26 reasonable fees and costs for copies of papers and records requested by
27 interested parties or any person or entity, and for the filing and serving
28 of papers and documents required by this Chapter. All such fees and
29 costs charged and collected shall be paid into the Safety Review Board
30 Fund.

31 Section 87121. Appeals. The Chief Officer of any agency of the
32 Government of Guam may file a notice of appeal with the Safety Review
33 Board from a citation issued by the Division. This Notice of Appeal shall
34 be in writing stating briefly the reason the agency feels the citation is

1 unjustified. A copy of said Notice shall be furnished to the Administrator.
2 On receipt of said notice of appeal, the Chairman of the Safety Review
3 Board shall schedule a hearing and inform both the Chief Officer of the
4 affected agency, the Safety Officer and the Administrator. This appeal
5 shall be timely heard, but in no event not later than sixty (60) days after
6 receipt of said notice. If a citation has not been actually issued, the
7 Division shall not post citation until a determination of the appeal by
8 the Board. In the event the Board concurs with the affected agency, the
9 Administrator shall not issue said citation or shall remove same as provided
10 in Sections 87114 and 87116 of this Chapter. In the event the Board finds
11 with the Division, the Board shall order issuance of the citation as provided
12 in Sections 87113 and 87115 of this Chapter. In the event the Board
13 concurs with the Administrator in the issuance of a Standing Citation, the
14 Standing Citation shall be printed in full and publicized one (1) time a
15 month in a newspaper of general circulation until cited violations are
16 corrected.

17 Section 87122. May Compel Witnesses and Furnish Information. In
18 making a determination and in all proceedings before it, the Board shall
19 have the same powers respecting administering oaths, compelling the
20 attendance of witnesses, the production of documentary evidence, and
21 examining witnesses as are possessed by the Superior Court. In case of
22 contempt or disobedience by any person to any order of the Board or any
23 subpoena issued by it, or of the refusal of any witness to testify to any
24 matter regarding which he may be questioned lawfully, the Superior Court,
25 on application by the Board, shall compel obedience and punish said person
26 as in the case of disobedience of the requirements of a subpoena issued
27 from the Superior Court or a refusal to testify therein. Nothing herein
28 shall be construed as giving to an agency immunity of any kind
29 except as may already be conferred by law. The fees and traveling
30 expenses of witnesses shall be the same as allowed witnesses in the
31 Superior Court and shall be paid out of any appropriation available for the
32 expenses of the Board.

1 Section 87123. Division Priorities. In addition to the priorities
2 outlined in Sections 87105 and 87106 of this Chapter, during its first year
3 of operation, the Division shall conduct its annual, follow-up and 'no notice'
4 investigations of the Government of Guam as provided in Sections 87109 and
5 87110 of this Chapter. However, no citations shall be issued during this
6 time for any violation whose corrective action requires substantial monetary
7 expenditure. Citations will be issued for any safety or health violation not
8 requiring any substantial expenditure of funds. During its first year of
9 operation, the Division shall work with each agency of the Government of
10 Guam to (a) explain applicable standards; (b) consider legislation amending
11 or waiving any standards on an agency-by-agency basis; (c) assessing and
12 determining a reasonable employee safety education and training program,
13 including, but not limited to, the minimum number of hours to be spent by
14 every employee in safety training or education; (d) recommending the
15 percentage of each agency's budget which should be earmarked for safety,
16 including, but not limited to, employee education and training; (e)
17 determining the expenditure necessary to correct major life-threatening
18 violations; and (f) reviewing employee accident compensation legislation.

19 In considering standards, training, education and enforcement of same,
20 the Division shall prioritize same as follows: (1) toxic, chemical or
21 hazardous substance storage and handling, including, but not limited to,
22 the acquisition and use of protective gear and equipment; (2) electrical and
23 fire safety conditions; (3) employee education and training in (1) and (2)
24 above.

25 At the end of the first year, the Division shall begin issuing citations
26 on all violated standards regardless of monetary expenditure needed to
27 correct same.

28 Section 87124. Report to the Governor. Within one (1) year after the
29 effective date of this Act, the Division shall furnish a report to the
30 Governor, recommending on an agency-by-agency basis: (a) remedial rules
31 and legislation with respect to safety standards; (b) detailing safety and
32 health deficiencies, including, but not limited to, any citations issued,
33 withdrawn, corrected and outstanding; (c) recommending appropriations to
34 correct life-threatening safety deficiencies; (d) recommending appropriations

1 for employee safety education and training; (e) recommending what
2 percentage of each agency's budget should be set aside for safety; and (f)
3 recommending remedial legislation with respect to employee accident
4 compensation. A copy of this Report shall be furnished to the Legislature,
5 together with the Governor's recommendations on same. Thereafter, a
6 similar report shall be made to the Governor on an annual basis with a copy
7 transmitted to the Legislature. Notwithstanding any provisions of Chapter
8 IX of Public Law 19-5, this report shall be considered a public document.

9 Section 87125. Employees not to be Compelled to Work in Unsafe
10 Conditions. After citation of an unsafe working condition by the Division,
11 no employee may be compelled or in any way coerced to work in an unsafe
12 working condition. Anyone who compels or coerces an employee to do so
13 shall be guilty of a misdemeanor, and, in addition, shall be held personally
14 liable for actual and punitive damages should an employee suffer injury as a
15 result of said unsafe working condition. Civil actions may be brought
16 against such person without reference to the Government Claims Act. No
17 disciplinary action may be brought against an employee who either refuses
18 to work in an unsafe working condition after citation of same by the
19 Division, or who reports an unsafe working condition to either the Safety
20 Officer or the Division. Refusal to work in an unsafe working condition
21 after citation of same by the Division, or reporting of an unsafe working
22 condition, shall not be considered in evaluating job performance or be
23 considered as a factor in the promotion or demotion or adverse action of
24 said employee.

25 Section 87126. Unauthorized Removal of Citation Prohibited. Anyone,
26 other than the Administrator or his designee, who removes a citation issued
27 by the Division shall be guilty of a felony, and, in addition,
28 shall be held personally liable for actual and punitive damages of any
29 employee who suffers injury as a result of removal of said citation. Civil
30 actions may be brought against such person without reference to the
31 Government Claims Act.

32 Section 87127. Safety Training Mandatory. Every employee, whether
33 in the classified or unclassified service, shall spend a specified number of
34 hours each year in the safety training of his or her agency to be eligible

1 for promotion and/or cost of living adjustment. The specified number of
2 hours shall be determined by the Legislature after the Division submits its
3 Report as provided in Section 87124. The number of hours each employee
4 must spend in minimum safety training may be adjusted from year-to-year
5 by the Legislature.

6 Section 87128. Severability. If any of the provisions of this Chapter,
7 or the application thereof to any person or circumstance, is held invalid,
8 such invalidity shall not affect any other provision or application of this
9 Chapter which can be given effect without the invalid provision or
10 application, and to this end the provisions of the Chapter are severable."

11 Section 3. In any case where protective gear is operable and
12 available, and an employee chooses not to use same, the Government of
13 Guam shall not be held liable for any damages or injuries preventable by
14 use of such protective devices.

15 Section 4. On the effective date of this Act, the Chief
16 Officer of every agency shall designate a Safety Officer to be
17 responsible for the safety program of his/her department. Duties
18 shall include, but not be limited to, accepting employee complaints of
19 working conditions and the dissemination to employees of any Division notice
20 of citations or withdrawal of same, as well as notice of any Board hearings
21 and decisions.

22 Section 5. There is hereby appropriated from the General Fund the
23 sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) to the
24 Department of Labor for the Division of Occupational Safety and Health for
25 its first year's operations.

26 Section 6. Safety, including, but not limited to, safety equipment,
27 training, education, and programs for correction of potential or cited
28 deficiencies, shall be a line item in the annual budget submissions of
29 agencies of the Government of Guam.

30 Section 7. Chapter VIII of Public Law 19-10 is hereby repealed and
31 reenacted to read:

"CHAPTER VIII

Superior Court of Guam Fiscal Year 1988 appropriations.

SUPERIOR COURT OF GUAM

	General Fund	Other Fund	Federal Fund	Total
A. For Administration				
1. Personnel Services	\$ 510,320			\$ 510,320
	(20.0 FTE)			(20.0 FT
2. Operating Expenses	427,786			427,78
3. Lease of Office Space	128,463			128,46
4. Utilities				
a. Power	104,000			104,00
b. Water/Sewer	4,100			4,10
c. Telephone	31,796			31,79
5. Capital Outlay	70,266			70,26
6. Miscellaneous				
a. Personnel Development	1,818			1,81
b. Contingency Fund	3,500			3,50
TOTAL	\$1,282,049			\$1,282,04
B. For Financial Management				
1. Personnel Services	\$ 243,012			\$ 243,01
	(9.0 FTE)			(9.0 FT
2. Operating Expenses	3,527			3,52
3. Capital Outlay	4,426			4,42
4. Miscellaneous				
a. Personnel Development	2,030			2,03
TOTAL	\$ 252,995			\$ 252,99
C. For Courts/Ministerial Offices				
1. Personnel Services	\$1,815,685			\$1,815,68
	(63.0 FTE)			(63.0 FT
2. Operating Expenses	66,769			66,67
3. Contingency Fund	10,000			10,00

1	4. Jury Services	390,000		390,00
2	5. Court Appointed			
3	Legal Service	350,000		350,00
4	6. Personnel Development	90		9
5	7. Capital Outlay	<u>29,455</u>		<u>29,45</u>
6	TOTAL	\$2,661,999		\$2,661,99
7	D. For Marshal's Office			
8	1. Personnel Services	\$ 583,389		\$ 583,38
9		(23.0 FTE)		(23.0 FT.
10	2. Operating Expenses	6,253		6,25
11	3. Capital Outlay	6,037		6,03
12	4. Miscellaneous			
13	a. Personnel Development	<u>675</u>		<u>67</u>
14	TOTAL	\$ 596,354		\$ 596,35
15	E. For Probation Services			
16	1. Personnel Services	\$ 936,359		\$ 936,35
17		(36.0 FTE)		(36.0 FT.
18	2. Operating Expenses	22,345		22,34
19	3. Utilities			
20	a. Telephone	635		63
21	4. Capital Outlay	<u>10,247</u>		<u>10,24</u>
22	TOTAL	\$ 969,586		\$ 969,58
23	F. For Judicial Council			
24	1. Operating Expenses	\$ 16,953		\$ 16,953
25	2. For the Stipends of			
26	the Judicial Council			
27	as required by Section			
28	121 of the Civil			
29	Procedure Code of Guam	<u>3,550</u>		<u>3,55</u>
30	TOTAL	\$ 20,503		\$ 20,50
31	G. For Board of Law Examiners			
32	1. Operating Expenses	\$ 10,730		\$ 10,73

1	2. For the Stipends of			
2	the Board of Law			
3	Examiners as required			
4	by Section 28015 of			
5	the Government Code			
6	of Guam	2,400		2,400
7	TOTAL	\$ 13,130		\$ 13,130
8				
9	GRAND TOTAL			
10	SUPERIOR COURT OF GUAM	\$5,796,616		\$5,796,616

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Section 8. Concurrence. The Legislature concurs in the execution by the Judicial Council of a loan agreement with the Farmers Home Administration, United States Department of Agriculture, in the sum of Eleven Million Dollars (\$11,000,000) to build a new Judicial Building, which agreement is embodied in the loan resolution adopted by the Judicial Council on March 17, 1988, pursuant to Section 189.5 of the Code of Civil Procedure.

