


**MINA' BENTE O CHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION**

Bill No. 216 (EC)

Introduced by


Committee on Calendar
*By request of I Maga 'lahen
Guåhan in accordance with
the Organic Act of Guam*

**AN ACT TO CREATE A NEW CHAPTER 89,
5 GCA FOR THE PURPOSE OF
ESTABLISHING THE DEPARTMENT OF
NATURAL RESOURCES, TO
REORGANIZE AND TO CONSOLIDATE
SEVERAL GOVERNMENT OF GUAM
AGENCIES AND TO CITE THE ACT AS
THE "CONSOLIDATED NATURAL
RESOURCES ACT OF 2005."**

BE IT ENACTED BY THE PEOPLE OF GUAM

Section 1. A new Chapter 89 is added to 5 GCA to read as follows:

"Chapter 89

DEPARTMENT OF NATURAL RESOURCES

Section 89101. Short Title.

This Act may be cited as the "Consolidated Natural Resources Act of 2005".

Section 89102. Legislative Findings.

I Liheslaturan Guåhan finds that it is in the public interest to create a Department of Natural Resources (DNR), to consolidate the activities of the Department of Land Management, the Department of Agriculture, the Environmental Protection Agency, and the Department of Parks and Recreation and to vest said new department with such powers as have heretofore been exercised by the respective former departments and agencies, or portions thereof.

It is the intent of *I Liheslaturan Guåhan* that this Act shall *not* relieve said departments and agencies of or modify in any way other than as expressly set forth herein any of the respective existing rights, duties or obligations of the departments or agencies and that such respective rights, duties and obligations shall continue uninterrupted, inclusive of, but *not* limited to, any financial obligations of said departments and agencies.

Section 89103. Creation of the Department of Natural Resources.

There is created the Department of Natural Resources (hereinafter referred to as the "DNR" or "the Department"), a department within the Executive Branch.

Section 89104. Director and Director Functions.

(a) **Department Head.** The Department of Natural Resources shall be headed by a Director of Natural Resources (hereafter referred to as "the Director") who shall be appointed by *I Maga'lahen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. All functions of all officers, employees, and organizational units of the Department are vested in the Director.

(b) Functions and Delegation Authority. The Director shall have the authority to enter into contracts, grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Director's other responsibilities under this Act or otherwise provided by law. The Director shall take reasonable steps to ensure that information systems and databases of the Department are compatible with each other and with appropriate databases of other Departments. Except as otherwise provided by this Act, the Director may delegate any of the Director functions to an Administrator.

Section 89105. Divisions of the Department.

The Department shall be comprised of the following divisions with functions, powers and responsibilities as provided in this Chapter:

- (a) The Division of Land
- (b) The Division of Agriculture
- (c) The Division of Parks Service
- (d) The Division of Environmental Protection

Section 89106. Other Officers and functions.

(a) **Officers.** There are the following four (4) officers appointed by *I Maga'lahaen Guahan* to head the respective Division within the Department and shall have direction, authority, and control over it:

- (1) The Administrator for Land
- (2) The Administrator for Agriculture

(3) The Administrator for Parks

(4) The Administrator for Environmental Protection

(b) **Functions vested in the Administrator.** All functions of all officers, employees, and organizational units under the respective Division are vested in the Administrator. They shall be responsible for:

(1) Carrying out any and all directions and guidance provided by the Director with regards to the Department;

(2) Acting, representing, and/or carrying out, as directed by the Director or the identified goals and objectives;

(3) Advising the Director on the impact of the Department's policies, regulations, processes and practice.

(c) **Performance of Specific Functions.** Subject to the provisions of this Act, the Administrator of the Division shall perform the functions specified by law for the official's office or prescribed by the Director.

Section 89107. Transfer of responsibilities of the Department of Agriculture to the Department of Natural Resources.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Department of Agriculture, as detailed in 5 G.C.A. § 3108 and Division 6, 5 GCA, or in other laws of Guam, are transferred to the Department of Natural Resources, such

duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as Agriculture.

Section 89108. Maintenance of effort of federally-funded programs in the Department of Agriculture.

The Department of Natural Resources shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Department of Agriculture for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 89109. Transfer of funds and assets of the Department of Agriculture.

