

SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

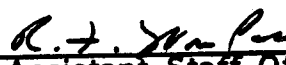
This is to certify that Substitute Bill No. 230, "AN ACT TO REPEAL AND REENACT ARTICLE VIII OF CHAPTER IV OF TITLE XIII OF THE GOVERNMENT CODE RELATIVE TO THE CREATION OF NORTHERN AND SOUTHERN SOIL AND WATER CONSERVATION DISTRICTS," was on the 22nd day of May 1984, duly and regularly passed.


CARL T. C. GUTIERREZ
Speaker

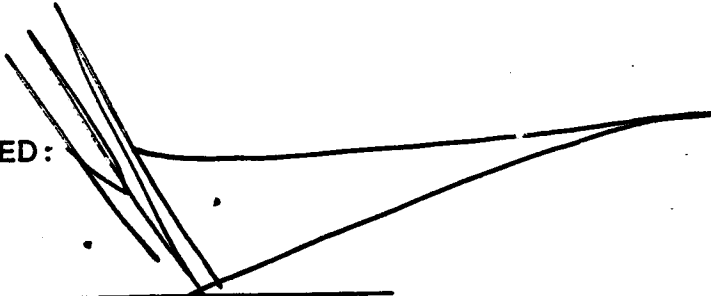
Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 23rd day of May
1984, at 4:40 o'clock P.m.


Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

Date: May 31, 1984
Public Law No. 5:30 pm
17-51

SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

Bill No. 230
Substitute by Committee on
Economic Development, Housing
& Community Development

Introduced by:

P. C. Lujan
J. F. Quan
J. P. Aguon

AN ACT TO REPEAL AND REENACT ARTICLE VIII OF
CHAPTER IV OF TITLE XIII OF THE GOVERNMENT
CODE RELATIVE TO THE CREATION OF NORTHERN
AND SOUTHERN SOIL AND WATER CONSERVATION
DISTRICTS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Article VIII of Chapter IV of Title XIII of the Government
3 Code of Guam, found in Section 4 of P.L. 16-62, is repealed and reenacted
4 to read:

5 "Article VIII. Soil and Water Conservation

6 Section 12392. Legislative Findings and Intent.

7 (a) As there continues to exist within the Territory of Guam a
8 need for a policy which promotes soil and water conservation and
9 which prevents erosion-related and water management-related problems
10 to conserve and improve the use of the Territory's land and water
11 resources, the Legislature finds the need to establish Soil and Water
12 Conservation Districts while continuing the Department of Agriculture's
13 role as the Territory's lead soil conservation agency, and the existing
14 programs of conservation under the Public Utility Agency of Guam and
15 the Environmental Protection Agency.

16 Section 12392.1. Definitions. Whenever used in the Article:

17 (1) 'District' or 'Soil' and 'Water Conservation District' means a
18 governmental subdivision within the Department of Agriculture of this
19 Territory organized in accordance with this Chapter;

1 (2) 'Director' means a member of the governing body of a
2 district;

3 (3) 'Land occupier' or 'occupier of land' includes any person,
4 firm or corporation who holds title to or, in the case of leased land,
5 the person, firm, or corporation who holds possession of any lands
6 lying within a district organized under this Article;

7 (4) 'Farm land owner or occupier' means a person, firm, or
8 corporation who is an owner or operator of land used for the purpose
9 of commercially producing livestock, crops, fruit or nut-bearing trees,
10 vines, bushes, or aquaculture products.

11 (5) 'Cooperator' means a farm land owner or occupier who has
12 entered into an agreement with a district requesting the district to
13 provide aid under this Article.

14 Section 12392.2. A Northern Soil and Water Conservation District
15 and a Southern Soil and Water Conservation District shall be created
16 under the Department of Agriculture and shall work in conjunction
17 with the Bureau of Planning, College of Agriculture and Life Sciences
18 (UOG), Department of Land Management, Guam Environmental
19 Protection Agency, and Public Utility Agency of Guam to conserve,
20 develop, and use the soil and water resources of Guam in order to
21 control and prevent soil erosion, flooding, and to improve agricultural
22 water management. Any project which is proposed by a District which
23 involves the responsibilities of another Government of Guam agency
24 shall require that agency's review and approval before implementation.
25 Projects of one district may be jointly sponsored by both districts
26 where feasible. The activities and operations shall be reviewed by the
27 District Board and Department of Agriculture to assure compatibility
28 with related programs. These activities shall comply with provisions of
29 the government code including comprehensive plans, water management
30 plans, and other pertinent planning documents.

31 Section 12392.3. General Powers and Duties of Department.

32 (a) The Department of Agriculture shall keep a record of its
33 official actions, and may perform such acts and promulgate such rules

1 and regulations as may be necessary for the execution of its functions
2 under this Article;

3 (b) The Department of Agriculture may delegate to any member,
4 agent, or employee such powers and duties as it may deem proper;

5 (c) Upon request of the Department of Agriculture, other
6 agencies of the territorial government shall, insofar as available
7 appropriations and resources permit, assign staff members or personnel
8 to the department, and make such reports, surveys, or studies as the
9 department may request; and

10 (d) The Department of Agriculture shall conduct the election of
11 all district Directors and in conjunction therewith: (1) promulgate
12 the necessary rules and regulations by which farm land owners and
13 operators shall nominate and elect from among their number district
14 Directors; and (2) the Director of the Department of Agriculture shall
15 certify the election results and shall provide a copy to the Governor
16 and the Legislature.

