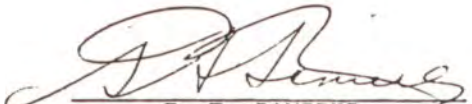



TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

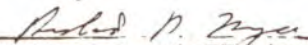
This is to certify that Bill No. 515, "An Act to amend Section 4106, to add Section 5114, to repeal Chapters 1 and 3 of Title XXVII, to reenact Chapter 1 of Title XXVII, to repeal Articles 2, 3, and 4 of Chapter IV, Title XIII, and to repeal Chapters IV and V of Title XIV, all of the Government Code of Guam, relative to the transfer of functions to the newly-created Department of Parks and Recreation, and for other purposes", was on the 8th day of January, 1975, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 10th day
of January, 1975 at 9:30 o'clock 9 .M.


RICHARD D. MAGEE, Acting
Attorney General of Guam

APPROVED:

/s/ RICARDO J. BORDALLO
RICARDO J. BORDALLO
Governor of Guam

DATED: January 23, 1975
11:30 A.M.

P.L. 12-209

12-209

1 Section 26000. Definitions. As used in this Chapter,
2 unless otherwise indicated by the context:

3 'Department' means the Department of Parks and
4 Recreation.

5 'Director' means the Director of the Department of
6 Parks and Recreation.

7 'Commission' means the Parks and Recreation Commission.

8 Section 26001. Department: Purpose. The Department
9 shall be responsible for the accomplishment of the pro-
10 visions of this Chapter and Chapter XIII, Title XIV of
11 this Code.

12 Section 26002. Same: Divisions. The Department is
13 divided into two divisions, to be known as the Parks
14 Division and the Recreation Division.

15 Section 26003. Director: Duties. The Director shall
16 have the following duties:

17 (a) To establish rules and regulations to
18 accomplish the purpose of the Department;

19 (b) To administer the Department through such
20 organizational units which he may establish;

21 (c) To attend, ex-officio, all meetings of
22 the Commission;

23 (d) To prescribe the duties of assistants,
24 deputies, agents and other persons employed by
25 the Department;

26 (e) To determine which properties constitute
27 the Guam Territorial Park System and to classify such
28 properties, pursuant to Sections 26007 and 26009;

29 (f) To manage the Parks Fund pursuant to
30 Section 26012; and

31 (g) To be State Liaison Officer for the

1 Bureau of Outdoor Recreation, State Liaison Officer
2 for Historic Preservation and State Liaison Officer
3 for Forestry and Conservation Programs.

4 Section 26004. Commission: Purposes. The Commission
5 is hereby established for the purpose of appointing,
6 removing, and advising the Director.

7 Section 26005. Same: Composition: Compensation:
8 Meetings. The Commission shall consist of seven (7) members,
9 two (2) of whom shall be youth members in their first terms
10 on the Board who are between the ages of eighteen (18) and
11 twenty-two (22), when appointed, who shall be appointed
12 by the Governor with the consent of the Legislature. The
13 Governor shall appoint commission members within 30 days
14 of the effective date of this section. Members shall serve
15 for four (4) years, provided that of the members first
16 appointed, three (3), including one (1) youth member, shall
17 serve for two (2) years. Commission members shall serve
18 without pay but shall be reimbursed for reasonable and
19 necessary expenses incurred in the performance of their
20 duties. Commission meetings shall be public.

21 Section 26006. Same: Duties. The Commission shall
22 have the following duties:

23 (a) To appoint, within 15 days of the effective
24 date of this section or within 15 days of the creation
25 of a vacancy in such office, the Director, who shall
26 serve at its pleasure, the affirmative vote of not
27 less than four (4) members being necessary to appoint
28 or remove him;

29 (b) To advise the Director on such matters
30 relative to the Department as he shall bring before
31 it, at meetings called by him;

32 (c) To meet at the request of any of its members

1 to discuss such matters relative to the Department
2 as it deems appropriate and to make recommendations
3 to the Director thereon; and

4 (d) To make a report to the Governor and the
5 Legislature not later than July 1 of each year
6 delineating the activities of the Department
7 during the preceding fiscal year, and outlining
8 the plans of the Department for the coming fiscal year.

9 Section 26007. Guam Territorial Park System. There
10 is hereby created the Guam Territorial Park System. The
11 Director of Parks and Recreation shall inventory all
12 properties belonging to the government of Guam and
13 determine which properties shall be included therein. A
14 detailed list shall be forwarded to the Speaker of the
15 Legislature and the Legislature shall approve or disapprove
16 those properties to be included within the Territorial
17 Park System, within thirty (30) legislative days following
18 receipt of such a list and failure to so act shall be
19 deemed consent by the Legislature.