Section 9. Effective date. The loan agreement referred to in Section 8 of this Act shall also become effective upon the effective date of this Act pursuant to Section 189.5 of the Code of Civil Procedure.

Section 10. Section 81.2 of the Guam Code of Civil Procedure is repealed and reenacted to read as follows:

"Section 81.2. Resignation or retirement for age. Any judge or justice who resigns after serving at least twenty (20) years, continuously or otherwise, or after attaining the age of sixty-five (65) years and after serving at least fifteen (15) years, continuously or otherwise, shall continue during the remainder of his life to receive ninety percent (90%) of the salary he received when he relinquished the office, or after attaining the age of seventy (70) years and after serving at least seven (7) years, but less than fifteen (15) years continuously or otherwise, shall continue during the remainder of his life to receive sixty percent (60%) of the salary he received when he relinquished the office."

1 Section 11. The sum of Three Million Four Hundred Thirty-nine
 2 Thousand Dollars (\$3,439,000) is appropriated from the General Fund to the
 3 Department of Education as an advance appropriation from the FY'89 budget
 4 to procure textbooks, workbooks, and library books from off-island vendors
 5 for the School Year 1988-89. The FY'89 budget approved by the Board of
 6 Education and transmitted to the Legislature shall include, broken down by
 7 school and by subject matter, the amount of the appropriation in this
 8 Section within the ceiling set for the Department of Education. The amount
 9 approved pursuant to this Section shall be allocated for book purchases not
 10 to exceed the following:

11 Public Schools and Private Schools/School Libraries

12	Elementary Schools	\$1,446,000
13	Secondary Schools	1,168,000
14	Special Education	114,000
15	Library Books	406,000
16	Private Schools	<u>305,000</u>
17	Total	\$3,439,000

18 Section 12. The sum of Ninety-Six Thousand Dollars (\$96,000) is
 19 appropriated from the General Fund to the Guam Economic Development
 20 Authority to subsidize the payment of interest on Federal Fund loans
 21 available to local farmers so that the farmers will pay interest at the rate of
 22 three percent (3%) to four percent (4%), as set forth by the Guam Economic
 23 Development Authority, and the difference between the rate of interest and
 24 the interest charged according to Federal Fund Programs will be paid from
 25 this appropriation.

26 Section 13. A new Subsection (f) is added to 11 GCA 24401 to read:

27 "(f) Property use in active farming for at least eight (8) months
 28 in any tax year."

29 Section 14. Notwithstanding any other provision of law, all subdivided
 30 lots located within Tract 538, and within Lot 10090-2, Tract 534
 31 Municipality of Machanao, Dededo, currently zoned 'A', are rezoned "R-1".

32 Section 15. The Governor by Executive Order shall postpone the
 33 effective date of the provisions of Section 14 of this Act until a sewer
 34 system which is adequate to protect the water lens underlying the affected

1 properties is operational, as certified by the Guam Environmental Protection
2 Agency.

3 Section 16. The sum of Forty-Five Thousand Dollars (\$45,000) is
4 appropriated from the Tourist Attraction Fund to the Guam Council on the
5 Arts and Humanities Agency to fund the participation of Guam in the Fifth
6 Festival of Pacific Arts to be held in Townsville, Australia.

7 Section 17. The sum of One Hundred Thousand Dollars (\$100,000) is
8 appropriated from the General Fund to the Off-Island Sports Fund of the
9 Department of Parks and Recreation for the purposes of funding off-island
10 travel of the Guam National Olympic Team to Seoul, Korea and for other
11 allowable purposes.

12 Section 18. Chapter II, Part XX, E of Public Law 19-10 is repealed
13 and reenacted to read as follows:

	General Fund	Other Fund	Federal Fund	Total
14				
15				
16	"E. Special Events Development Fund			
17		\$ 10,000		\$ 10,000
18		-0-		-0-
19		-0-		-0-
20		35,000		35,000
21		-0-		-0-
22		50,000		50,000
23		25,000		25,000
24				
25	TOTAL	\$120,000		\$120,000'

26 Section 19. A new Section G is added to Chapter II, Part XX of Public Law 19-
27 read as follows:

	General Fund	Other Fund	Federal Fund	Total
28				
29				
30	"G. Special Projects Committee			
31		\$ 55,000		\$ 55,000
32				
33	TOTAL	\$ 55,000		\$ 55,000

1 Section 20. The sum of One Hundred Thousand Dollars (\$100,000) is
2 appropriated from the General Fund to the Department of Public Works for
3 the necessary improvements of the new Merizo Public Cemetery in
4 accordance with the provisions of P.L. 16-17.

5 Section 21. Section 7 of P.L. 19-14 is repealed and reenacted to read:

6 "Section 7. It shall be considered an illegal water hookup to
7 interconnect a residence or a commercial business to a line which is
8 metered for agricultural use. Any person who is receiving water at an
9 agricultural rate may not use such water for residential or commercial
10 purposes, or for any purpose other than agricultural use or livestock
11 watering. On any ranch having a residence or business thereon,
12 there shall be a residential or commercial water meter (as appropriate),
13 in addition to a meter monitoring agricultural use. In addition to all
14 other penalties, violation of this Section shall also result in
15 disconnection of all agricultural water to the offending lot for a period
16 of eighteen (18) months, unless all fines, penalties, and water charges
17 have been paid and proper connections have been made for residential
18 or commercial water use."

19 Section 22. The sum of Forty-three thousand Eight Hundred
20 Seventy-six Dollars and Twenty-three Cents (\$43,876.23) is appropriated
21 from the General Fund to the Legislative Operations Fund for reimbursement
22 of State Funeral expenses.

23 Section 23. Subitem (4) of Subsection (a) of Section 8136 of Title 4 of
24 the Guam Code Annotated is repealed and a new Subitem (4) is added to
25 Subsection (a) of said Section 8136 to read as follows:

26 "(4) At the written option of the member, eight and one-half
27 percent (8.5%) of the following non-base pay of such members:
28 Overtime, bonuses, hazardous duty pay, night differential pay, lump
29 sum annual leave paid upon retirement, summer school pay, extra
30 teaching assignments pay, and other salary for services rendered paid
31 to members by the government. A new member shall exercise in
32 writing his or her option to contribute for such non-base pay within
33 sixty (60) days of joining the Fund, failing which such member shall
34 be deemed to have permanently waived the right to exercise such

1 option. All current members shall have until October 1, 1988 to
2 exercise such option. After a member exercises such option the
3 contribution of such member shall be based on such member's base and
4 non-base pay. To complete a current member's exercise of such
5 option, such a member shall pay into the Fund such member's share
6 plus regular interest to the date such deposit is completed of the total
7 contribution required for such non-base pay for such period for which
8 such member wishes to make a retroactive contribution up to the
9 effective date of this Subsection, but not to exceed any period prior
10 to October 1, 1983. The Board shall report to the Legislature by
11 November 1, 1988, (i) the number of members who have exercised the
12 option to contribute for their non-base pay, (ii) the amounts paid by
13 such members as their contribution, and (iii) sums necessary to
14 constitute the employer's share of such contribution so as to maintain
15 the integrity of the Fund in order that the necessary amount shall be
16 appropriated, authorization for which is given. A current member
17 exercising his or her option shall have up to thirty-six (36) months in
18 which to pay the contribution required for the non-base pay for which
19 retroactive credit is sought, under such rules and regulations as to
20 such extended payments plans as are promulgated by the Board;
21 provided, however, that all such contributions shall be paid in by a
22 member before such a member's retirement."

23 Section 24. There is appropriated to the Guam Economic Development
24 Authority, for a loan for the use and benefit of the Option 3 claimants in
25 the Guam Land Claims cases filed pursuant to 48 U.S.C. Section 1424(c) the
26 sum of \$418,272.00, which corresponds to the amount being returned to the
27 General Fund of Guam by reason of settlement of the Option 1 and Option 2
28 cases and the provision in that settlement for repayment of land claims
29 support loans and appropriations previously made to or on behalf of the
30 land claimants through the Guam Economic Development Authority and the
31 Guam Public Defender Service Corporation. The Guam Economic
32 Development Authority shall administer this appropriation pursuant to the
33 provisions of Public Law 17-52. All funds loaned pursuant to this Section

1 shall be repaid under terms and conditions consistent with Public Law
2 17-52.

3 Section 25. A new Article 4.1 is added to Title 12 of Chapter 2 of the
4 GCA to read:

5 "Article 4.1

6 Land Claims Rebate

7 Section 2450. Limited Qualifying Certificate. A Limited
8 Qualifying Certificate is an instrument valid for not more than two (2)
9 years issued by the Chairman of the Board upon recommendation of the
10 Board to a beneficiary who has qualified for a tax rebate under this
11 Article.

