


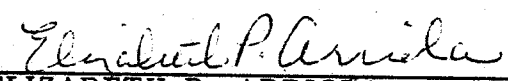
SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 558, "AN ACT TO REPEAL AND REENACT SECTIONS 11833, 11839 AND 11849 OF THE GOVERNMENT CODE DESIGNATED AS 17 GCA SECTIONS 16104, 16113 AND 16114 RESPECTIVELY AND TO ADD NEW 17 GCA SECTIONS 16104.1, 16104.2, 16104.3, 16104.4 AND 16104.5, 16129, 16130, 16131, AND 16132 RELATIVE TO THE BOARD OF REGENTS AND THE PRESIDENT OF THE UNIVERSITY OF GUAM AND FOR OTHER PURPOSES," was on the 25th day of May 1984, duly and regularly passed.


CARL T. C. GUTIERREZ
Speaker

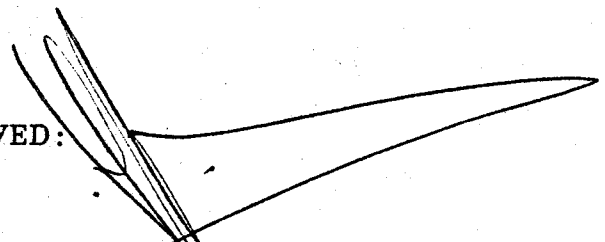
Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 31st day of May
1984, at 10:15 o'clock a.m.


Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

Date: June 11, 1984

Public Law No. 2:57 pm
P.L. 17-55

SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

Bill No. 558
Substitute Bill by the
Committee on Education

Introduced by:

F. J. Quitugua
A. C. Lamorena III
T. S. Nelson

F. R. Santos
E. P. Arriola
A. R. Unpingco
J. H. Underwood
J. F. Quan
E. T. Charfauros
C. T. C. Gutierrez
M. K. Hartsock
J. T. San Agustin
J. P. Aguon
J. F. Ada
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M. D. A. Manibusan
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AN ACT TO REPEAL AND REENACT SECTIONS 11833, 11839 AND 11849 OF THE GOVERNMENT CODE DESIGNATED AS 17 GCA SECTIONS 16104, 16113 AND 16114 RESPECTIVELY AND TO ADD NEW 17 GCA SECTIONS 16104.1, 16104.2, 16104.3, 16104.4, AND 16104.5, 16129, 16130, 16131, AND 16132 RELATIVE TO THE BOARD OF REGENTS AND THE PRESIDENT OF THE UNIVERSITY OF GUAM AND FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. §11833 of the Government Code (17 GCA §16104) is
3 repealed and reenacted to read:
4 "§11833 (§16104). Board of Regents. The government, control
5 and operation of the University of Guam is vested in a Board of
6 Regents to be known as the 'Board of Regents of the University of
7 Guam' (hereinafter referred to as the 'Board'). The Board shall be

1 composed of nine (9) members who shall be appointed by the
2 Governor, with the advice and consent of the Legislature. Of the nine
3 (9) members, one member shall be a student and at least one (1) shall
4 be an alumnus of the University of Guam."

5 Section 2. A new 17 GCA §16104.1 is added to read:

6 "§16104.1. Term of Office. With the exception of the student
7 member, the members of the Board of Regents shall serve staggered
8 terms. After the completion of the terms served by the current
9 members pursuant to §16104.5 of this Title, all succeeding
10 appointments shall be for a term of six years.

11 On the expiration of the term of any member, the Governor shall
12 in the manner herein provided appoint another member for a like term.
13 In the event of a vacancy on the Board due to resignation, death or
14 for any cause resulting in an unexpired term, the Governor shall
15 promptly appoint, with the advice and consent of the Legislature, a
16 member to finish the unexpired term. When there is a change of
17 Administration of the government of Guam after a gubernatorial
18 election, no courtesy resignation shall be requested by the new
19 administration of the Government of Guam nor offered by any member
20 of the Board."