20 Section 26008. Same: Description. The Territorial
21 Surveyor shall provide the Director with maps of record
22 for all property within the Guam Territorial Park System
23 not later than eighteen (18) months after request
24 by the Director. The Department of Land Management
25 shall similarly provide recorded document numbers for all
26 such property.

27 Section 26009. Same: Classification. The Director shall
28 classify, and may subsequently reclassify, each area of
29 the Guam Territorial Park System according to (a) through
30 (e) below, unless an area is listed in the Guam Register
31 of Historic Places pursuant to Subsection 13985.19(a) of

1 this Code, in which case such area shall be classified
2 according to (e) below:

3 (a) 'Natural Preserves', which are to remain
4 unimproved;

5 (b) 'Conservation Reserves', which may be
6 improved for the purpose of making them accessible
7 to the public in a manner consistent with the
8 preservation of their natural features;

9 (c) 'Territorial Parks' or 'Community Parks',
10 which may be improved for the purpose of providing
11 public recreational facilities in a manner consistent
12 with the preservation of their natural features;

13 (d) 'Territorial Recreation Facilities' or
14 'Community Recreation Facilities', which may be
15 improved for the purpose of providing public
16 recreation facilities; and

17 (e) 'Historical and Pre-Historic Objects and
18 Sites', which shall be administered according to
19 Chapter XIII, Title XIV of this Code.

20 Section 26010. Community Parks and Recreation
21 Facilities: Control. The control, management, development
22 and maintenance of areas classified as 'Community Parks'
23 and 'Community Recreation Facilities' shall be vested in
24 the Commissioner of the municipality or village in which
25 such area is located.

26 Section 26011. Parks Division: Duties. The Parks
27 Division shall have the following duties:

28 (a) To control, manage, develop and maintain all
29 areas of the Guam Territorial Park System except as
30 provided in Section 26010; and

31 (b) To keep a listing of all areas of the

1 Guam Territorial Park System according to
2 classification, with current, accurate descriptions
3 thereof as determined by the Director in accordance
4 with Section 26007.

5 Section 26012. Parks Fund: Establishment: Management.

6 There is hereby established separate and apart from any
7 other government fund a Parks Fund. Monies therein shall
8 be only as appropriated by the Legislature for the develop-
9 ment or improvement of the Guam Territorial Park System.
10 The Fund shall be managed by the Director, who may invest
11 any of the monies therein in such bank deposits, bonds or
12 securities authorized by Chapter III, Title V of this Code,
13 provided, that such monies shall be invested so as to be
14 available for use within thirty (30) days of the effective
15 date of any legislative appropriation make thereof. The
16 Department certifying officer shall be the certifying
17 officer for the Fund.

18 Section 26013. Same: Revenues from Concessions and
19 Uses. The Director may grant permits to individuals or
20 groups to establish concessions on or otherwise use any
21 part of the Guam Territorial Park System, the fees for
22 which shall be deposited in the Parks Fund; provided, that
23 any person or group granted such a permit must give bond
24 in such amount as, in the opinion of the Director, is
25 necessary to insure that any damage to the System caused
26 by such person or group, including littering, can be
27 rectified.

28 Section 26014. Same: Donations: Proviso. Money or
29 the proceeds of any property donated, granted or bequeathed
30 generally for the benefit of the Guam Territorial Park
31 System shall be deposited in the Parks Fund; provided,

1 however, that money or property donated, granted or
2 bequeathed for specific purposes, concerning the System
3 or any part thereof shall be held in trust by the Director,
4 and may be used for such purposes only upon authorization
5 by the Legislature.

6 Section 26015. Voluntary Improvements. The Director
7 may grant permits to any individuals or group to improve,
8 without expense to the government, any part of the Guam
9 Territorial Park System.

10 Section 26016. Damage to Property. Any person who
11 injures or damages any property within the Guam Territorial
12 Park System, or who removes, destroys, or defaces any tree,
13 shrub, plant, or other attraction of any nature on or in
14 such property is guilty of a misdemeanor, punishable by
15 a fine not to exceed Five Hundred Dollars (\$500.00) per
16 violation.

17 Section 26017. Recreation Division: Powers and Duties.
18 The Recreation Division shall be responsible for:

19 (a) Initiating, promoting and supervising
20 recreational programs on areas within the Guam
21 Territorial Park System, except as provided in
22 Section 26018, and, with the consent of the
23 Department of Education, initiating, promoting
24 and supervising recreational programs on properties
25 under the control of the Department of Education;

26 (b) Providing equipment necessary to accomplish
27 (a) above;

28 (c) Formulating a comprehensive recreation
29 policy and a long range plan relative to the
30 development of new recreation facilities and
31 programs within the territory; such policy and

1 plan to be developed in cooperation with other
2 federal and territorial agencies, interested
3 organizations and citizens, and to be submitted
4 to the Legislature within one (1) year of the
5 effective date of this section; and

6 (d) Performing such other duties and functions
7 pertaining to the promotion of public recreation
8 as may from time to time be prescribed by the Director.