12 Section 2451. Same: eligibility. Any person shall be eligible for
13 a Limited Qualifying Certificate who has received compensation for land
14 takings from the United States pursuant to Omnibus Territories Act of
15 1977 (the 'Act').

16 Section 2452. Same: rescission. A Limited Qualifying Certificate
17 may be rescinded for fraud or misrepresentation of any material
18 allegation in the application for such Certificate.

19 Section 2453. Same: application. Applications for Qualifying
20 Certificates shall be filed on forms prescribed and furnished by the
21 Corporation.

22 Section 2454. Rebate. Each beneficiary of the Limited Qualifying
23 Certificate shall receive a rebate of one hundred percent (100%) of all
24 income tax paid to the government of Guam on any payment by the
25 United States as compensation for land taking pursuant to the Act.

26 Section 2455. Same: claim. To claim the rebate, the Beneficiary
27 shall attach a certified true copy of the Limited Qualifying Certificate
28 to his Guam income tax return when filing it. The amount of tax due
29 prior to rebate shall be deposited with the Treasurer of Guam at the
30 time of filing the income tax return. The Director of Revenue and
31 Taxation shall thereafter cause the return to be reviewed and audited,
32 and if the rebate is found in order, shall cause the amount deposited
33 to be returned to the taxpayer within sixty (60) days from the date of
34 the deposit.

1 Section 2456. Rules. The Director of Revenue and Taxation may
2 issue such rules as are deemed necessary to implement the procedures
3 outlined in this Article.

4 Section 2457. Fee. An application fee of Five Dollars (\$5) shall
5 accompany each application for a Limited Qualifying Certificate."

6 Section 26. The sum of Twenty-Five Thousand Dollars (\$25,000) is
7 appropriated from the General Fund to the Department of Parks and
8 Recreation for the purpose of funding the 1988 Guam Youth Football League
9 and for other purposes related to the League.

10 Section 27. Title LXVI, Chapter 3, Sections 62200 through 62210,
11 inclusive, of the Government Code, establishing the Guam International Air
12 Terminal Gaming Zone, is hereby repealed in its entirety.

13 Section 28. §47104.1 of the Government Code, which exempts from
14 criminal liability the importation or operation of slot machines or any other
15 gambling devices at the Guam International Air Terminal Gaming Zone, is
16 hereby repealed in its entirety.

17 Section 29. Title XXVII, Chapter IV, Sections 26400 through 26438,
18 inclusive, of the Government Code (the "Guam Jai Alai Act"), is hereby
19 repealed in its entirety.

20 Section 30. §64.55 of Title 9 GCA, Chapter 64, permitting wagering
21 by persons eighteen years of age or older on the Spanish game known as
22 jai-alai at certain facilities licensed by the Guam Gaming Commission is
23 hereby repealed in its entirety.

24 Section 31. Title LXVI, Chapter IV, Sections 62300 through 62326,
25 inclusive, of the Government Code (the "Territorial Lottery Act"), is
26 hereby repealed in its entirety.

27 Section 32. §64.60 of Title 9 GCA, Chapter 64, which exempts from
28 criminal liability any gambling or wagering permitted under the "Territorial
29 Lottery Act" is hereby repealed in its entirety.

30 Section 33. Notwithstanding any other provision of law, Lot No.
31 5138-2-3NEW, Municipality of Dededo, Guam, is hereby rezoned Commercial.

32 Section 34. Twenty-Five Thousand Dollars (\$25,000) are appropriated
33 from the Tourist Attraction Fund to Guam Visitors Bureau for repairing and
34 re-erecting the Dos Amantes Statue.

1 Section 35. The Governor of Guam is authorized to convey, for a sale
2 price of no less than One Hundred Fifty Dollars (\$150.00) per square
3 meter, a certain parcel of government land, more particularly described as
4 a portion of Old Padre Palomo Street, contiguous to Lot No. 2005 New-1
5 Agana Village, containing an area of 34.83+/- square meters, (374.92+/- sq.
6 ft.) as delineated on the attached map to Mr. Robert E. DeLodge, current
7 owner of Lot No. 2005 New-1, Agana Village.

8 Section 36. The provisions of Section 3 of P.L. 12-61, as amended,
9 shall not apply to the land sale authorized by this Act.

10 Section 37. Notwithstanding any other provision of law, rule or
11 regulation to the contrary, the sale as authorized in Section 35 is approved
12 by the Legislature.

13 Section 38. Notwithstanding any provision of law, rule or regulation
14 to the contrary, the Governor of Guam is authorized to lease government
15 owned real property in the Municipality of Piti, described as a portion of
16 submerged land containing an area of approximately 668 square meters, as
17 shown on Sketch No. 1611, to Pacific Underwater Observatory, Inc., for a
18 term not to exceed fifty (50) years. Payment for any such lease shall not
19 be less than Five Hundred Dollars (\$500.00) per month for the first year
20 and One Thousand Dollars (\$1,000.00) per month in the second year, with
21 standard escalation procedures to be followed thereafter.

22 Section 39. There is hereby appropriated the sum of One Hundred
23 Eighty Thousand Dollars (\$180,000.00) from the General Fund to the
24 Department of Public Works to reconstruct the retaining wall on San Ramon
25 Hill Road and next to the Friary, Municipality of Sinajana, of which One
26 Hundred Thousand Dollars (\$100,000.00) of that amount shall be used for
27 the purpose of installing traffic control signals and devices at the
28 intersection of Route 1, Marine Drive and Macheche Road in the Municipality
29 of Dededo. Any funds which are not expended or encumbered through
30 contract, for actual installation/construction, within one hundred twenty
31 (120) days of this Act's enactment, for the strict purposes expressed in
32 this Act, shall revert to the General Fund.

1 Section 40. The sum of Sixty-six Thousand Dollars (\$66,000) is
 2 appropriated to the Commissioners' Council of Guam for the purpose of
 3 purchasing a dump truck with a load capacity of twelve (12) cubic yards.
 4 The dump truck is to be used by the commissioners of Guam on a rotating
 5 basis, as established by the Council, to serve the needs of village
 6 residents. The vehicle shall be under the custody of the Commissioner's
 7 Office of Yona, which office has other heavy equipment which complements
 8 the use of a dump truck.

9 Section 41. The following positions in the Bureau of Budget and
 10 Management Research are classified as follows:

	Existing	Reclassified
<u>Position</u>	<u>Pay Range</u>	<u>Pay Range</u>
Budget & Management Analyst I	from 30	to 38
Budget & Management Analyst II	from 34	to 42
Budget & Management Analyst III	from 38	to 47
Budget & Management Analyst IV	from 42	to 53
Budget & Management Program Supervisor	from 45	to 58

11 The reclassification in this Section shall take effect September 30,
 12 1988. Each Budget and Management Analyst and Budget and Management
 13 Program Supervisor shall remain in the same step he or she holds prior to
 14 the reclassification but shall have his or her pay range adjusted according
 15 to the schedule set forth in this Section.

16 Section 42. Notwithstanding any other provision of law or other
 17 regulations, a student who otherwise would not have qualified for a student
 18 loan financial assistance award from the University of Guam for off-island
 19 and on-island studies, shall be deemed eligible for such financial assistance
 20 award upon satisfactory completion of no less than sixty (60) credit hours
 21 at a U.S. recognized and accredited college and/or university with a grade
 22 point average of no less than 3.0. All other eligibility criteria have still to
 23 be adhered to.

1 Section 43. Creation of a Task Force. There is hereby established
2 Task Force on Employment for Displaced Workers to consist of seven (7)
3 members who shall be appointed by the Governor for the purpose of
4 implementing the intent of this Act.

5 Section 44. Membership. The members of the Task Force shall be
6 selected in a manner that will ensure adequate representation of both public
7 and private sector and one (1) member shall be selected from each of the
8 following: the Department of Labor; the Guam Community College; the
9 Agency for Human Resources and Development; the Guam Visitors Bureau;
10 the Chamber of Commerce; the Guam Employers Council, and the Hotel and
11 Restaurant Owners Association.

12 The members shall, from among themselves, select a chairman, and
13 other officers as they deem necessary.

14 Section 45. Duties and Responsibilities. Notwithstanding any other
15 law, rule or regulation, the Task Force shall coordinate, centralize and
16 identify all job announcements and to appropriately inform and solicit
17 employment applications to the respective departments, agencies and
18 instrumentalities, of the Government of Guam and to private sector
19 industries.

20 The Task Force shall also conduct studies for the following purposes
21 to ensure employment of these displaced workers:

22 (a) examine alternative ways and means to eventually employ
23 displaced workers; and

24 (b) develop a comprehensive plan for public and private sector
25 employment.

26 Section 46. Eligibility. To be eligible for the program, the owners or
27 general managers shall submit to the Task Force a certified and complete
28 list of employees terminated as a result of seizure and confiscation of poker
29 machines.

30 Section 47. Within fifteen (15) days after the enactment of this Act,
31 the Task Force shall report its findings to the Legislature along with any
32 recommendations it may have as to future action.

1 Section 48. Notwithstanding any other provision of law, the Governor
2 is authorized to utilize funds appropriated in the FY'88 Budget Act, P.L.
3 19-10, to pay prior years' personnel overtime liabilities of the Department of
4 Corrections.

5 Section 49. Lot Nos. 5172-3-5A, 5172-3-6A-1, and 5172-3-7A-1,
6 Tamuning, are re-zoned from "R-2" (Multiple Dwelling) to "H" (Hotel).

7 Section 50. There is appropriated the sum of Two Hundred
8 Twenty-One Thousand Dollars (\$221,000) to the Guam Commission on
9 Self-Determination from the General Fund for Fiscal Year 1988 operations,
10 professional service contracts, and travel. Sums appropriated shall remain
11 available until expended.

12 Section 51. The sum of Ten Thousand Dollars (\$10,000) is
13 appropriated from the General Fund to the Superior Court of Guam for the
14 purpose of funding the cost of the swearing-in and reception of its new
15 Presiding Judge.