The balance of all funds appropriated to the Department of Agriculture, and all balances held in revolving funds, and all funds available to the Department of Agriculture shall be transferred to the Department of Natural Resources. All real property under the management of the Department of Agriculture shall be transferred to the management of the Department of Natural Resources. All supplies, equipment and all material assets of the Department of Agriculture shall be transferred to the Department of Natural Resources.

Section 89110. Transfer of responsibilities of the Department of Parks and Recreation to the Department of Natural Resources.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Department of Parks and

Recreation, as detailed in 5 G.C.A. § 3115, Chapter 77, Division 2 of Title 21 of the Guam Code Annotated, or in other laws of Guam, are transferred to the Department of Natural Resources, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as Parks Service.

Section 89111. Maintenance of effort of federally-funded programs in the Department of Parks and Recreation.

The Department of Natural Resources shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Department of Parks and Recreation for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 89112. Transfer of funds and assets of the Department of Parks and Recreation.

The balance of all funds appropriated to the Department of Parks and Recreation, and all balances held in revolving funds, and all funds available to the Department of Parks and Recreation shall be transferred to the Department of Natural Resources. All real property under the management of the Department of Parks and Recreation shall be transferred to the management of the Department of Natural Resources. All supplies, equipment and all material assets of the Department of Parks and Recreation shall be transferred to the Department of Natural Resources.

Section 89113. Transfer of responsibilities of the Department of Land Management to the Department of Natural Resources.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Department of Land Management, as detailed in 5 G.C.A. § 3109, Chapter 60, Division 2, of Title 21 of the Guam Code Annotated, or in other laws of Guam, are transferred to the Department of Natural Resources, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as Land.

Section 89114. Maintenance of effort of federally-funded programs in the Department of Land Management.

The Department of Natural Resources shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Department of Land Management for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 89115. Transfer of funds and assets of the Department of Land Management.

The balance of all funds appropriated to the Department of Land Management, and all balances held in revolving funds, and all funds available to the Department of Land Management shall be transferred to the Department of Natural Resources. All real property under the management of the Department of Land Management shall be transferred to the management of the

Department of Natural Resources. All supplies, equipment and all material assets of the Department of Land Management shall be transferred to the Department of Natural Resources.

Section 89116. Transfer of responsibilities of the Guam Environmental Protection Agency to the Department of Natural Resources.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Guam Environmental Protection Agency, as detailed in Division 2, 10 GCA, or in other laws of Guam, are transferred to the Department of Natural Resources, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as Environmental Protection.

Section 89117. Maintenance of effort of federally-funded programs in the Department of Natural Resources.

The Department of Natural Resources shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Guam Environmental Protection Agency for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 89118. Transfer of funds and assets of the Guam Environmental Protection Agency.

The balance of all funds appropriated to the Guam Environmental Protection Agency, and all balances held in revolving funds, and all funds available to the Guam Environmental Protection

Agency shall be transferred to the Department of Natural Resources. All real property under the management of the Guam Environmental Protection Agency shall be transferred to the management of the Department of Natural Resources. All supplies, equipment and all material assets of the Guam Environmental Protection Agency shall be transferred to the Department of Natural Resources.

Section 89119. Internal Structure.

The Director of Natural Resources shall organize and arrange the work of the Department of Natural Resources, and may establish such programs or offices as necessary within the Divisions of the Department of Natural Resources established in Section 89105 of this Chapter.

Section 89120. Effective dates and transition period.

This act shall be effective one hundred twenty (120) days after its enactment into law. During this one hundred twenty (120) day transition period, the directors of such departments or agencies affected by this act shall undertake such activity as is necessary to effect the smooth transfer of employees, assets and funding pursuant to the provisions of this chapter.

Section 89121. References.

Upon the effective date of this act, all references in the laws of Guam and the rules and regulations of the government of Guam to the Department of Parks and Recreation, the Department of Land Management, the Department of Agriculture, or the Guam Environmental Protection Agency, and all references to the directors

of each, shall be construed as referring to the Department of Natural Resources and the Director of Natural Resources respectively.

Section 89122. Except as provided in this Chapter, nothing herein shall be construed as amending or repealing any provision, section or part of the Guam Code Annotated.

Section 89123. Severability.

If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable."