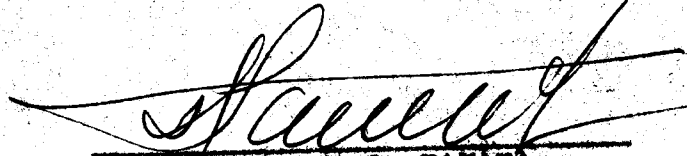


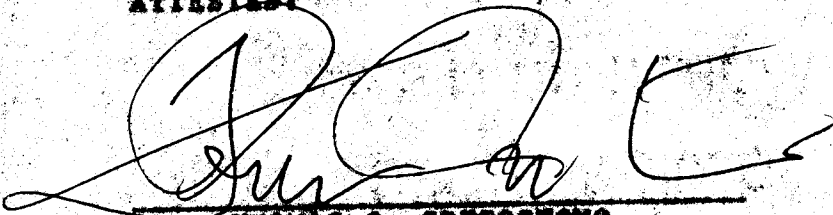
SIXTEENTH GUAM LEGISLATURE  
1982 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 375, "An Act to appropriate the sum of Six Hundred Eighty-Eight Thousand Six Hundred Ninety-Two Dollars (\$688,692) for construction of a fire station in Talofofo and for other purposes", was on the 6th day of December 1982, duly and regularly passed.

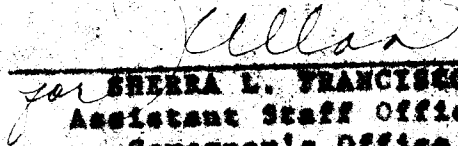
  
THOMAS V.C. TANAKA  
Speaker

ATTESTED:




THOMAS C. CRISTOBONO  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 13<sup>th</sup> day of  
December, 1982, at 11:25 o'clock A. M.

  
for SHERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
PAUL M. GALVO  
Governor of Guam

DATED: 12/17/82  
P.L. 16-120

SIXTEENTH GUAM LEGISLATURE  
1982 (SECOND) Regular Session

Bill No. 375  
(As Substituted by the  
Committee on Ways and Means)

Introduced by: T. C. Crisostomo

AN ACT TO APPROPRIATE THE SUM OF SIX HUNDRED  
EIGHTY-EIGHT THOUSAND SIX HUNDRED NINETY-TWO  
DOLLARS (\$688,692) FOR CONSTRUCTION OF A FIRE  
STATION IN TALOFOFO AND FOR OTHER PURPOSES.

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

2 Section 1. The sum of Six Hundred Eighty-Eight Thousand  
3 Six Hundred Ninety-Two Dollars (\$688,692) is appropriated from  
4 the General Fund to the Department of Public Safety for the  
5 purpose of constructing and equipping a fire station in the  
6 municipality of Talofofo. The amount appropriated herein may be  
7 used for personnel costs of the fire station during its first  
8 year of operation.

9 Section 2. (a) The sum of Five Hundred Thousand Dollars  
10 (\$500,000) is appropriated from the unappropriated surplus of  
11 the General Fund to the Department of Public Works for the design  
12 and construction of a football field at Harmon Loop Road situated  
13 at (Basic Lot 5244, Lot 5244 REM) Harmon Loop.

14 (b) The sum of Fifty Thousand Dollars (\$50,000) shall be  
15 used for architect and engineering design of said field.

16 (c) A quarterly report on progress in completing the field  
17 shall be submitted by the Director of the Department of Public  
18 Works to the Speaker and the Chairman of the Ways and Means  
19 Committee of the Guam Legislature.

20 Section 3. (a) The sum of Two Hundred and Fifty Thousand  
21 Dollars (\$250,000) is appropriated from the General Fund to the  
22 Department of Public Works for the purpose of constructing  
23 recreational facilities at Barrigada Heights.

1 (b) Not more than Twenty-Five Thousand Dollars (\$25,000)  
2 shall be expended for the architect and engineering design of  
3 the project.

4 (c) A quarterly report shall be submitted by the project  
5 engineer to the Speaker of the Guam Legislature and the Ways and  
6 Means Committee.

7 Section 4. (a) The sum of Seventy-Five Thousand Dollars  
8 (\$75,000) is appropriated from the General Fund for the construc-  
9 tion of catch basins on government property adjacent to the  
10 residences of Chris Paulino and Juan Meno, situated in Malojloj,  
11 Inarajan.

12 (b) The architect and engineering design shall be done in-  
13 house by the Department of Public Works.

14 Section 5. (a) The sum of Two Hundred Fifty Thousand  
15 Dollars (\$250,000) is appropriated from the General Fund for the  
16 purpose of completing the sewer line project on Route 16,  
17 Barrigada.

18 (b) The sum of Two Hundred Fifty Thousand Dollars (\$250,000)  
19 is appropriated from the General Fund for the purpose of comple-  
20 ting the sewer line project in Afame, Sinajana.

21 Section 6. The sum of Four Hundred Three Thousand Dollars  
22 (\$403,000) is appropriated from the General Fund to the Guam  
23 Power Authority for the purpose of installing concrete poles to  
24 extend power lines along Route 2 from Agat to Umatac.

25 Section 7. There is appropriated from the General Fund to  
26 the Legislative Operations Fund the sum of Twenty-One Thousand  
27 Nine Hundred Twenty Dollars (\$21,920) for the operations of the  
28 Eighth Guam Youth Congress for the period beginning the third  
29 Saturday of October 1982, and ending on the third Saturday of  
30 October 1983, as follows:

31 A. For salaries of a maximum of  
32 fifty-one Youth Representatives

1 and part-time staffing, not  
2 to exceed \$17,920

3 B. For miscellaneous expenses  
4 including, but not limited to  
5 supplies, materials, equipment  
6 and other contractual services,  
7 conferences, not to exceed \$ 4,000.

8 Section 8. Section 1401.1, added by Section 3 of Public Law  
9 14-87, and Section 1402.1, added by Part X of Public Law 13-149,  
10 of the Government Code are repealed.

11 Section 9. Section 1401.1 is added to the Government Code  
12 to read:

13 "Section 1401.1. Territorial Auditor, salary of.  
14 The salary of the Territorial Auditor shall be established  
15 by a majority vote of the Legislature at the time of his  
16 election to office. During his term of office, the salary  
17 of the Territorial Auditor may be increased only upon the  
18 adoption of a resolution or a statute. The salary of the  
19 Territorial Auditor shall not be reduced during his term of  
20 office except as a part of a uniform and government-wide  
21 reduction of salaries of all elected officials and officers  
22 of the government whose appointment is subject to the  
23 concurrence of the Legislature."

24 Section 10. Section 1402 of the Government Code is amended  
25 to read:

26 "Section 1402. Same: qualifications. The Territorial  
27 Auditor shall be an attorney admitted to practice by the  
28 District Court of Guam or a certified public accountant or  
29 a certified internal auditor or a public accountant admitted  
30 to the practice of public accountancy in Guam."

1 Section 11. Section 1432 of the Government Code is repealed  
2 and reenacted to read:

3 "Section 1432. Suruhanu, salary of. The salary of  
4 the Suruhanu shall be established by a majority vote of the  
5 Legislature at the time of his election to office. During  
6 his term of office, the salary of the Suruhanu may be  
7 increased only upon the adoption of a resolution or a  
8 statute. The salary of the Suruhanu shall not be reduced  
9 during his term of office except as a part of a uniform  
10 and government-wide reduction of salaries of all elected  
11 officials and officers of the government whose appointment  
12 is subject to the concurrence of the Legislature."

13 Section 12. The sum of Seven Hundred Forty Thousand Dollars  
14 (\$740,000) is appropriated from the General Fund to the Legisla-  
15 tive Agencies Fund for the general operations of the Territorial  
16 Auditor, Office of the Suruhanu, and the Compiler of Laws for  
17 the Calendar Year ending December 31, 1983 to be allocated as  
18 follows:

19 Office of the Suruhanu	\$180,000
20 Office of the Territorial Auditor	\$280,000
21 Compiler of Laws	\$280,000.

22 Section 13. Section 583 of the Code of Civil Procedure is  
23 repealed.

24 Section 14. Section 23 of Public Law 16-111 is amended to  
25 read:

26 "Section 23. Paragraph (6) of 4 GCA Section 4102 is  
27 amended to read:

28 '(6) persons employed on a temporary basis;'. "

29 Section 15. The sum of Six Hundred Thousand Dollars  
30 (\$600,000) is appropriated from the General Fund to the Legisla-  
31 tive Operations Fund to be expended for operations of the  
32 Sixteenth Guam Legislature.