16 Section 52. 4 GCA Section 8113.1 is repealed and reenacted to read:

17 "8113.1. Extension of Eligibility for Educational Credits. (a)
18 Any person who is a current member of the Retirement Fund or is a person
19 who has retired on a service retirement annuity, who first joined the fund
20 as a new member on or before January 31, 1987, and who received his
21 graduate or undergraduate degree from an accredited institution offering
22 college or university degrees based upon classroom instruction which is:

- 23 1. an institution accredited in the United States which is recognized
24 by the University of Guam or, the Department of Education; or
- 25 2. an institution in a foreign country which is
 - 26 a. accredited with the Ministry of Education or its equivalent in
27 the foreign country;
 - 28 b. a member of the International Association of Universities; or
 - 29 c. recognized by the United Nations as a bona fide institution of
30 higher learning; or
 - 31 d. recognized by the Department of Education, the University of
32 Guam or the Guam Community College;

33 and was employed by the government of Guam while or after obtaining such
34 degree, may claim retirement credit equal to the period of time, including

1 vacations, that a full-time student would normally take to complete the
2 program leading to the degree he received, or any lesser period he may
3 elect to claim, by paying to the Fund the appropriate member's and
4 employer's shares based on the period of credit sought to be obtained and
5 his salary when he began employment with the government of Guam;
6 provided, however, that:

7 (1) the person is a vested member of the Fund on the effective
8 date of this Act.

9 (2) the member exercises his or her option to pay in for such
10 educational service within 30 days of the effective date of this
11 Act by paying such amount or signing a promissory note for up
12 to five (5) years for such amount, or filing an application to do
13 the same. The application shall be fully processed within 90 days
14 of the effective date of this Act, which processing time may be
15 extended by the Board of Directors of the Retirement Fund if
16 necessary for an additional 90 days.

17 (3) payment of the appropriate member's and employer's shares
18 for the period of credit sought to be obtained on or before
19 January 31, 1987 shall include interest at a rate which is one (1)
20 point under the prevailing prime rate charged on Guam on the
21 date the promissory note is signed.

22 (4) any member who has earned a graduate or undergraduate
23 degree while working for the government of Guam or while on
24 paid leave for educational purposes shall not receive retirement
25 credit for that part of his or her education which was paid for by
26 the government of Guam or which was obtained during a period of
27 paid leave for educational purposes.

28 (5) any member who qualifies for the provisions of this Act on
29 the basis of obtaining a graduate or undergraduate degree while
30 working for the government of Guam, shall have until 30 days
31 after the enactment of this Act to apply for his or her retirement
32 credit, as herein provided.

1 (6) any member who has not claimed his or her retirement credit
2 for education within 30 days of the effective date of this Act shall
3 forfeit the right to take such educational credit.

4 (b) When a person already receiving a service retirement annuity
5 claims educational credit pursuant to Subsection (a) of this Section 8113.1
6 the annuity shall be adjusted accordingly and the increase in such annuity
7 shall be effective on the date on which the person makes full payment of
8 the appropriate member's and employer's shares for the period of credit
9 sought to be obtained, including interest that may be due."

10 Section 53. A new section 8113.2 is added to Title 4 of the Guam
11 Code Annotated, to read as follows:

12 "8113.2. Notwithstanding Section 8113.1 of the Guam Code
13 Annotated, for purposes of this Act, a person shall be deemed to have
14 graduated from an accredited institution and shall be eligible for the
15 benefits of this Act if that degree has been recognized for Teaching or
16 Professional licensing or certification by the government of Guam, its
17 agencies or instrumentalities, as a basis for current employment; as
18 satisfying educational requirements for the position held by the
19 employee; or has been used as a qualification for promotion of the
20 employee by the department, agency, or instrumentality of the
21 government of Guam (including autonomous agencies and
22 instrumentalities) which has hired or employed the member."

23 Section 54. 4 GCA Subsection (b) of Section 8108 is repealed and
24 reenacted to read:

25 "(b) Subsequent Service. An employee shall be allowed credit
26 for any active service in the Armed Forces of the United States
27 subsequent to May 1, 1951, not to exceed five (5) years, provided
28 that if the employee entered the Armed Forces while employed by the
29 government of Guam and re-enters its employ within the period of one
30 (1) year following his discharge from said Armed Forces under
31 conditions other than dishonorable, or if upon said discharge,
32 completes his education under the provisions of the various Acts of
33 Congress extending educational benefits to veterans and re-enters its
34 employ within six (6) months after completing such education, such

1 employee may obtain said retirement credit (not to exceed five (5)
2 years) without making contribution to the Fund, provided that the
3 contribution of both the employee and the employer for such service
4 shall be made by the government of Guam or the employer involved.

5 If the employee was not employed by the government of Guam
6 upon entering the Armed Forces he may obtain said retirement credit
7 (not to exceed three (3) years) only upon making payment to the Fund
8 of two (2) times the appropriate member contribution based on the
9 period of credit sought to be obtained and the average salary paid the
10 employee by the Armed Forces during that period ending with the
11 termination of his military service which is equal to the period of
12 credit sought to be obtained; provided, that while any employee may
13 claim and pay in for such credit, no such credit shall be counted until
14 and unless the employee has actually, subsequently worked for the
15 government of Guam, its autonomous instrumentalities or agencies, for
16 whatever time is otherwise required by law for vesting. For purposes
17 of this Section, salary means (1) basic pay, and (2) any special pay
18 which was taxable under federal income tax law."

19 Section 55. No credit for retirement authorized under this Act shall
20 be recognized for retirement purposes until all employee and employer
21 contributions are fully paid as herein provided. Any employee eligible for
22 retirement credit under this Act shall have such times as herein specified to
23 claim such credit or lose his or her eligibility and be deemed to have
24 waived his or her rights to such eligibility.

25 As to retirement credit for active duty military service, employees on
26 the effective date of this Act shall have 180 days to apply for retirement
27 credit for military service or lose their eligibility and be deemed to have
28 waived their rights to such eligibility. New members after the effective
29 date of this Act shall have 60 days after commencement of employment to
30 elect to take retirement credit for military service, or be deemed to have
31 waived such right to credit.

32 Section 56. A new subsection (f) is added to Section 47060 of the
33 Government Code to read:

1 "(f) Annually, on or before May 1, to compile a cost of living
2 index based on consumer prices and other related information and to
3 determine a rate of inflation for the previous calendar year, for use
4 by the Government of Guam Retirement Fund and the government of
5 Guam in adjusting benefits received under the Government of Guam
6 Retirement Fund law and the salaries of employees of the government
7 of Guam. Such cost of living index and rate of inflation shall be
8 forwarded annually, on or before May 10 of each year to the
9 Governor, to the Board of Trustees of the Government of Guam
10 Retirement Fund, and to the Speaker of the Legislature."

11 Section 57. A new 4 GCA Section 8137.1 is added to read:

12 "8137.1. Annual Cost of Living Allowance. Annually, on the
13 first retirement payday after July 1 of each year, each person entitled
14 to receive a benefit under this Chapter shall receive, in addition to
15 any other adjustment to which such person may be entitled under this
16 Chapter, an annual lump sum cost of living allowance paid out of the
17 General Fund and administered by the Retirement Fund, to be
18 computed by multiplying the entitled benefit times the rate of inflation
19 based on the cost of living index computed annually by the Department
20 of Commerce pursuant to Subsection (f) of Section 47060 of the
21 Government Code. The base year used in these computations shall be
22 calendar year 1988. The right to this cost of living allowance shall be
23 deemed not to be a vested right of the members of the Retirement
24 Fund. The money necessary to fund this section shall be automatically
25 appropriated from the General Fund on an annual basis as required
26 unless later amended."

27 Section 58. A new 4 GCA 8137(c) is added to read as follows:

28 "In addition to all other contributions made by the government to
29 the Retirement Fund pursuant to this chapter, the government shall
30 pay as an additional contribution to the Fund one percent (1%) of the
31 total salaries of all members, effective October 1, 1988. These
32 payments shall be first applied towards any unfunded liability of the
33 Fund, if there be any."

1 Section 59. 4 GCA 8104(j) is hereby amended by adding after the last
2 sentence the following:

3 "The term 'average annual salary' shall include contributions paid
4 under 4 GCA 8112."

5 Section 60. Section 8130 of Title 4 Guam Code Annotated is repealed
6 and reenacted to read:

7 "8130. Refund on Separation.

8 (a) Upon complete separation from service before a member shall
9 have completed at least twenty (20) years of total service, the member
10 shall be entitled to receive a refund of his total contributions,
11 including regular interest, but no payment of interest shall be made in
12 any case in which total service is less than one (1) year. Total
13 contributions shall include all contributions made by a member to
14 obtain various types of credit authorized by this Chapter.

15 Any member who withdraws after having completed at least five
16 (5) years total service shall have the option of leaving his
17 contributions in the Fund and receiving a service retirement annuity
18 upon attainment of the age of sixty (60) years without choice of any of
19 the optional survivors' benefits hereinunder described.

20 If such member has less than twenty (20) years of total service,
21 he may elect to receive his contributions, with regular interest, as
22 hereinabove provided, in lieu of the service retirement annuity. If his
23 total service is twenty (20) years or more, the acceptance of such
24 deferred retirement annuity payment beginning at the age of sixty (60)
25 years, shall be mandatory as to such member.

26 Any member receiving a refund of contributions shall thereby
27 forfeit, waive and relinquish all accrued rights and benefits in the
28 system, including all credited and creditable service. The Board may,
29 in its discretion regardless of cause, withhold payment of a refund for
30 a period not to exceed one (1) year after receipt of an application
31 from a member.