21 Section 3. A new 17 GCA §16104.2 is added to read:

22 "§16104.2. Qualification of Members of Board of Regents. The
23 composition of the Board of Regents shall be broadly based in terms of
24 personal expertise of its members. The Board shall be a balanced
25 representation of the general population. Regent members must be
26 capable of reflecting objectively the sentiment and aspiration of the
27 people of Guam into the institution's programs and interpreting the
28 University's mission. Regent candidates must be United States citizens
29 or permanent resident aliens and domiciled in Guam for at least three
30 (3) years prior to appointment to the Board. No person shall sit on
31 the Board who is an employee of the Government of Guam when
32 membership on the Board will be inconsistent with or conflict with
33 their employment as determined by the advice and consent of the

1 Legislature. No person shall sit on the Board who is an employee of
2 the University of Guam."

3 Section 4. A new 17 GCA §16104.3 is added to read:

4 "§16104.3. Committee to Select Regent Candidates. When a
5 vacancy in the Board of Regents occurs, a committee comprised of the
6 Chairman of the Board of Regents who shall be the Chairman, the
7 President of the Commissioners Council, the Chairman of the University
8 of Guam Faculty Governance Body, the President of the Student Body
9 Association, the President of the Alumni Association of the University
10 of Guam, and the Speaker of the Guam Youth Congress shall convene
11 at the call of the Chairman to recommend candidates for membership to
12 the Board of Regents of the University of Guam. The Committee shall
13 establish a list not to exceed three names for each regent position to
14 be filled from outstanding residents of Guam who are devoted to the
15 promotion of the general welfare of the University of Guam. A member
16 whose term is expiring may be considered for reappointment. Except
17 for the selection of the student regent, who shall be elected by the
18 Student Body of the University, the committee shall recommend to the
19 Governor, who shall appoint, subject to the advice and consent of the
20 Legislature, the most qualified candidate for the position of Regent
21 from among the candidates submitted by the Committee."

22 Section 5. A new 17 GCA §16104.4 is added to read:

23 "§16104.4. The student member shall be a full Board member
24 with all rights, privileges and responsibilities thereof. To be eligible
25 to serve as a student member of the Board the person shall be a
26 full-time student at the University who has completed one (1) year
27 study (at least 30 credits) and who has maintained good standing
28 academically.

29 The student member shall be that person receiving the highest
30 number of votes cast at an election of all students registered at the
31 University of Guam whether full-time or part-time, to be held in March
32 of each even numbered year. The election of the student member shall
33 be conducted by the Student Body Senate in accordance with the
34 regulations adopted by the senate and approved by the Board. The

1 Chairperson of the Board shall proclaim the day of the election when
2 one is to be held. The student receiving the highest number of votes
3 shall be certified by the Chairman of the Board of Regents who shall
4 forward his name to the Governor who shall appoint him pursuant to
5 §16104 of this title, provided that the student received at least a
6 certain percentage of the votes cast and a certain percentage of those
7 eligible to vote as determined by the Board of Regents. In the event
8 that no student receives sufficient votes, a run-off election will be
9 held between the two students with the most votes. The student
10 receiving the most votes in the run-off election will be certified to the
11 Governor who shall appoint him or her pursuant to §16104 of this title.

12 Any student member candidate must be nominated by a petition
13 signed by one hundred (100) students attending the University of
14 Guam.

15 The student member shall serve for a term of two (2) years
16 beginning at twelve o'clock noon on the first Monday in May in the
17 year in which he or she is elected.

18 When a student member ceases to be a full-time student or is not
19 in good standing academically at the University of Guam he shall be
20 deemed to have vacated his position on the Board of Regents. Any
21 vacancy during the term of a student member shall be filled for the
22 remainder of the term by an election of a majority of the Student Body
23 Senate. The student elected by the Student Body Senate must have
24 the qualifications specified in §16104.4 of this title."

25 Section 6. A new 17 GCA §16104.5 is added to the Government Code
26 to read:

27 "§16104.5. Tenure of Members Currently Serving as Regents.

28 Within ten (10) days after the enactment of this Act, a special
29 meeting of the Board of Regents shall be held, with due notice
30 properly served the members as to time and place of the meeting. The
31 main agenda shall be the designation of the tenure of office for each
32 member in accordance with this Act. With the exception of the student
33 member, whose term is for two years, each of the remaining eight
34 members of the Board shall draw, by lottery, the term of office he or

1 she is to serve. Notwithstanding prior enactments on tenure of office
2 of the Regents of the University of Guam, the current members of the
3 Board of Regents shall serve according to the result of their individual
4 drawing to wit; two (2) for seven (7) years; three (3) for five (5)
5 years; and three (3) for three (3) years, commencing at the date of
6 drawing of the term. The current members who continue serving shall
7 not be required to undergo the legislative advice and consent
8 procedure."

9 Section 7. §11839 of the Government Code of Guam (17 GCA §16113) is
10 repealed and reenacted to read:

11 "§11839 (§16113). President of the University.