I           Section 16. The sum of Eight Hundred Sixty-Five Thousand  
2 One Hundred Seventy-One Dollars (\$865,171) is appropriated from  
3 the General Fund to the Legislative Operations Fund for personnel  
4 services to be rendered by persons in the fifty-three (53)  
5 classified positions in the legislative branch during 1983.

6           Section 17. 9 GCA Section 16.30 is repealed and reenacted  
7 to read:

8           "Section 16.30 Murder. (a) Criminal homicide  
9 constitutes murder in the first degree when: It is  
10 committed without lawful justification or excuse by any  
11 of the means with which death may be caused:

12           (1) by any kind of willful, deliberate and  
13 pre-meditated killing;

14           (2) in the commission of or attempt to commit  
15 any felony; or

16           (3) by any act greatly dangerous to the lives  
17 of others, indicating a depraved mind  
18 regardless of human life.

19           (b) Unless he is acting upon sufficient provocation,  
20 upon a sudden quarrel, or in the heat of passion, a person  
21 who kills another human being without lawful justification  
22 or excuse commits murder in the second degree if in perform-  
23 ing the acts which cause the death he knows that such acts  
24 create a strong probability of death or great bodily harm  
25 to that individual or another.

26           (c) Murder of the first degree is a felony of the  
27 first degree but a person convicted of murder in the first  
28 degree shall be sentenced to life imprisonment notwithstand-  
29 ing any other provisions of law; provided, further, that any  
30 person convicted of murder in the first degree shall not be  
31 eligible for parole nor shall his sentence be suspended.

1           Whoever commits murder in the second degree is guilty  
2 of a first degree felony."

3           Section 18. Subsection (a) of Section 1015 of the Government  
4 Code is amended to read:

5           "(a) The Legislature shall convene in a new regular  
6 session at the seat of government at 10:00 a.m. on the first  
7 Monday in January of each year. The regular session shall  
8 continue for such period as each Legislature may determine,  
9 provided, however, that in no event shall a session continue  
10 beyond midnight of the day preceding the day upon which the  
11 next regular session of the Legislature is to convene."

12          Section 19. There is appropriated from the General Fund to  
13 the Department of Public Works the following sums:

14           (1) The sum of Two Hundred Twenty-Five Thousand  
15 Dollars (\$225,000) for road repairs, including reconstruc-  
16 tion of Taigigao Road, and flood control in Agana Heights.

17           (2) The sum of Two Hundred Forty Thousand Dollars  
18 (\$240,000) for road resurfacing and repairs, and flood  
19 control in Tamuning and Tumon, including the Jonestown  
20 area.

21           (3) The sum of Seventy-Five Thousand Dollars (\$75,000)  
22 for the installation of streetlights to service the Jones-  
23 town area.

24           (4) The sum of Forty Thousand Dollars (\$40,000) to  
25 supplement an earlier appropriation for the repair and  
26 improvement of Casimiru Road in Mongmong.

27           (5) The sum of One Hundred Thousand Dollars (\$100,000)  
28 to provide drainage system in Anigua, Agana.

29           (6) The sum of Three Hundred Thousand Dollars  
30 (\$300,000) for road paving and flood control in Barrigada.

31           (7) The sum of One Hundred Forty Thousand Dollars  
32 (\$140,000) to supplement an earlier appropriation for the

1 improvement of the Tamuning recreation/sports area located  
2 between the LBJ Elementary School and Tamuning Elementary  
3 School.

4 (8) The sum of Two Hundred Sixty Thousand Dollars  
5 (\$260,000) for the development and construction of  
6 recreational facilities in Agana Heights.

7 (9) (a) The sum of One Hundred Thousand Dollars  
8 (\$100,000) for the construction of multi-purpose court  
9 facilities for basketball, volleyball and tennis, including  
10 adequate lighting for night activities in Santa Rita.

11 (b) The sum of One Hundred Thousand Dollars (\$100,000)  
12 for the construction of multi-purpose court facilities for  
13 basketball, volleyball and tennis, including adequate  
14 lighting for night activities in Latte Heights.

15 Section 20. The sum of Fifty Thousand Dollars (\$50,000) is  
16 appropriated from the General Fund to the Department of Public  
17 Works for construction of a canopy at Wettengel Elementary  
18 School and for other purposes.