32 (b) Any member who withdraws his contribution after the
33 effective date of this Act shall lose all service credit earned up to the
34 date of the withdrawal of his contribution, and may not hereafter

1 receive credit for such time, and may not repurchase or pay in for
2 retirement credit for the time withdrawn. As a condition of
3 withdrawing his or her contribution, a member must first sign a
4 statement that he or she understands that the withdrawal is permanent
5 and that the withdrawal cannot hereafter be paid back in and that if
6 the member later re-enters the retirement system, the member shall not
7 receive credit for the previous service. For those members who
8 withdraw their contributions to the Retirement Fund prior to the
9 effective date of this Act, such members shall have one hundred
10 eighty (180) days from the effective date of this Act to make payment
11 of the amount withdrawn including interest for the entire time the
12 amount was withdrawn, at the prevailing bank prime interest rate on
13 loans, and not less than the interest rate charged by the United
14 States Internal Revenue Service on unpaid overdue income tax liability
15 (exclusive of penalties). Members may sign a promissory note and may
16 repay on installment payments of up to five years at said interest
17 rates. Any member who does not claim such credit for prior service
18 within 180 days from the effective date of this Act, shall be deemed to
19 have waived and forfeited the right to do so. If a member pays back
20 the withdrawal pursuant to this paragraph, the member may not retire
21 or count the time for which the withdrawal was made for any purpose
22 until the member actually, subsequent to the withdrawal, works for the
23 government of Guam, its agencies or its instrumentalities, as a full
24 time employee and member of the Retirement Fund for whatever period
25 of time is otherwise required by law for vesting, and

26 (c) Any member who has withdrawn his or her retirement
27 contribution from the Fund who later has paid back such amounts or
28 who is paying back such amounts pursuant to a repayment agreement
29 or promissory note on the effective date of this Act and who is
30 currently, on the effective date of this Act, a member (whether or not
31 vested) shall be deemed to have reentered the Retirement Fund on the
32 terms and conditions in effect on the date he or she originally became
33 a member of the Fund, subject, however, to the provisions,
34 conditions, and restrictions of this Act.

1 (d) Prior members who withdrew their contributions and are no
2 longer members may pay back their contributions within 180 days from
3 the effective date of this Act, or shall thereafter be ineligible to claim
4 retirement credit for such periods of prior employment, provided, that
5 the reentry into the retirement system shall be on the following terms:

- 6 (1) The prior member may not retire or count the time for which
7 the withdrawal was made for any purpose until the prior
8 member actually, subsequently, works for the government of
9 Guam, its agencies or instrumentalities, as a full time
10 employee and member of the Retirement Fund for whatever
11 period of time is otherwise required by law for vesting, and
12 (2) The prior employee must be otherwise eligible to reenter the
13 government service as a full time employee, and
14 (3) The prior employee pays interest on the amount withdrawn,
15 at the prevailing bank prime interest rate on loans, and not
16 less than the interest rate charged by the United States
17 Internal Revenue Service on unpaid overdue income tax
18 liability (exclusive of penalties).

19 Any prior member who does not claim such retirement credit for
20 prior employment within 180 days from the effective date of this Act
21 shall be deemed to have waived and forfeited the right to do so."

22 Section 61. The Retirement Fund shall send a copy of the sections of
23 this Act relative to the Retirement Fund to all members by mail to their last
24 known mail addresses, along with a summary of the provisions and deadlines
25 contained in this Act, and shall advertise the provisions and deadlines of
26 this Act relating to the Retirement Fund in Guam newspapers.

27 Section 62. Subparagraph (1) of Subsection (d) of Section 8135 of
28 Title 4 of the Guam Code Annotated is hereby repealed and reenacted to
29 read:

30 "(1) Spouse. The annual annuity shall be equal to fifty percent
31 (50%) of the disability or service retirement annuity earned by the
32 member and accruing to his or her credit or payable to the member at
33 the date of his or her death for the period of his or her total service,
34 whichever is greater. The spouse's annual annuity shall not, in any

1 case, be less than One Thousand Two Hundred Dollars (\$1,200) per
2 year."

3 Section 63. Notwithstanding any other provision of law, the
4 government shall pay such amounts of the group life insurance premiums for
5 retired employees and survivors of retired employees who are receiving
6 annuities as necessary to maintain their contributions of the premiums,
7 excluding coverage for dependents, at the same rates as are in effect March
8 1, 1988.

9 Section 64. Notwithstanding Public Law 19-10 the Guam Memorial
10 Hospital Authority may enter into the following contracts for services:

11 (a) One with a risk management firm to assist the hospital in
12 preparing specifications for liability insurance for its real and personal
13 property; and

14 (b) One with the Joint Commission on Health Care Organizations
15 to conduct a standards interpretation workshop in pursuit of
16 accreditation.

17 Section 65. The FTE Restrictions imposed by Public Law 19-10 shall
18 not be applicable to Guam Memorial Hospital for health professionals because
19 of the high number of part-time employees.

20 Section 66. Section 6010 of the Government Code is hereby repealed
21 and reenacted to read as follows:

22 "§6010. Notwithstanding any other provision of law, unless work
23 has commenced or ten percent (10%) of the funds have been expended
24 to accomplish the purpose of an appropriation, any appropriation for
25 capital improvements or the acquisition of capital goods and equipment
26 made by the Legislature shall cease to be an appropriation and shall
27 become an authorization for an appropriation five years from the date
28 the appropriation is made and all sums previously appropriated shall
29 revert to the General Fund. The Director of Administration shall
30 identify the sums which are changed from an appropriation to an
31 authorization for an appropriation pursuant to this Section, and their
32 uses, and shall report them to the Legislature within ninety (90) days
33 of the date of the changes. The provisions of this Section shall be
34 effective September 30, 1985 for any appropriation made before

1 September 30, 1984; except that the Director of Administration shall
2 make a report of sums which will be changed from an appropriation to
3 an authorization for an appropriation, and their uses, and also a
4 report in a format which will be submitted to the Committee on Ways
5 and Means on sums which have been appropriated and which will
6 continue to be appropriated for ongoing projects as of September 30,
7 1985, to the Legislature within ninety (90) days after the effective
8 date of this Act."

9 Section 67. Twenty-five Thousand Dollars (\$25,000) are appropriated
10 from the General Fund to the Guam Power Authority for power extension in
11 the municipality of Dededo.

12 Section 68. Eighteen Thousand Dollars (\$18,000) are hereby
13 appropriated from the General Fund to Guam Power Authority for the
14 purpose of providing power extension to Lot No. 3 RI Tract 296 Yona,
15 Guam.

16 Section 69. One Hundred Thousand Dollars (\$100,000) are
17 appropriated from the General Fund to the Department of Land Management
18 for a land survey revolving fund, to finance the survey and appraisal of
19 government lands identified as available to exchange for lots being acquired
20 for the new Judicial Building. The land acquisition allotment of the Judicial
21 Building Fund shall reimburse the land survey revolving fund for costs of
22 surveys and appraisals which have resulted in land exchanges in lieu of
23 direct payments to landowners for lots acquired through condemnation
24 proceedings.

MEAN HIGH WATER

GOVERNMENT

LAND

N 84° 08' 35" E 24.48
N 84° 13' 00" E 24.431

N 73° 44' 08" W 3.62
E 03° 53' 10" W 3.621

LOT 2005-NEW-1
AREA = 1.755 ± SQ. M.

BASIC
LOT 2005-NEW-1
AREA = 1.031 ± SQ. M.

BASIC LOT 2004

AREA = 7.43 SQ. M. (REG.)
AREA = 7.24 ± SQ. M. (COMP.)
DWC # 238145 (SEE NOTE 4)

LINDA'S CAFE

S 61° 17' 55" W 23.94
S 80° 38' 15" W 24.021
S 78° 56' 10" W 23.95

Spine End
at by link

15.13
S 78° 39' 46" W

WALLS

S 72° 35' 46" W

P.O.B.
N. 50.423.88
E. 51.037.75

12/57

N 84° 00' 46" E 14.03

N 84° 11' 45" E 11.950

S 04° 52' 00" E

(96.42)

N 52° 35' 14" E 15.4

11.408

LOT 2005-NEW-1

LOT 2005

LOT 2006-NEW

LOT 2006-1

N 78° 39' 46" E 49.63

S 80° 39' 31" W 125.80

N 77° 35' 46" E 40.68

N 77° 31' 46" E 36.09

S 04° 53' 14" E 5.89

PORTION of OLD
PADRE PALOMO ROAD
AREA: 332.02 SQ.FT
30.85 SQ.M

± of ROUTE No. 1 100' R/W

To Tamuning

50'

50'



NINETEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No. 296

DATE: 7/7/88

Res. No. _____

QUESTION: _____

SENATOR	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
<u>E. P. Arriola</u>				✓
<u>J. G. Bamba</u>	✓			
<u>M. Z. Bordallo</u>	✓			
<u>H. D. Dierking</u>	✓			
<u>E. R. Duenas</u>	✓			
<u>E. M. Espaldon</u>				✓
<u>F. J. Gutierrez</u> +	✓			
<u>M. K. Hartsock</u>	✓			
<u>A. C. Hernandez III</u>	✓	✓	✓	✓
<u>P. C. Lujan</u>	✓			
<u>M. D. A. Manibusan</u>	✓			
<u>J. G. Miles</u>	✓			
<u>T. S. Nelson</u>	✓			
<u>D. Parkinson</u>	✓			
<u>J. P. Quisenberry</u>	✓	✓	✓	✓
<u>F. J. Quitugua</u>	✓			
<u>J. M. Rivera</u>	✓			
<u>M. C. Ruth</u>	✓			
<u>J. T. San Agustin</u>	✓			
<u>F. R. Santos</u>	✓			
<u>A. J. Shelton II</u>	✓			

17

2



Nineteenth Guam Legislature

P.O. Box CB-1
Agana, Guam H.S.A. 96910

June 24, 1987

Honorable Franklin J. Quitugua
Speaker
Nineteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on Health, Welfare & Ecology to which Bill No. 296 was referred wishes to report its findings and recommendations.

The Committee voting record is as follows:

To do confirm	<u>9</u>
To not confirm	_____
To report out	_____
Not-voting	<u>1</u>
Off-Island	_____

A copy of the report and all other pertinent documents are attached for your information.

Sincerely yours,

JOE T. SAN AGUSTIN

attachments

VOTE SHEET
 COMMITTEE ON HEALTH, WELFARE & ECOLOGY
 BILL NUMBER 296

AN ACT TO ADD A SUBSECTION (S) TO 12101 OF 10 GCA CHAPTER 12
 RELATIVE TO INDIVIDUAL, FAMILY, AND MARRIAGE THERAPISTS.