17 Section 12392.4. Additional Powers and Duties of Department.

18 (a) The Department of Agriculture shall:

19 (1) provide appropriate assistance to the directors of districts in
20 carrying out their powers and programs;

21 (2) keep districts informed of the activities of the other district
22 and facilitate cooperation between them;

23 (3) coordinate district programs insofar as that may be done by
24 advice and consultation;

25 (4) obtain the assistance of the United States government and of
26 local agencies in the work of the districts;

27 (5) disseminate information throughout the Territory concerning
28 district activities and programs; and

29 (b) The Department of Agriculture shall, in coordination with
30 the Bureau of Planning, Guam Environmental Protection Agency,
31 Department of Land Management, Public Utility Agency of Guam, and
32 the Soil and Water Conservation Districts, prepare and implement
33 territorial soil and water resource conservation and utilization plans
34 which conserve and improve the Territory's resources; and it shall

1 review and provide determinations on plans submitted to it by districts
2 and other entities eligible to receive federal assistance. In execution
3 of this responsibility, the department is authorized to apply for and
4 accept grants, loans, contributions, appropriations, and assistance
5 from the Federal Government and from any other sources, public and
6 private, and enter into and carry out contracts or agreements in
7 connection therewith, and include in any contract for financial
8 assistance with the federal government such provisions as it may deem
9 reasonable and appropriate and which are not inconsistent with the
10 purposes of this Article and the laws of the Territory.

11 Section 12392.5. Organization of Districts. To complete the
12 organization of a district, the Department of Agriculture, in
13 accordance with the Administrative Adjudication Act, shall present to
14 the Governor a statement setting out the name of the district and its
15 boundaries and certifying that the procedures prescribed in this
16 article for the organization of a district have been fully complied with.
17 The statement shall request the Governor to issue a certificate of
18 organization to the district. The Governor shall record the statement
19 in his office and shall issue to the Directors of the district a
20 certificate, under the seal of the Territory, of the due organization of
21 the district.

22 Section 12392.6. Composition and Responsibilities of Districts,
23 and Appointment, Tenure, and Compensation of Directors.

24 a. The Soil and Water Conservation Districts shall each:

25 (1) Be composed of five (5) Directors, each of whom is
26 largely engaged in commercial farming and is a land occupier
27 of the district;

28 (2) Have an advisor assigned to it by the Department
29 of Agriculture and by the College of Agriculture and Life
30 Sciences, and shall request as required technical advisors
31 from other agencies of the territorial government.

32 (3) Have a Chairperson and a Vice Chairperson, who
33 shall be designated by the directors.

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(4) Have a quorum in order to conduct business. Three directors shall constitute a quorum; and the concurrence of a majority upon any official matter shall be necessary;

(5) Have monthly meetings; and semi-annually, both districts shall have a joint meeting;

b. The selection of Directors for each district and their tenure shall be as follows:

(1) Farm land owners or occupiers of the district shall nominate and elect five nonpartisan directors from among their number. The first election shall be held within two months after enactment of this act; and commencing in 1985, elections shall thereafter be held on the second Tuesday in August. At the first election, one director shall be elected for one year, two directors shall be elected for two years, and two directors shall be elected for three years. Thereafter, commencing 1985, each director shall be elected for a term of three years. No elected director shall serve more than three (3) consecutive terms.

(2) Vacancies shall be filled for an unexpired term. The selection of successors to fill an unexpired term of elected directors shall be made by the Governor with the consent of the Legislature.

c. Directors shall not receive compensation for their services.

d. Each Soil and Water Conservation District shall prepare a long-range plan and an annual workplan with assistance from advisory members and agencies. Each District shall keep a record of proceedings, resolution, regulations, and orders issued or adopted and accounts of receipts and disbursements; and shall furnish to the Department of Agriculture copies of such documents, instruments or information concerning their activities as the department may request. District activities shall be limited to the following types of land within the district:

1 (1) all public land leased for agricultural activities,
2 including leased federal land. Any and all projects which
3 are proposed for leased federal land shall require the review
4 and approval of the federal agency which has jurisdiction
5 over the land;

6 (2) public and private land which is designated for
7 agricultural use or conservation; and

8 (3) land which is used for the purpose of commercially
9 producing an agricultural commodity which is located in an
10 area designated as urban or rural.