19 Section 21. Section 685 of the Code of Civil Procedure is  
20 amended to read:

21 "Section 685. Enforcement of the judgement after six  
22 (6) years. In all cases the judgment may be enforced or  
23 carried into execution after the lapse of six (6) years from  
24 the date of its entry, by leave of the court, upon motion,  
25 or by judgment for that purpose, founded upon supplemental  
26 pleadings; but nothing in this Section shall be construed to  
27 revive a judgment for the recovery of money which shall have  
28 been barred by limitation at the time of the taking effect  
29 of this Section."

30 Section 22. Section 25312 of the Government Code is amended  
31 to read:

32 "Section 25312. Hours of sale: on-sale premises.  
33 An on-sale licensee shall not sell or serve any person any



1 alcoholic beverage after 2:00 a.m. Provided, however, that  
2 on January 1 of each year a licensee may sell or serve  
3 alcoholic beverages from 2:00 a.m. until 4:00 a.m. Provided,  
4 further, that all alcoholic beverages must be consumed with-  
5 in fifteen minutes of the time permitted for the sale there-  
6 of. A licensee may begin selling or serving alcoholic  
7 beverages at 9:00 a.m. Monday through Sunday, inclusive."

8 Section 23. The sum of Fifteen Thousand Dollars (\$15,000)  
9 is appropriated from the Tourist Attraction Fund to the Depart-  
10 ment of Parks & Recreation for the immediate stabilization of the  
11 Sentry Post and Arsenal, Fort Soledad, in the municipality of  
12 Umatac.

13 Section 24. Section 3051a of the Civil Code is repealed  
14 and reenacted to read:

15 "Section 3051a. Same: Notice of lien in excess of  
16 \$300: Automobiles and trailers: Who deemed holder of legal  
17 title: Liens for storage or parking charges for more than  
18 sixty (60) days. That portion of any lien, as provided for  
19 in Section 3051, in excess of Three Hundred Dollars (\$300),  
20 for any work, services, care, parking or safekeeping  
21 rendered or performed at the request of any person other  
22 than the holder of the legal title, shall be invalid, unless  
23 prior to commencing any such work, service, care, parking,  
24 or safekeeping, the person claiming such lien shall give  
25 actual notice in writing either by personal service or by  
26 registered letter addressed to the holder of the legal title  
27 to such property, if known. In the case of automobiles and  
28 trailers, the person named as legal owner in the registra-  
29 tion certificate, shall be deemed for the purpose of this  
30 Section, as the holder of legal title."

1 Section 25. Lot 87-5-1, situated in the municipality of  
2 Sinajana, land square 14, Section 1, and more specifically  
3 bounded and described as follows:

4 beginning at a point marked "one" (1) on plan being  
5 North  $70^{\circ} 08' 42''$  East, 836.858 meters from Guam Geodetic  
6 Triangulation Station "Cliff" 1975 having coordinates of  
7 North 49,556.698 and East 49,869.489 meters;

8 Thence, North  $01^{\circ} 49' 29''$  East, 190.590 meters to a  
9 point marked "two" (2);

10 Thence, South  $88^{\circ} 05' 42''$  East, 70.740 meters to a  
11 point marked "three" (3);

12 Thence, along a curve having a central angle of  $57^{\circ} 21'$   
13  $36''$ , a radius of 89.13 meters, an arc length of 89.230  
14 meters, a chord distance of 85.550 meters and a chord bear-  
15 ing of South  $59^{\circ} 24' 54''$  East to a point marked "four" (4);

16 Thence, South  $30^{\circ} 44' 06''$  East, 108.320 meters to a  
17 point marked "five" (5);

18 Thence, South  $25^{\circ} 25' 29''$  West, 63.330 meters to a  
19 point marked "six" (6);

20 Thence, North  $88^{\circ} 10' 31''$  West, 178.680 meters to the  
21 point of beginning containing an area of thirty-two thousand  
22 one hundred sixty-two and four hundredths square meters  
23 (32,162.04 square meters) as shown on Sketch Number 1413  
24 prepared by the Department of Land Management, and approved  
25 by the Director of the Department of Land Management on  
26 November 16, 1979

27 is reserved for the construction of a center for the performing  
28 and visual arts with adequate parking facilities. The real pro-  
29 perty shall remain the property of the government of Guam but  
30 shall be under the control of the Guam Council on the Arts and  
31 Humanities.

1 Section 26. The sum of Two Thousand Dollars (\$2,000) is  
2 appropriated from the General Fund to the Library for the purpose  
3 of installing a security system at the Guam Museum.