<u>SENATOR</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>TO REPORT OUT</u>	<u>COMMENTS</u>
Joe T. San Agustin, Chairman	✓			
<i>F.R. Santos</i> Francisco R. Santos, Vice-Chairman	✓			
<i>E. Arriola</i> Elizabeth P. Arriola, Member	✓			
<i>H. Dierking</i> Herminia D. Dierking, Member	✓			
<i>E. Espaldon</i> Ernesto Espaldon, Member	✓			
Alberto C. Lamorena III, Member				
<i>P. C. Lujan</i> Pilar C. Lujan, Member	✓			
<i>M. D. Manibusan</i> Marilyn D. Manibusan, Member	✓			
Ted S. Nelson, Member				
Pedro C. Sanchez, Member				

COMMITTEE ON HEALTH, WELFARE & ECOLOGY
COMMITTEE REPORT
BILL NO. 296

AN ACT TO ADD A SUBSECTION (S) TO 12101 OF 10 GCA CHAPTER 12
RELATIVE TO INDIVIDUAL, FAMILY, AND MARRIAGE THERAPISTS.

BACKGROUND

Bill No. 296 introduced by Senator Joe T. San Agustin is an act to add a new a new subsection to existing statute regarding medical practices. As in the definitions of different medical practices, this new subsection is added to define Individual, Family, and Marriage Therapists. Through this addition, the licensing of these individuals would increase therapeutic services to the public, recognize certain standards for these therapists, provide quality help for those in need, and would adequately compensate them for their services.

PUBLIC HEARING & TESTIMONY

The public hearing for Bill No. 296 was held on Monday, May 11, 1987 at 9:00 a.m. in the Legislative Session Hall. The Committee chairman Senator Joe T. San Agustin presided over the hearing and was joined by Senators Frank R. Santos, Elizabeth P. Arriola, Pilar C. Lujan, Ted S. Nelson, and Alberto C. Lamorena III. Appearing before the Committee was the Association of Marriage & Family Therapists of Guam. Each member read from a prepared statement by the Association where their support was focused on the benefits to be gained and the impact to the community.

The association spoke on how the licensing will expand the private sector by stating that currently, there is only one licensed Therapist on Guam working in the Private Sector.

Further, they stated the licensing requirements would encourage individuals to enter the working market because there is professional recognition and approval through regulation. Also, they noted to the Committee that health insurance companies do not provide coverage for mental health therapy unless the therapist is licensed in the State or Territory where the services are received.

By not having licensed therapists, the private sector is also set back by certain Navy regulations which requires their Family Services Center counselor's must be licensed, therefore in order for the Navy to fill these positions they must hire persons from off-island. If licensure is available, the local therapists could be able to provide their services within the Civil Service.

The Association also cited how the licensing requirements would benefit the indigent population of Guam by encouraging therapists to establish practices for persons seeking treatment and are in a better position to afford it. Through this, the Department of Mental health & Substance Abuse would be better able to serve the indigent population.

Finally, the association stressed the need for the licensure of this profession in order to ensure the persons receiving treatment and therapy are under the guidance of competent, ethical and professional therapists.

Prior to the hearing, the Committee received numerous letters from the island's professionals who in one way or another are involved with the profession of Individual, Family & Marriage Therapists. These persons are in full support of the Bill and requested immediate passage and approval.

To date, the Committee has received letters of support from the following:

Benjamin J.F. Cruz Judge, Supreme Court of Guam
Donald R. Hines President, Guam Psychological Association
Fred F. Ungacta Director, Mental Health & Substance Abuse
Gloria B. Nelson Director, Department of Education
Luis Martinez Administrator, D.O.E. Pupil Personnel Services
Rosita A. Biscoe Social Worker, U.S. Navy Hospital
William W. Colliflower Medical Director, Family Health Plan

The Committee also received testimony on Bill No. 296 from the Department of Public Health & Social Services. The department noted the licensing of therapists would be under the purview of the Guam Board of Allied Health Examiners. The Board presently oversees the licensing of Clinical Psychologists who provide similar services and the department expressed concern over the added costs for therapy services as well as administration to license these individuals.

The only amendment to the Bill, has been to add Senator Ted S. Nelson as the second Co-Sponsor at his request.

COMMITTEE FINDINGS & RECOMMENDATIONS

The Committee has received overwhelming support for the licensing of Individual, Family, & Marriage Therapists as provided for in Bill No. 296. Although this may add further administrative duties to the Department of Public Health & Social Services, they are far outweighed by the counseling and treatment needs of numerous patients and clients. The Committee therefore recommends to the Full Legislature, the approval and passage of Bill No. 296 as amended.

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) REGULAR SESSION

Bill No. 296

Introduced by:

J.T. San Agustin
T.S. Nelson
F.R. Santos
E.P. Arriola
H.D. Dierking
E.M. Espaldon
A.C. Lamorena III
P.C. Lujan
M.D. Manibusan *mlm*
P.C. Sanchez

AN ACT TO ADD A SUBSECTION (S) TO 12101 OF 10 GCA CHAPTER 12
RELATIVE TO INDIVIDUAL, FAMILY, AND MARRIAGE THERAPISTS.

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

Section 1. A new subsection (S) is added to 10 GCA Chapter 12 12101 to read:

" (s) 'Individual, Family and Marriage Therapists' means a skilled individual, as being qualified by practical and academic training to provide planned intervention to help the client (s) enlarge competencies and increase problem solving skills and coping abilities. Licensure requirements and scope and procedures of practice for such individuals are to be promulgated by the Board of Allied Health Examiners."

TESTIMONY ON BILL 296

BY: ASSOCIATION OF MARRIAGE AND FAMILY THERAPISTS OF GUAM

I. Introduction

We are in favor of the Passage of the Bill.

Individual, Marriage and Family therapists are recognized professionals. Individual, Marriage and Family therapists are by training able to address various issues in families and marriages that lead to dysfunction within the family structure.

An educational background with a masters level degree and experience with working with dysfunctional families and individuals is a prerequisite to rendering the type and quality of care that is necessary to treat the various psycho social problems that are encountered with individuals, marriages and families on Guam.

There is a growing awareness in the community that a service needs to be provided on Guam to meet the increasing social service needs of the community. Individual, marriage and family therapists can provide the additional resources to meet these needs.

The licensure of Individual, Marriage and family therapists results in a number of benefits to the public.

1. increasing availability of mental health services to the public.
2. an end to the confusion caused by the proliferation of job titles.
3. recognition of standards for Individual, Marriage and Family therapists.
4. creation of an accessible forum in which clients may raise concerns about ethical conduct of therapists.
4. makes the practice of Individual, Marriage and Family therapy more attractive to professionals, due to being recognized as a professional entity on Guam.

The specific areas of need that we feel licensure will have an impact on are as follows:

1. The expanding private sector.
2. The indigent population.
3. Quality assurance issues.

various representatives who are private citizens, marriage and family therapists, and are members of the Association on Guam will continue testimony addressing the issues cited above.

II. The Expanding Private Sector

By passing legislation licensing Marriage and Family Therapists on Guam, the public will have access to more trained personnel. Currently, there is only one Licensed Therapist on Guam, working in the Private sector. This full time Therapist is working under the Allied Health Commission.

Licensing is an inducement for professionals to enter the working market knowing they have the recognition and approval, through regulations, of the community they wish to serve. Currently, the people of Guam have access, through the two HMO's, to only three trained and licensed therapists. Two of these therapists are licensed on Guam as Clinical Psychologists. The other therapist is licensed from California as a Clinical Social Worker. Many Insurance Companies will not provide coverage for mental health therapy unless the therapist is licensed in the State or Territory where the therapy is received.

We need to provide quality help to the people of Guam. Licensing will be an incentive to the training of therapists and assuring the public of the credentials of those trained.

Guam's large military community would also benefit greatly if licensure was available to credentialed clinical practitioners. Navy Family Service Center, for example, is restricted to providing short-term counseling (which generally is limited to a maximum of eight sessions) to Active Duty personnel, their Dependents, Reservists and Retired personnel (the last two groups being actual residents of Guam). Navy Family Service Center's services are also rendered to "Other than Navy Personnel" - which includes Army and Civilian personnel who are usually Guam residents as well. It is estimated that as many as 40% of the clients seen at Navy Family Service Center have needs for longer-term counseling than Navy Family Service Center is able to provide. Such long-term cases could be referred to local community resources with payment covered by the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). However, Champus will only reimburse payment for clinical services provided by licensed mental health

practitioners - and at the present time there is only one Champus provider on island. This certainly is not adequate to meet the needs of the military community.

In addition to the above, a recent Navy regulation has required that each Navy Family Service Center counselor be licensed. If there are no means for licensure of credentialed clinical practitioners on Guam, it would be impossible for any social worker or psychologist, who is a Guam resident, to obtain employment in the counseling profession within the Civil Service. Off-island hiring would result - which in essence robs qualified local practitioners of opportunities to work in the Civil Service within their own territory. If licensure was available, Guam social workers and psychologists (our own local resources) could continue providing their valuable services within the Civil Service.

III. Indigent Population

According to statistics contained in the Public Health Department statistics for their report for fiscal year 1986 to the Bureau of Economic Security there are approximately 7,192 people receiving assistance on Guam at any one time.

In addition to that there are an additional 2,371 people who are not covered by medical insurance who apply for and receive coverage under the medically indigent program.

This makes a total of approximately 9563 people who have sought out services and who, based on their income are eligible for some sort of assistance. It should be noted that there are others who may be eligible or on the borderline who have not sought assistance for various reasons, so this number should serve as a conservative estimate of the poor on Guam. With 120,000 as the population of Guam this makes them about 8% of Guam's population.

According to statistics from the Alcohol Drug and Mental Health Administration (ADMHA) approximately 16.4 - 24.1% of the population nationwide is in need of mental health services at any given time. About 50% of the people in need of services actually seek them. Of these 75% can be treated on an outpatient basis. The rest require hospitalization or partial hospitalization.

Assuming Guam has mental health needs comparable to the rest of the nation then conservative estimates for people in need would be, 19,860 persons in need of

mental health services, 9,840 who would be willing to seek services if they were available, and of these; 7,380 people who could be treated on an outpatient basis and 2,460 who require hospitalization.