12 (a) The Board of Regents, by an affirmative vote of at least five
13 (5) members, shall appoint the President of the University. The
14 duties and compensation shall be determined by the Board. The
15 President shall be the executive head of the internal operating
16 organizations of the University and shall be responsible for the
17 administration of the academic, business and service activities thereof.
18 The President of the University shall serve as Executive Secretary of
19 the Board.

20 (b) The President of the University of Guam shall possess
21 desirable qualities as an educational leader and administrator of a
22 higher educational institution. Among the requirements that the holder
23 of the office must adequately satisfy are:

24 1. Knowledge of and appreciation for the people of Guam
25 and Micronesia.

26 2. Well-schooled and experienced in research, teaching, or
27 the administration of higher education or other related area.

28 3. Possession of the terminal degree from a recognized
29 institution of learning.

30 Additionally, the Board of Regents may prescribe additional
31 requirements to those listed above.

32 (c) The Board of Regents shall set the tenure of Office for the
33 President of the University of Guam. However, any contract of
34 employment for the position of President shall not end six months

1 prior to or six months after an election for Senators and Governor and
2 Lt. Governor. The Board by an affirmative vote of at least five (5)
3 members may renew the contract of a President. Likewise, the
4 affirmative vote of at least five (5) members may terminate the services
5 of the President for cause in the manner and procedure that a Regent
6 may be removed as covered in Section 11835 (§16106). When there is a
7 change of Administration of the government of Guam after a
8 gubernatorial election, no courtesy resignation shall be requested by
9 the new Administration nor offered by the President of the University.

10 (d) When a vacancy occurs in the office of the President of the
11 University of Guam, a committee comprised of the Chairman of the
12 Board of Regents who shall be the Chairman and two members of the
13 Board of Regents shall solicit by advertisement candidates for the
14 position of President, shall accept and review applications, interview
15 applicants and shall select from the applicants the top three candidates
16 in terms of qualifications enumerated in subsection (b) of this section
17 and as further prescribed by the Board of Regents and forward the
18 applications of these three persons to the entire Board of Regents for
19 its consideration and selection of a President."

20 Section 8. §11849 of the Government Code (17 GCA §16114) is
21 repealed and reenacted to read:

22 "§11849 (§16114). Officers of Administration and Faculty of the
23 University. The officers of administration and faculty of the
24 University shall be under the direction of a President. The Board, on
25 the recommendation of the President, shall appoint Vice-Presidents,
26 Deans, and Directors, and other employees as may be required to
27 carry out the purposes of the institution, prescribe their salaries and
28 terms of service, where such salaries and terms of service are not
29 specifically fixed by legislative enactment, make and enforce rules
30 governing sabbatical leaves with or without pay, consistent with the
31 practice of similar institutions on the mainland, and notwithstanding
32 the laws of Guam relative to vacations of the officers and employees of
33 other agencies or instrumentalities of the Government of Guam. The
34 Board may establish rules and regulations pertaining to outside

1 employment. Such rules and regulations shall reflect the paramount
2 objective of directing all efforts of employees of the University in
3 pursuit of the University's mission and promoting stability and
4 credibility of Guam's highest institution of learning."

5 Section 9. §11846 of the Government Code (17 GCA §16121) is
6 repealed and reenacted to read:

7 "§11846 (§16121). (a) On January 31 or earlier of each year a
8 total budget requirement for the following University Year for carrying
9 out the activities of the University shall be submitted by the Board to
10 the Legislature. The total appropriation request shall be the sum of
11 money that the Board has certified to be adequate for the
12 improvement, support and maintenance of the University, including
13 payment of salaries, current expenses, purchase of equipment,
14 supplies and materials, making necessary repairs and in general for
15 the payment of all such expenses connected with the management of
16 the University. A University Year will run from October 1 to
17 September 30.

18 The Board shall disburse such funds as the Legislature may
19 appropriate for the purpose of carrying out the activities of the
20 University."

21 Section 10. Section 16129 is added to 17 GCA to read:

22 "Section 16129. University of Guam Land Grant Endowment Fund.

23 (a) For the purpose of compliance with Federal laws designating
24 the University of Guam as one of the land-grant colleges eligible to
25 receive donations of public land or land scrip for the endowment and
26 maintenance of colleges for the benefit of agriculture and the mechanic
27 arts, there is hereby established the 'University of Guam Land Grant
28 Endowment Fund' which shall be maintained separate and apart from
29 any other funds of the government of Guam, and independent records
30 and accounts shall be maintained in connection therewith by the
31 University of Guam. A quarterly financial statement of the Fund shall
32 be submitted to the Guam Legislature by the Board of Regents.