4 Section 27. (a) Section 1012 of Title 1 of the Guam Code  
5 Annotated is repealed and reenacted to read:

6 "Section 1012. Guam Island Fair. Annually, the  
7 Governor shall issue a proclamation calling upon the people  
8 of Guam to observe a Guam Island Fair which shall run con-  
9 currently with and incorporate the July 4th (Independence  
10 Day) and the July 21st (Liberation Day) holidays."

11 (b) Section 2 of Public Law 15-39, as amended by Public  
12 Law 15-123, is repealed.

13 (c) 9 GCA Section 64.62 is added to read:

14 "Section 64.62. Authorization for Gambling at Fairs.  
15 Section 64.10 of this Title does not apply to any gambling  
16 conducted by a person who has been issued a permit by the  
17 Governor for concessions operated during a fair or carnival."

18 Section 28. (a) Subsection (a) of Section 26106 of the  
19 Government Code is repealed and reenacted to read:

20 "(a) Whenever there are less than two current licenses  
21 in effect the Board shall conduct a public meeting at which  
22 it shall review cockpit operations and determine whether  
23 there is a need for additional licenses to be granted."

24 (b) Section 26109 of the Government Code is repealed and  
25 reenacted to read:

26 "Section 26109. License, Duration, Number, Suspension  
27 or Revocation; Citizenship requirement.

28 (a) Licenses to operate cockpits shall be issued  
29 for a five (5) year period and may be renewed for an  
30 additional five (5) year period upon payment of an  
31 amount equal to the amount of his original bid.

1 (b) No more than three (3) licenses in which amara  
2 fights may be conducted shall be granted, provided, that  
3 this restriction shall not take effect until the expira-  
4 tion of licenses issued pursuant to previous law.

5 (c) The Board may suspend or revoke a license for  
6 violation of any Section of this Chapter or of the  
7 rules and regulations issued pursuant thereto. Any  
8 action for suspension or revocation shall be taken as  
9 provided by the Administrative Adjudication Act.

10 (d) The Board shall not issue a license to any  
11 natural person who is not a citizen of the United States  
12 and a resident of Guam not to a legal entity in which  
13 the ownership is not at least fifty-one percent (51%)  
14 vested in citizens of the United States who are resi-  
15 dents of Guam."

16 (c) Section 26114 of the Government Code is repealed and  
17 reenacted to read:

18 "Section 26114. Cockpits may be operated at any time  
19 on a day on which they are authorized to be held."

20 (d) Section 26119 of the Government Code is amended to  
21 read:

22 "Section 26119. Cockpits and cockfighting. Every  
23 person who shall:

24 (a) Operate a cockpit without a license is guilty  
25 of a misdemeanor;

26 (b) Engage in cockfighting outside of a licensed  
27 cockpit is guilty of a misdemeanor. The training of  
28 gamecocks shall be exempted from the provision of this  
29 Subsection, so long as no wagering is involved;

30 (c) While operating a cockpit permit a person  
31 under the age of eighteen (18) years, to attend a

1 licensed cockpit is guilty of a violation punishable by  
2 a fine not exceeding Fifty Dollars (\$50.00).

3 (d) As an owner of property knowingly permit an  
4 unlicensed cockpit to be operated or an illegal  
5 cockfight to be held on his property is guilty of a  
6 misdemeanor.

7 (e) Attend an unlicensed cockpit or an illegal  
8 cockfight shall be guilty of a misdemeanor.

9 In addition to imposing criminal sanctions, a court  
10 may order all equipment and paraphernalia used in an  
11 unlicensed cockpit or an illegal cockfight be confiscated  
12 and destroyed."

13 Section 29. The sum of One Hundred Five Thousand Dollars  
14 (\$105,000) is appropriated from the Territorial Lottery Fund for  
15 the construction of a swimming pool addition with related facili-  
16 ties and a covered shade at the Chief Brodie Memorial School.

17 Section 30. The sum of Fourteen Thousand Dollars (\$14,000)  
18 is appropriated from the General Fund to defray the expenses of  
19 the Guam Commission on Self-Determination.

20 Section 31. The sum of Seventy-Five Thousand Dollars  
21 (\$75,000) is appropriated from the General Fund to the Department  
22 of Public Works for construction of a canopy at Ordot-Chalan Pago  
23 Elementary School and for top soil surfacing of Sanchez Senior  
24 High School football field.