If we estimate Guam's military and military dependent population at about 30,000 then these people can be broken down into three groups.

People who would seek treatment if its available 9840

<u>Outpatient</u>		<u>Inpatient</u>
Military	1845	615
Residents	4945	1648
Indigent	590	197

There is only one place on island equipped to treat people in need of inpatient treatment, this is located at the Department of Mental Health and Substance Abuse. Last year they were able to treat 162 people. This means that approximately 2,298 people who needed to be hospitalized for serious mental disturbance were not treated in the hospital.

The Department of Mental Health and Substance Abuse is the only place on island where the indigent can go for outpatient treatment. In addition to the indigent population DMH&SA accepts anyone else who wishes services to be treated there also. Presently there are 3 therapists who provide treatment on an outpatient basis who are in the private sector. Clearly this is not sufficient to service a population of 4,945 people. Consequently, many of these people are serviced by DMH&SA or are not serviced at all.

Last year DMH&SA serviced 350 people in their outpatient services division. This is 70 clients per therapists. At this rate of service all of the counselors have maintained a maximum caseload and have at times maintained a waiting list. 70 clients per year can then be considered a maximum.

Using this figure then, approximately 560 people needing outpatient services last year were treated. This leaves about 4,975 persons who would seek services, without treatment.

We believe that licensing of therapists will lead to conditions that will encourage

therapists to establish practices on Guam. This should encourage people who would seek treatment if it is available to do so. In addition, it will allow people a greater range of choice than is currently available. Many people who could afford counseling will choose to seek counseling in places other than DMH&SA. This will lessen the burden on DMH&SA and allow them to serve the indigent population more fully than is presently possible.

IV. Quality Assurance

Our position in supporting professional licensure for Individual, Marriage and Family therapists on Guam is predicated upon the belief that the services provided by such therapists involve complex aspects of human needs, crises and dysfunctional behavioral patterns which, if improperly managed, can be detrimental to the health, welfare and well-being of clients. Enacting licensure for this profession helps to ensure that clients receive competent, ethical help from therapists.

Guam residents seeking counseling assistance in these areas currently lack any basis to effectively judge the competence level of a therapist. Licensing therapists may not guarantee the quality of service provided by each licensed therapist, however, it ensures that the individual has met minimum standards of professional education, supervision and experience in the field. National organizations such as National Association of Social Workers, American Psychological Association and American Association of Marriage and Family Therapists, among a few, have long since discovered that the only way to ensure that persons providing services are capable is to establish minimum standards for practice. Such regulation is essential for the public, as well as the profession.

Re: Expert Witnesses

Supporting professional licensure for IMF therapists will also help meet another critical need on Guam - expert court witnesses. As Superior Court Judge Ramon Diaz has noted, "marriage and family therapists are often called upon to testify in court as experts in domestic matters, yet this lack of license hampers their qualification as expert witnesses for litigation purposes."

IMF therapists are experienced in managing a diversity of human-related problems, including areas of child abuse, sexual abuse and sexual assaults. It is our belief that if they were to be licensed, their credibility as expert witnesses in such cases would strengthen the prosecuting attorney's case.

Re: Code of Ethics

We steadfastly hold that one of the most important reasons for enacting licensure is the accountability to the public.

Licensure allows the means to review any alleged unethical behavior or practice by Individual, Marriage and Family therapists and impose necessary sanctions, including suspension or termination of license.

License also prevents inexperienced therapists from presenting themselves to the public as Individual, Marriage and Family therapists prior to gaining essential supervised experience.



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM
P. O. BOX 2816
AGANA, GUAM 96910

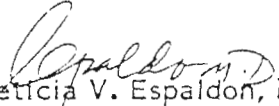


BILL NO. 296: AN ACT TO ADD A SUBSECTION (S) TO 12101 OF 10 GCA CHAPTER 12 RELATIVE TO INDIVIDUAL, FAMILY, AND MARRIAGE THERAPISTS.

The intent of Bill No. 296 is to establish a new classification for licensure of Individual, Family and Marriage Therapists under the Guam Board of Allied Health Examiners.

The Guam Board of Allied Health Examiners has already been tasked to license "Clinical Psychologists" who provide similar services. It is of concern that the more specialties within a general area of practice are mandated for licensure, the higher the cost for consultation from therapists.

An additional mandate for licensure will also necessitate an increase in administrative staff, equipment, supplies and the corresponding outlaying of additional funds to implement the intent of this bill if passed. The Commission on Licensure to Practice the Healing Art within the Department of Public Health and Social Services is already taxed with seven Boards including the Commission body itself.


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Director

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DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

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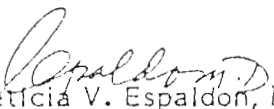


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Leticia V. Espaldon, M.D.
Director


Introduced

MAR 11 '87

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) REGULAR SESSION

Bill No. 296 (COR)

Introduced by:


J.T. San Agustin

AN ACT TO ADD A SUBSECTION (S) TO 12101 OF 10 GCA CHAPTER 12
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Board of Allied Health Examiners."

A.J. SONNY SHELTON
SENATOR
CHAIRMAN, COMMITTEE ON RULES



19TH GUAM LEGISLATURE

Vice-Chairman:
COMMITTEE ON ENERGY, UTILITIES
AND CONSUMER PROTECTION
Member:
COMMITTEE ON EDUCATION
COMMITTEE ON TOURISM,
TRANSPORTATION AND COMMUNICATION
COMMITTEE ON ECONOMIC
DEVELOPMENT AND BANKING
COMMITTEE ON FEDERAL, TERRITORY
AND LEGAL AFFAIRS

P. O. BOX CB-1 AGANA, GUAM 96910 TELEPHONE (671) 472-3405, 472-0409

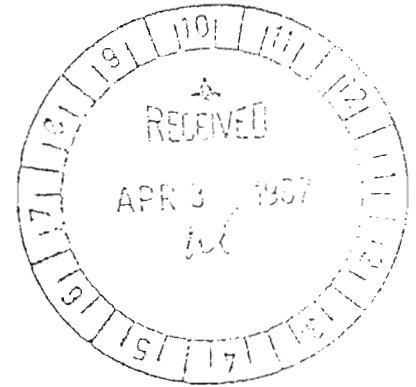
March 31, 1987

MEMORANDUM

To: Chairperson, Committee on Health,
Welfare & Ecology

From: Chairman, Committee on Rules

Subject: Referral on Bill Nos. 286, 293, 295,
296, 306, 314, 348, 358, and Resolution
Nos. 21 and 23



The above captioned matters are referred to your Committee. Please take note that the referrals are subject to ratification by the Committee on Rules at its next meeting.


A. J. SONNY SHELTON
Chairman

Attachments



Superior Court of Guam
Judiciary Building
110 West O'Brien Drive
Agana, Guam 96910

Handwritten signatures and initials.

Chambers of
Benjamin H. F. Cruz
Judge

February 18, 1987.

Senator Joe T. San Agustin
Chairman
Committee on Health, Welfare and Ecology
19th Guam Legislature
Government of Guam
Agana, Guam 96910

Dear Senator San Agustin:

I was pleased to hear of the effort currently being undertaken by the local Guam Association of Family and Marriage Therapists (AFMT) to implement licensure for professionals who wish to go into private clinical practice in professional counseling. I have become aware of how very limited counseling services in the private sector is and recognize the need to support the endeavors of those professionals who have committed themselves to improving this deficient area.

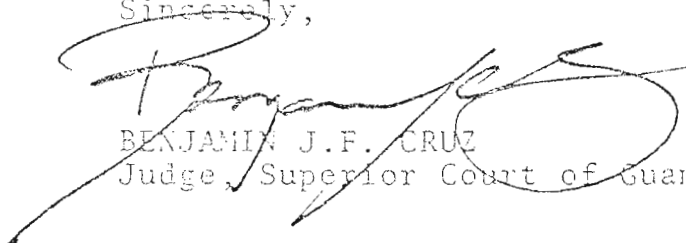
As Family Court Judge, I have become highly cognizant of the great need for professional counseling in rendering the best possible disposition in cases that clearly warrant treatment intervention. As our present providers within the few governmental agencies are often overtaxed, expanding the private sector of professional counselors would greatly assist the Court and the community in general. Here at the Court, there are presently four full time counselors who consistently handle maximum caseloads. At various times the counseling unit has had to establish a waiting list due to the increasing number of cases that are referred for counseling. Whenever possible referrals to other counseling services such as the Mental Health Outpatient Service and the few private providers are made in order to expedite the need for immediate intervention. However, it is frequently brought to my attention that Mental Health is also at a maximum level of functioning and cannot readily accept referrals from the Court. They too have a waiting list and cannot accommodate the large number of referrals they receive.

The resultant lack of alternatives often prevents individuals and families from receiving direly needed counseling and in many cases may cause further dysfunction of the individual or family.

The licensing of counselors in good time will hopefully increase the number of available professional counselors to meet the ever increasing demand for professionally competent counseling services. Licensing would significantly pave the way for insurance coverage of psychotherapeutic services by the various Health Maintenance Organizations (HMO's) and thereby increase the availability of qualified counselors.

In closing I strongly endorse the proposal by the AFMT to implement a licensure regulation for professional counselors and urge that your committee as well as the legislature as a whole give this matter worthy and favorable consideration.