9 Section 26018. Community Recreation Programs. The
10 initiation, promotion, and supervision of recreation
11 programs in Community Parks and Recreation Facilities,
12 and the supplying of equipment therefor, is the responsi-
13 bility of the Commissioners of the municipality or village
14 in which such Park or Recreation Facility is located.

15 Section 26019. Compliance with Federal Programs. The
16 Department may serve as the agency for compliance with the
17 terms of any Federal program, as determined by the Governor,
18 which concerns the implementation or development of plans
19 for the conservation or utilization of water and related
20 land resources."

21 Section 4. Articles 2, 3 and 4 of Chapter IV, Title XIII
22 of the Government Code of Guam are hereby repealed in their
23 entirety.

24 Section 5. Chapters IV and V of Title XIV of the Government
25 Code of Guam are hereby repealed in their entirety.

26 Section 6. Chapter V-A, "Ocean Shores: Territory

1 Recreational Areas"; added to Title XIV of the Government Code
2 of Guam by Public Law 12-19, is hereby renumbered Chapter V-B
3 and retitled "Ocean Shores: Territory Beach Areas".

4 Section 7. Sections 13453, 13454, 13455, 13456, and 13459
5 of the Government Code of Guam are hereby amended by inserting
6 in lieu of "territory recreational area" the following:
7 "territory beach area".

8 Section 8. Sections 13453, 13456 and 13457 of the Government
9 Code of Guam are hereby amended by inserting in lieu of "Depart-
10 ment of Land Management" the following: "Department of Parks and
11 Recreation".

12 Section 9. Section 13412(c) of the Government Code of
13 Guam is hereby amended to read as follows:

14 "(c) 'Seashore reserve' means that land and water area
15 of the territory of Guam extending seaward to the ten
16 fathom contour, including all islands within the territory's
17 jurisdiction, and extending inland from the mean high
18 waterline for a distance on a horizontal plane of one
19 hundred meters."

20 Section 10. The first paragraph of Section 13985.1 of the
21 Government Code of Guam is hereby amended to read as follows:

22 "Section 13985.1. Definitions. When used in this
23 Chapter 'department' means 'Department of Parks and
24 Recreation'."

25 Section 11. The second paragraph of Section 13986.37 of
26 the Government Code of Guam is hereby amended to read as follows:

27 "The board shall consist of eleven (11) members
28 of which the following shall serve as ex-officio voting
29 members of the board:

- 30 (1) President of the University of Guam,
31 (2) Director of the Micronesian Area Research

1 Center,

2 (3) Director of the Central Planning Council,

3 (4) Director of Parks and Recreation,

4 (5) Attorney General."

5 Section 12. All references to the Department of Land
6 Management and Department of Commerce in connection with parks
7 and monuments and to the Guam Recreation Commission in connection
8 with recreation and parks in the laws and regulations of Guam
9 shall mean the Department of Parks and Recreation.

10 Section 13. Abolition of Boards and Commissions and transfer
11 of records and equipment. The Guam Recreation Commission is
12 hereby abolished, and upon the transfer of functions as provided
13 in this Act, all contracts, books, records, papers, maps, plans,
14 documents, property and pending business heretofore made, used,
15 acquired, or conducted by the Guam Recreation Commission, the
16 Department of Commerce and the Department of Land Management in
17 the exercise of the functions transferred hereby shall be
18 transferred to the Department of Parks and Recreation.

19 Section 14. Transfer of offices and employees. All offices
20 and employees of the Guam Recreation Commission, Department of
21 Commerce and Department of Land Management engaged in performing
22 functions herein transferred shall be transferred to the Depart-
23 ment of Parks and Recreation. The Director of the Department of
24 Parks and Recreation, subject to the approval of the Civil Service
25 Commission, shall have the power to abolish unnecessary offices
26 and positions.

27 Section 15. Effective date. This Chapter shall take effect
28 upon its enactment and approval by the Governor but in order
29 that there be no interruption of the administrative business of
30 of the government, the Governor may, for a period not to exceed
31 six (6) months, postpone the actual transfer of all or portions
32 of the functions herein involved, until such time as the

1 organization herein provided for can be put into effect.

2 Section 16. All unexpended appropriations of the Guam
3 Recreation Commission, the Department of Commerce, and the
4 Department of Land Management, heretofore made for the
5 performance of the functions herein transferred shall be
6 transferred to the Department of Parks and Recreation as this
7 Act is implemented by the Governor.