11 Section 12392.7. Powers of Districts and Directors.

12 A district organized under this Article, and the directors thereof,
13 shall have, in addition to other powers granted in other sections of
14 this Article, the following powers:

15 (1) To provide for and encourage surveys, investigations, and
16 research relating to soil and water conservation and to publish and
17 disseminate information concerning such subjects;

18 (2) To provide for and encourage demonstrations relative to the
19 control and prevention of erosion and the conservation of soil and
20 water resources and carry out preventive control measures on publicly
21 owned land within the district with the consent of the occupier of the
22 land;

23 (3) To cooperate, or enter into agreements with, and to furnish
24 aid to any agency or occupier of land within the district insofar as it
25 is feasible to do so, for specific soil and water conservation activities
26 not in conflict with or duplicating other activities of the Department of
27 Agriculture or cooperating agencies. Such agreements shall be subject
28 to such conditions as the district board may deem necessary;

29 (4) To review conservation plans prepared by farm land owners
30 and occupiers, which are a precondition for a contract between the
31 farm land owners and occupiers and the U.S. Secretary of
32 Agriculture; to provide to the U.S. Secretary of Agriculture or his
33 designee a recommendation concerning the acceptability of farm land
34 owners' and occupiers' plans, such recommendation to be based upon

1 the district's conservation plan; and to provide, when requested by
2 the Secretary or his designee, recommendations on the contract;

3 (5) To acquire property such as equipment or machinery to
4 introduce soil conservation practices to the agricultural community and
5 to dispose of such property when appropriate;

6 (6) To acquire private land or land rights through Department
7 of Land Management as needed for implementation of watershed projects
8 for purposes such as flood control, irrigation, or soil conservation;

9 (7) To construct, improve, and maintain structures such as
10 sediment ponds or earthen dams, following the requirements of the
11 Guam Codes and proper engineering standards and specifications, when
12 these structures are found necessary for carrying out the purposes of
13 soil and water conservation;

14 (8) To develop conservation plans for cooperators of the district
15 at their request;

16 (9) To have a seal which can be affixed to certificates issued to
17 cooperators of the district and to any contract or other instruments;

18 (10) As a condition to the extending of benefits, or the
19 performance of work upon land, the District may require contributions
20 of services, materials or otherwise, to any operation conferring such
21 benefits, and may impose any other reasonable condition, such as
22 contributions of labor for the planting of trees and payment for
23 specific erosion control material secured by the district for the benefit
24 of its cooperators. All such contributions would necessarily be
25 determined by the District as a whole and would not be in violation of
26 the laws of Guam or common practice.

27 Section 12392.8. Budget. The Department of Agriculture shall
28 include in its annual budget request to the Bureau of Budget and
29 Management Research a budgetary plan which shall include estimates of
30 the financial requirements of the soil and water conservation districts.

31 Section 12392.9. Any land acquired by the Department of Land
32 Management under subsection 12392.7(6) of this Article and not used
33 for the purpose enumerated in Section 12392.7(6) within five years of

1 the acquisition, shall be returned to the original owners for the price
2 paid by the Government when such property was originally acquired."

3 Section 2. Within six months from the date of passage of this Act, the
4 Water and Soil Conservation Districts shall submit a progress report to the
5 Legislature.

6 Section 3. The sum of Nine Hundred Thousand Dollars (\$900,000) is
7 appropriated from the General Fund to the Public Utility Agency of Guam
8 (hereinafter "Agency") to be used as follows:

9 A. Two Hundred Fifty Thousand Dollars (\$250,000) for the
10 construction, development and improvement of the Old Inarajan Dam
11 located in the municipality of Inarajan.

12 B. Four Hundred Thousand Dollars (\$400,000) for the recons-
13 truction, rehabilitation and improvement of the Old Ylig River Dam and
14 treatment facility in Manéngon;

15 C. Two Hundred Fifty Thousand Dollars (\$250,000) for the
16 construction of access roads to dams located in Inarajan, Merizo,
17 Umatac and for other purposes.

18 The Government of Guam shall acquire whatever property is necessary
19 to complete the projects in paragraphs A, B, and C above by eminent
20 domain.

21 Section 4. Section 17 of Public Law 17-26, is amended to read:

22 "Section 17. A new Part XLIV is added to Section 5 of Chapter I
23 of the General Appropriation Act of 1984 to read:

24 PART XLIV

25 DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE

	General	Other	Federal	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
26 Personnel Services	\$ 972,957			\$ 972,957
27	(52.0 FTE)			(52.0 FTE)
28 Operations	839,989			839,989
29 Capital Outlay	39,027			39,027
30 Utilities				
31 a. Power	12,000			12,000

1	b. Telephone	9,091	9,091
2		<hr/>	<hr/>
3	Sub-Total	\$ 1,873,064	\$ 1,873,064

4 The sums appropriated in this part are for fiscal year 1984
5 commencing October 1, 1983 ending September 30, 1984.

6 The Director of the Department of Mental Health and Substance
7 Abuse is authorized to transfer necessary funds from the sum
8 appropriated to Operations in this Part exclusively for the purpose of
9 taking over the overall day-to-day operation and cost of the Inpatient
10 Unit inclusive of Inpatient Unit personnel transferred to the Department
11 of Mental Health and Substance Abuse."