25 Section 32. (a) Section 9851 of the Government Code  
26 (which is codified as Section 5102 of Title 10 of the Guam Code  
27 Annotated) is amended to read:

28 "Section 9851 (5102). Guam Health Planning and Deve-  
29 lopment Agency. The Guam Health Planning and Development  
30 Agency (hereinafter called the 'Agency') is hereby established  
31 as an Agency of the executive branch of the government of  
32 Guam. The Agency shall be administered by an Administrator.

1 The Administrator shall be appointed by the Governor with  
2 the advice and consent of the Guam Legislature. All other  
3 positions shall be classified government of Guam positions,  
4 subject to the rules, regulations and procedures of the  
5 government of Guam. The Agency shall administer the Terri-  
6 torial Health Planning Activities in accordance with U.S.  
7 Public Law 93-641, as amended by U.S. Public Laws 96-79 and  
8 96-538, and appropriate regulations."

9 (b) Subsections (1), (2) and (3) of Section 9852 of the  
10 Government Code (which are codified as Subsections (a), (b) and  
11 (c) of Section 5103 of Title 10 of the Guam Code Annotated) are  
12 amended to read:

13 "(1) (a) Coordinate and conduct the health planning  
14 activities of the territory to develop and implement the  
15 Guam Health Plan and the assembling and analysis of data  
16 concerning the following and any other data which the Agency  
17 might be required to assemble:

18 (a) (1) the status (and its determinants) of the  
19 health of the residents of the territory;

20 (b) (2) the status of the health care delivery  
21 system in Guam and the use of that system by the  
22 residents of the territory;

23 (c) (3) the effect the territory's health care  
24 delivery system has on the health of the residents of  
25 the territory;

26 (d) (4) the number, type, and location of the  
27 territory's health resources, including health  
28 services, manpower, and facilities;

29 (e) (5) the patterns of utilization of the  
30 territory's health resources; and

1 (f) (6) the environmental and occupational exposure  
2 factors affecting immediate and long-term health  
3 conditions.

4 For the purpose of improving the health of the residents  
5 of the territory, increasing the accessibility (including  
6 overcoming geographic, architectural, and transportation  
7 barriers) acceptability, continuity, and quality of the  
8 services provided them, restraining increases in the cost of  
9 providing them health services, preserving and improving  
10 competition in the health service area, and preventing  
11 unnecessary duplication of health resources, the Agency shall  
12 have as its primary responsibility the provision of effecting  
1 health planning for the territory and the promotion of the  
2 development within the territory of health services, man-  
3 power, and facilities which meet identified needs, reduce  
4 documented inefficiencies and implement the Guam Health Plan.

5 (2) (b) Serve as staff to and provide technical  
6 assistance and substantive advice to the Guam Health  
7 Coordinating Council in the preparation and establishment of  
8 the Guam Health Plan and its review and revision as necessary  
9 (but at least triennially).

10 (3) (c) Administer the Territorial Certificate of Need  
11 Program.

12 (a) (1) Make findings as to the need for  
13 incurrence of obligations for capital expenditure,  
14 offering of new institutional health services, or  
15 acquisition of major equipment within the territory;

16 (b) (2) Promulgate rules and regulations therefor  
17 and

18 (c) (3) Only the Guam Health Planning and Develop-  
19 ment Agency (or the appropriate administrative or judi-  
20 cial review body), may issue, deny, or withdraw  
21

1 certificates of need, grant exemptions from certificate  
2 of need reviews, or determine that certificate of need  
3 reviews are not required."

4 (c) A new Subsection (10) is added to Section 9852 of the  
5 Government Code (which is codified as Subsection (j) of Section  
6 5103 of Title 10 of the Guam Code Annotated) to read:

7 "(10) (j). The Agency shall develop a Guam Health  
8 Plan which is responsive to the statewide health needs and  
9 which describes the institutional health services and other  
10 health services including mental health, alcohol and drug  
11 abuse services. It should additionally insure that the plan  
12 describes the health resources required and the health faci-  
13 lities in need of modernization, conversion, and/or closure  
14 and which are required to meet the goals of the Guam Health  
15 Plan."