1 (b) The \$3,000,000 received from the Federal Government in lieu
2 of donation of public land or land scrip shall be credited to the Fund.
3 Said sum shall remain unimpaired and preserved.

4 (c) Said sum shall be invested in bonds of the United States or
5 of the States or Territories or bank certificates of deposit or some
6 other safe bonds bearing an interest rate not less than the highest
7 interest rate of U.S. Securities at the time of deposit, in a manner
8 adopted by the Board of Regents and approved by a Resolution of the
9 Legislature. The Board of Regents shall administer the investment of
10 the funds in the manner approved by Legislative Resolution.

11 (d) No portion of said sum, nor the interest thereon, shall be
12 applied, directly or indirectly, under any pretense whatever, to the
13 purchase, erection, preservation, or repair of any building or
14 buildings.

15 (e) The Board of Regents for the University of Guam is
16 designated Custodian or Trustee of the interest from the investment of
17 the \$3,000,000 for the benefit of the University of Guam. The interest
18 from the investment of said sum shall be appropriated by the
19 Legislature directly to the Board of Regents for the endowment,
20 support and maintenance of the University of Guam subject to the
21 provisions of Federal laws establishing the University of Guam as a
22 land-grant college."

23 Section 11. Section 16130 is added to 17 GCA to read:

24 "Section 16130. Assent to Provisions of Hatch and
25 McIntire-Stennis Acts; Administration by University of Guam. The
26 provisions of the Hatch Act of 1887, as amended, and the
27 McIntire-Stennis Act, the Federal formula funds and the purposes of
28 such funds, authorized by said Acts, and the laws and regulations
29 supplementary thereto providing for an Agricultural Experiment Station
30 in connection with a College of Agriculture and Mechanic Arts, and by
31 other Acts of Congress for similar purposes, are hereby assented to
32 and accepted by the Legislature of Guam on behalf of the University of
33 Guam. The Legislature further directs that the University of Guam

1 shall administer and direct the Guam Agricultural Experiment Station
2 which shall be established in consonance with said Act."

3 Section 12. Section 16131 is added to 17 GCA to read;

4 "Section 16131. Assent to Smith-Lever Act Relative to Extension
5 Services; Administration by University of Guam. The Legislature of
6 Guam hereby assents to, and accepts the provisions and requirements
7 of the Smith-Lever Act and the laws and regulations supplementary
8 thereto. The Legislature further directs that the University of Guam
9 shall administer the formula funds made under such Act and shall
10 organize, conduct and administer the Cooperative Extension Service in
11 accordance with the terms and conditions of said Act."

12 Section 13. Section 16132 is added to 17 GCA to read:

13 "Section 16132. University of Guam Land Grant Research and
14 Extension Special Fund.

15 (a) For the purpose of compliance with Federal laws designating
16 the University of Guam as one of the Land Grant Colleges eligible to
17 receive land grant Federal funds for the benefit of research and
18 extension services, there is hereby established the 'University of Guam
19 Land Grant Research and Extension Special Fund' (the 'Research and
20 Extension Fund'), which shall be maintained separate and apart from
21 any other funds of the government of Guam and independent records
22 and accounts thereof shall be maintained by the University of Guam.
23 A quarterly financial statement of the Research and Extension Fund
24 shall be submitted to the Legislature.

25 (b) All Federal grants, Federal formula funds, donations and
26 charitable contributions relating to agricultural and forestry research
27 and extension services shall be deposited and credited to the Research
28 and Extension Fund. The Legislature may appropriate or
29 reappropriate to the Research and Extension Fund any local matching
30 funds necessary for approved University of Guam Programs consistent
31 with Research and Extension Programs in the areas of Agriculture,
32 Home Economics, Forestry and any related programs.

33 (c) All income derived from the operation and services of the
34 research farm and cooperative extension services by the University of

1 Guam shall be deposited in and credited to the Research and Extension
2 Fund.

3 (d) All debts, liabilities and any other obligations incurred for
4 programs described in Subsection (b) of this Section shall be paid
5 from the Research and Extension Fund."

6 Section 14. If any portion or application of this Act is declared
7 invalid, the remainder, or its application, shall not be affected.

8 Section 15. This Act shall be effective ten (10) days after enactment
9 into law.