

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 39 (EC)

Introduced by:

J.M.S. Brown 

AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative findings and intent.** The Department of
3 Agriculture is responsible for the protection of Guam's natural resources, but
4 limited funds have reduced the active law enforcement staff by more than fifty
5 (50) percent in recent years. In an effort to maintain critical environmental
6 programs and protect the island's precious resources, a volunteer conservation
7 officer reserve is needed to extend the manpower need to effectively meet the
8 Department's mission.

9 **Section 2.** A new §63103.1 is hereby *added* to Article 1, Chapter 63,
10 Division 6 of Title 5 of the Guam Code Annotated to read:

11 "§63103.1 Civilian Volunteer Conservation Officer Reserve

- 12 (1) Creation.
- 13 (2) Functions and Duties
- 14 (3) Recruitment
- 15 (4) Training, Equipment, and Maintenance of Records
- 16 (5) Volunteer: Authority
- 17 (6) Same: Allowance
- 18 (7) Same: Eligibility and Oath
- 19 (8) Rules and Regulations: Recommendations

1 (1) **Creation.** There is hereby created within the Department of
2 Agriculture of the territory of Guam the Civilian Volunteer
3 Conservation Officer Reserve, which shall be headed by the Director of
4 Agriculture, hereafter referred to as the Director. The Director, subject
5 to the advice and control of the Governor, shall be responsible for
6 carrying out the purpose of this Chapter and shall have such
7 additional duties and responsibilities as are authorized herein, or as
8 may be prescribed by the Governor.

9 (2) **Functions and Duties.** The general function and duties of the
10 Civilian Volunteer Conservation Officer Reserve shall be to provide
11 backup manpower for the suppression of fish and wildlife crime,
12 preservation of law and order and to assist in civil emergencies. The
13 Director shall formulate a program whereby the Civilian Volunteer
14 Conservation Officer Reserve shall adhere to the functions and duties
15 herein prescribed. From time to time the Director shall review and
16 revise the functions and duties of the Civilian Volunteer Conservation
17 Officer Reserve to insure an amicable discharge of responsibilities and
18 duties knowing the fact that their roles are the extension of duties of
19 the regular personnel.

20 (3) **Recruitment.** The Director shall recruit on an entirely volunteer
21 basis, local residents who desire to make available their services to
22 assist the Department of Agriculture in carrying out its law
23 enforcement duties and emergency functions. The Director shall
24 further promulgate rules and regulations consistent with requirements
25 of hiring regular Conservation Officers.

26 (4) **Training, Equipment and Maintenance of Records.** The
27 Director shall devise a program whereby the Law Enforcement Section
28 in the Division of Aquatic and Wildlife Resources of the Department of
29 Agriculture and the Civil Defense Office provide the members of the

1 Civilian Volunteer Conservation Officer Reserve training in crime
2 prevention and operational techniques and procedures for natural and
3 man made emergencies. The Civilian Volunteer Conservation Officer
4 Reserve shall maintain a roster of volunteers who have received the
5 training prescribed herein. In order to maintain membership in the
6 Reserve, each member must keep up with his or her scheduled
7 training and no volunteer may remain in the Reserve if he or she is
8 unable to keep up with or otherwise absorb the training. Additionally,
9 basic supplies and equipment shall be provided to assure a constant
10 and operability of the Civilian Volunteer Conservation Officer
11 Reserve, including a continuing program for replacement.

12 (5) **Volunteer: Authority.** Whenever the Civilian Volunteer
13 Conservation Reserve and the members thereof are rendering
14 assistance to the Conservation Officers, such volunteers shall have the
15 same powers, duties, rights (including coverage under the Worker's
16 Compensation Act), privileges and immunities, as if they were paid,
17 full-time members of the Department of Agriculture, except that they
18 shall earn recruitment credit for services performed as volunteers.

19 (6) **Same: Allowance.** Each member of the Civilian Volunteer
20 Conservation Officer Reserve who successfully completes
21 probationary requirements as established by the Director and who
22 contributes a minimum of forty-two hours or more per month, shall
23 receive an allowance of Two Hundred Fifty Dollars (\$250) per month,
24 to defray the cost of maintenance of their equipment and uniforms.
25 The Department of Agriculture shall identify funds within department
26 appropriations to satisfy the intent of this Section.

27 (7) **Same: Eligibility and Oath.** No person shall be a volunteer
28 member of the Civilian Volunteer Conservation Officer Reserve
29 established under this Chapter who advocates a change by force or

1 violence in the constitutional form of the Government of the United
2 States or in this Territory or the overthrow of any government in the
3 United States by force, or who has been convicted of or is under
4 indictment or information charging any subversive act against the
5 United States. Every volunteer shall, entering upon his or her duties,
6 take an oath, in writing, before a person authorized to administer
7 oaths in this Territory, which oath shall be substantially as follows:

8 "I _____, do solemnly swear (or affirm) that I
9 will support and defend the Constitution of the United States and the
10 laws of the territory of Guam, against all enemies, foreign or domestic;
11 that I will bear true faith and allegiance to the same; that I take this
12 obligation freely, without any mental reservation or purpose of
13 evasion; and that I will well and faithfully discharge the duties upon
14 which I am about to enter and I do further swear (or affirm) that I do
15 not advocate, nor am I a member of any political party or organization
16 that advocates the overthrow of the Government of the United States
17 or of this Territory by force or violence; and that during such time as I
18 am a member of the Civilian Volunteer Conservation Reserve I will not
19 advocate nor become a member of any political party or organization
20 that advocate the overthrow of the Government of the United States or
21 of this Territory by force or violence."

22 **(8) Rules and Regulations: Recommendations.** The Director is
23 authorized and empowered to recommend to the Governor for
24 issuance as executive orders the making, amendment and recession of
25 such orders, rules and regulations as may be necessary to carry out the
26 provisions of this Chapter. The Director also shall have the authority to
27 amend and create rules and regulations to implement and maintain the
28 Civilian Volunteer Conservation Officer Reserve through the
29 Administrative Adjudication Process.

1 **Section 3. Severability.** If any of the provisions of this Law or its
2 application thereof to any person or circumstance is found to be invalid or
3 contrary to Law, such invalidity shall not affect other provisions or applications
4 of this Law, which can be given effect without the invalid provisions or
5 application, and to this end the provisions of this Law are severable.