Sincerely,

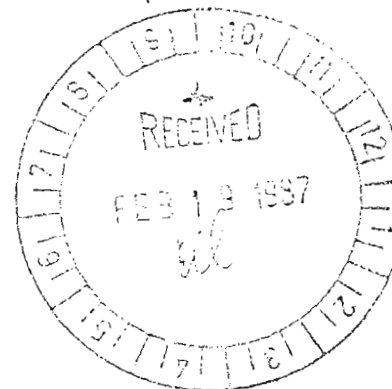


BENJAMIN J.F. CRUZ
Judge, Superior Court of Guam



GUAM PSYCHOLOGICAL ASSOCIATION
c/o P. O. Box DE
Agana, Guam, USA 96910

February 12, 1987



Senator Joe T. San Agustin
Chairman
Committee on Health, Welfare and Ecology
19th Guam Legislature
Government of Guam
Agana, Guam 96910

Dear Senator San Agustin:

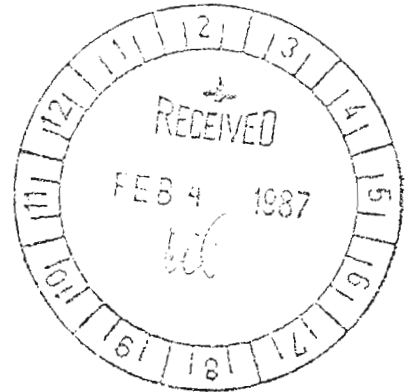
This letter is in support of licensing of marriage and family therapists. At the present time the only form of Government approval and regulation of individuals who hold themselves out to the public as professionals in the field of personal counseling/therapy is licensing as a clinical psychologist, or certification by the Department of Education as a Guidance Counselor or School Psychologist. The membership of the Guam Psychological Association have been polled with the result that there is a strong feeling that licensing of marriage and family therapists is a positive step toward protecting the public against unqualified individuals performing this service. At the present time there is nothing to prevent an unqualified person advertising themselves as a trained professional in the field of marriage and family therapy. By having the Board of Allied Health Examiners regulate and license individuals as marriage and family therapists it decreases the possibility of serious harm being done to the public seeking this service.

Sincerely,

DONALD P. HINES
President
Guam Psychological Association



A Health Maintenance Organization



January 28, 1987

Senator Joe T. San Agustin
Chairman
Committee on Health, Welfare & Ecology
19th Guam Legislature
Government of Guam
Agana, Guam 96910

Dear Senator San Agustin:

It has recently been brought to my attention that there are no legal requirements for licensing of marriage and family counseling professionals on the island of Guam. It seems to me as a physician interested in community health, that this is a serious and potentially dangerous oversight. The people of Guam need guidelines as to who may be qualified in this field and whom they would be able to place their trust when such therapy may be needed. This type of outpatient mental health care is a valuable adjunct to community, however, if improperly applied can cause grievous harm. Licensing requirements such as I am speaking of will serve as an incentive to others to gain the expertise to practice in this field, will encourage reasonable reimbursement by insurance carriers for such counseling, and provide a status to those working in the field. I urge you through your committee to introduce legislation for licensing of marriage and family counselors on Guam to work for, and pass rules and regulations guiding their behavior, and finally, to provide for a means to assure the quality of such care.

Sincerely,


William W. Colliflower, M.D.
Medical Director

WWC:ig

1754
16
17 February 1987
rec'd 2-26-87

The Honorable Joseph T. San Agustin
Chairman, Committee of Health,
Welfare and Ecology
P.O. Box CB-1
Territory of Guam, USA 96910

Dear Senator San Agustin:

The introduction of supplemental legislation regarding licensing individual, marriage and family therapists on Guam to be included under subsection S of P.L. 10-42 10 GCA 12101 is of major importance.

At present, the Social Work Services Division at the U.S. Naval Hospital is staffed with one full time Social Worker. Services provided consist of Family Advocacy type cases involving spouse abuse, child abuse/neglect and sexual assault as well as marital discord, discharge planning, patient counselling assistance, etc. The division provides these services to an annual average of 300 active duty military personnel and 150 retirees and their dependents. Limited follow-up services are provided due to the lack of available "licensed" practitioners. We can no longer rely on military benefits alone. Increasing referrals to the civilian community for respective services are a reality. Of equal importance are the options available to individuals and families to afford such needed services. At present, retirees and active duty clients can resort on CHAMPUS or personal payment for services rendered in the community. Currently one civilian practitioner is able to provide this service.

The passage of this supplemental legislation clearly impacts our community by increasing the availability of "licensed" individual, marriage and family therapists to the public; recognition of requested standards; accessible means in which clients may present issues of malpractice and unethical conduct, etc. I therefore, highly recommend the passage of this legislation.

For additional information, please feel free to contact me at phone numbers 344-9227/9397.

I thank you for your kind consideration regarding this important issue.

Sincerely,

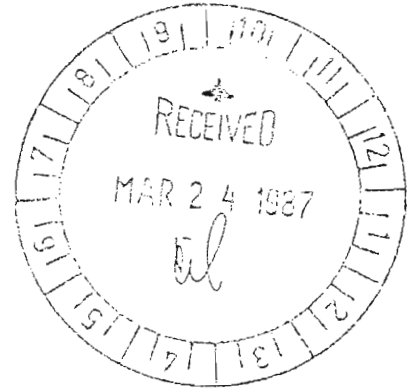
Rosita A. Biscoe
ROSITA A. BISCOE, ACSW
Social Worker
Division of Social Work Services
U.S. Naval Hospital, Guam
FPO San Francisco, CA 96630-1530

Vina

W

PUPIL PERSONNEL SERVICES
DEPARTMENT OF EDUCATION
P.O. BOX DE
AGANA, GUAM 96910

March 3, 1987



Senator Joe T. San Augustine, Chairman
Committee on Health, Welfare, & Ecology
19th Guam Legislature
Agana, Guam

Dear Senator San Augustine:

It has come to my attention your committee is considering legislation to establish procedures which will, in part, have an affect upon the licensing of marriage and family therapists on Guam. My division of the Department of Education offers these comments in support of the intent of this legislation.

Part of the responsibilities of the Division of Pupil Personnel Services is to advise school personnel and parents of counseling and related resources available to them from both the government and private sector. Establishing licensing requirements for marriage and family therapists would enable this division to determine wether or not such a therapist to whom we might consider making a referral was professionally certified on Guam. The appropriateness of making such a referral could then be reasonably decided. In essence, license requirements would establish quality control measures for this important profession.

Thank you for consideration of these comments.

L. Martinez

Luis Martinez, Administrator

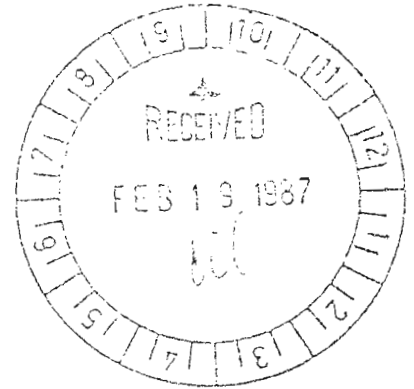
Approved: *[Signature]*
Gloria B. Nelson, Director
Department of Education

3/5/87
Date

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE

P.O. Box 8896
Tamuning, Guam 96911

FEB 11 1987



Senator Joe T. San Agustin
Nineteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Senator San Agustin:

Ms. Bernie Leon and Mr. Michael McGrath, employees of the Department of Mental Health and Substance Abuse have requested that I write to you about our feelings in regards to the proposal for licensure for Individual, Marriage, and Family Therapists here on Guam.

As I am sure that you are aware, the Department of Mental Health and Substance Abuse is the largest single entity on Guam to deliver the full array of mental health services to the Island.

The current staffing in the outpatient services department allows for four (4) social workers and one (1) supervisor to handle the bulk of the outpatient referrals and follow up with the census/caseload of 1986, this translates into 35 clients minimum per week, not including family members seen, or other significant others as relates to the client. much of their work involves court cases, which may take up many hours on just one case, and at times numerous home visits. Due to the overwhelming caseloads, and the lack of an appropriate number of professionals to handle these cases, it is felt that there is certainly a great need to have others on the Island, who are properly credentialed and trained to aid in meeting the needs of those who need mental health services. Licensing helps to assure a baseline of training and skills of the therapist. This indeed makes it easier for the agency to refer certain cases if they are aware of the expertise of the particular therapist.

Many medical insurance companies will not reimburse for services rendered if the particular professional is not licensed in that specific state or territory.

It is estimated that the Department of Mental Health and Substance Abuse alone may be losing upwards of hundreds of thousands of dollars per year because of non-licensure of it's directs care providers.

I fully support the proposal of licensure for indiviudial, marriage, and family therapists on Guam. I request that you give this proposal a favorable consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred F. Ungacta".

FRED F. UNGACTA
Acting Director of Mental Health
and Substance Abuse



COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

Nineteenth Guam Legislature
P.O. Box CB-1, Agaña, Guam 96910 • Tel: 472-3429 472-3430

March 16, 1987

Handwritten initials

Sen. Ted S. Nelson
Chairman

MEMORANDUM

To: The Chairman, Committee on
Health, Welfare and Ecology

From: Senator Ted S. Nelson

Subject: Licensure of Individual, Marriage and Family
Therapists

I am aware that you are in receipt of several letters from
interested professionals voicing support for the licensure
of individuals, marriage and family therapists. In this
regard, I respectfully request that I join you in sponsoring
this needed legislation.

Again, thank you for allowing me to co-sponsor the above
legislation with you.


TED S. NELSON

Members:

- Sen. Frank R. Santos
- Sen. Elizabeth P. Arriola
- Sen. Pilar C. Lopez
- Sen. Joe T. San Agustin
- Sen. Pedro C. Sanchez
- Sen. Eddie R. Duenas
- Sen. Jerry M. Rivera
- Sen. Jim Miles

Committee
Membership

- Rules
- General, Foreign & Legal
Affairs
- Housing & Community
Development
- Health, Welfare & Ecology
- Ways & Means
- Public, Senior Citizens,
Social Affairs & Human
Resources
- Justice, Judiciary and
Criminal Justice

Introduced

MAR 11 '87

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) REGULAR SESSION

Bill No. 296(COR)

Introduced by:


J.T. San Agustin

AN ACT TO ADD A SUBSECTION (S) TO 12101 OF 10 GCA CHAPTER 12
RELATIVE TO INDIVIDUAL, FAMILY, AND MARRIAGE THERAPISTS.

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

Section 1. A new subsection (S) is added to 10 GCA Chapter 12 12101 to
read:

"(s) 'Individual, Family and Marriage Therapists' means a skilled
individual, as being qualified by practical and academic training to provide
planned intervention to help the client (s) enlarge competencies and increase
problem solving skills and coping abilities. Licensure requirements and scope
and procedures of practice for such individuals are to be promulgated by the
Board of Allied Health Examiners."