16 (d) Section 9853 of the Government Code (which is codified  
17 as Section 5104 of Title 10 of the Guam Code Annotated) is  
18 amended to read:

19 "Section 9853 (5104). Guam Health Coordinating Council.  
20 There is established the Guam Health Coordinating Council  
21 (hereinafter called the 'Council') in accordance with Section  
22 1524, U.S. Public Law 93-641, as amended by U.S. Public Laws  
23 96-79 and 96-538.

24 The Council shall be an advisory body and shall have no  
25 fewer than sixteen (16) representatives who shall be  
26 appointed by the Governor from lists of nominees submitted  
27 by the Agency.

28 The Governor may select the Chairperson of the Council  
29 with the advice and consent of the Legislature. If the  
30 Governor does not select a Chairperson within forty-five (45)  
31 days of the existence of such a vacancy, the Council shall  
32 elect a Chairperson from among its current membership.



1           The Council shall establish, with the assistance of the  
2 Agency, policies, procedures and methods which shall be used  
3 in carrying out Council responsibilities and duties."

4           (e) Subsection (1) of Section 9854 of the Government Code  
5 (which is codified as Section 5105 of Title 10 of the Guam Code  
6 Annotated) is amended to read:

7           "(1) Prepare, review and revise as necessary (but at  
8 least triennially), the Guam Health Plan. The plan shall be  
9 developed in accordance with the requirements and intent of  
10 U.S. Public Law 93-941, as amended by U.S. Public Laws 96-79  
11 and 96-538, and appropriate regulations, and the expectations  
12 of the Regional Health Administrator, U. S. Public Health  
13 Service, San Francisco. The plan must be responsive to  
14 territorial-wide health needs and must describe institutional  
15 health services and other health services including mental  
16 health, alcohol and drug abuse services. It must describe  
17 the health resources required and the health facilities in  
18 need of modernization, conversion, and/or closure and which  
19 are required to meet the goals of such plan."

20           (f) Subsection (2) of Section 9854 of the Government Code  
21 (which is codified as Section 5105 of Title 10 of the Guam Code  
22 Annotated) is repealed and reenacted to read:

23           "(2) Review applications submitted for grants under  
24 the U. S. Public Health Services Act, the Community Mental  
25 Health Centers Act, the Comprehensive Alcohol Abuse and  
26 Alcoholism Prevention, Treatment and Rehabilitation Act of  
27 1970 and Section 409 of the Drug Abuse Office and Treatment  
28 Act of 1972 for projects which will affect more than one (1)  
29 health service area. The Council shall conduct such reviews  
30 under a prescribed set of established criteria and procedures  
31 and submit its recommendations for approval or disapproval of  
32 the proposed use of Federal funds for each application."

1 (g) Subsection (3) of Section 9854 of the Government Code  
2 (which is codified as Section 5105 of Title 10 of the Guam Code  
3 Annotated) is amended to read:

4 "(3) Review annually and recommend approval or dis-  
5 approval of all territorial plans (and any revision of a  
6 territorial plan or any application) and any application  
7 submitted to the Secretary of Health and Human Services as  
8 a condition to the receipt of Federal funds under allotments  
9 made to the territory under the Public Health Services Act,  
10 the Community Mental Health Centers Act, the Comprehensive  
11 Alcohol Abuse and Alcoholism Prevention, Treatment, and  
12 Rehabilitation Act of 1970, or Section 409 or 410 of the  
13 Drug Abuse Office and Treatment Act of 1972, or they may be  
14 from time to time amended or any future provision taking  
15 their place."

16 (h) Subsection (6) of Section 9854 of the Government Code  
17 (which is codified as Section 5105 of Title 10 of the Guam Code  
18 Annotated) is amended to read:

19 "(6) Review and make recommendations to the Agency on  
20 all Certificate of Need applications."

21 (i) A new Section 5107 is added to Title 10 of the Guam  
22 Code Annotated to read:

23 "Section 5107. Open Meetings. The Agency is required  
24 to conduct meetings open to the public at all times except  
25 for those portions of meetings which are called to discuss  
26 the performance or remuneration of an Agency employee which  
27 would constitute a clearly unwarranted invasion of personal  
28 privacy. Personnel records and data on employees are not  
29 open to public access. The Agency is also required to allow  
30 public access to Agency reports, plans and related informa-  
31 tion except for those information which are deemed

1 'confidential' and/or 'sensitive' or are related to pending  
2 Agency actions and/or court cases."

3 (j) Sections 9859, 9860, 9861, 9862, 9863, 9864, 9865,  
4 9866, 9867, 9870, 9871, 9872, 9874, 9875, 9877, 9878, 9880, 9881,  
5 and 9884 of the Government Code (which are codified as Sections  
6 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5212, 5213,  
7 5214, 5216, 5217, 5219, 5220, 5301, 5302 and 5305 of Title 10 of  
8 the Guam Code Annotated) are repealed.

9 Section 33. The sum of Six Hundred Thousand Dollars  
10 (\$600,000) is appropriated from the General Fund to the Department  
11 of Public Safety for the purpose of constructing and equipping a  
12 fire station in the municipality of Yigo. The amount appropriated  
13 herein may be used for personnel costs of the fire station during  
14 its first year of operation.

15 Section 34. The sum of One Hundred Thousand Dollars  
16 (\$100,000) is appropriated from the General Fund to the Bureau of  
17 Budget and Management Research for the purpose of providing staff  
18 for the transition for the Office of the Governor-elect and Office  
19 of the Lieutenant Governor-elect. The Director of the Bureau of  
20 Budget and Management Research shall serve as certifying officer  
21 for expenditures of this appropriation. Any funds which have not  
22 been expended as of January 2, 1983 shall revert to the General  
23 Fund.

24 Section 35. The sum of Ten Thousand Dollars (\$10,000) is  
25 appropriated from the General Fund to the Legislative Operations  
26 Fund for the purpose of conducting the inauguration of the Seven-  
27 teenth Guam Legislature. The Chairperson of the Committee on  
28 Rules of the Sixteenth Guam Legislature may authorize expenditure  
29 of funds from this appropriation prior to January 3, 1983.

30 Section 36. There is appropriated from the General Fund to  
31 the Legislative Operations Fund the sum of Three Hundred Thousand  
32 Dollars (\$300,000) of which One Hundred Thousand Dollars

1 (\$100,000) shall be allotted to the Minority Office, to provide  
2 for the operation expenses of the Seventeenth Guam Legislature.  
3 The appropriation made by this Section is an interim appropria-  
4 tion. The appropriation made by this Section may be used to  
5 meet obligations incurred by the Sixteenth Guam Legislature for  
6 the Seventeenth Guam Legislature.

7 Section 37. New Sections 11 and 12 are added to Public  
8 Law 16-98 to read:

9 "Section 11. In order to insure an orderly transition  
10 and to provide for the operation and governance of the Guam  
11 Memorial Health Plan, and notwithstanding the provisions of  
12 Government Code Section 49025(c), the Board of Trustees of  
13 the Guam Memorial Hospital shall serve as the interim Board  
14 of Trustees of the Guam Memorial Health Plan until such time  
15 as a Board of Trustees is appointed pursuant to Government  
16 Code Section 49025(a). The interim Board of Trustees shall  
17 have full authority to exercise all powers vested in the  
18 Board of Trustees of the Guam Memorial Health Plan by all  
19 relevant provisions of Chapter I-A, Title XLVII, Government  
20 Code of Guam, and shall have full authority to exercise  
21 domain, use, and control over all assets and liabilities of  
22 Guam Memorial Health Plan as set forth in Government Code  
23 Section 49032; except that the interim Board of Trustees  
24 shall not have the authority to make, adopt or modify  
25 articles of incorporation pursuant to Government Code  
26 Sections 49023(4) and 49025(b). Appointment of the interim  
27 Board of Trustees is retroactive and shall be deemed to have  
28 been made effective September 2, 1982.

29 Section 12. Any action of whatsoever kind taken by  
30 the Board of Trustees of the Guam Memorial Hospital pursuant  
to Executive Order 82-16 is hereby ratified and declared to

1 be legal, valid, and binding as of the date such action  
2 was taken."

3 Section 38. Section 15 of Public Law 16-79 is amended to  
4 read:

5 "Section 15. One Hundred Seven Thousand Dollars  
6 (\$107,000) is appropriated from the General Fund for light-  
7 ing facilities and improvements of the baseball field in  
8 the Agat Little League Baseball Field."

9 Section 39. Thirty-Five Thousand Dollars (\$35,000) is  
10 appropriated from the General Fund to the University of Guam for  
11 the purpose of expanding the Extension Services of the College of  
12 Agriculture and Life Sciences. The sum appropriated in this  
13 Section shall serve as local matching funds for a federal grant-  
14 in-aid.