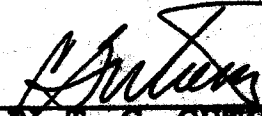


SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

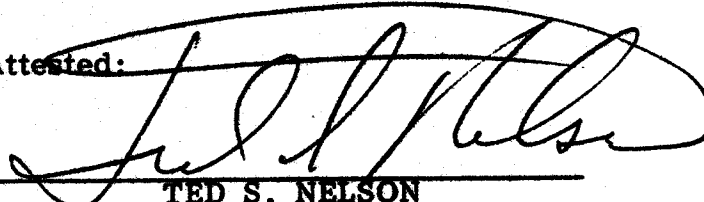
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 635, "AN ACT TO ADD A NEW CHAPTER II TO TITLE XL OF THE GOVERNMENT CODE OF GUAM, RELATIVE TO ESTABLISHMENT OF THE AGENCY FOR HUMAN RESOURCES DEVELOPMENT WITHIN THE GOVERNMENT OF GUAM AND FOR OTHER PURPOSES," was on the 1st day of December 1984, duly and regularly passed.



CARL T. C. GUTIERREZ
Speaker

Attested:



TED S. NELSON
Senator and Acting Legislative Secretary

This Act was received by the Governor this _____ day of December
1984, at _____ o'clock __.m.

Assistant Staff Officer
Governor's Office

APPROVED:

RICARDO J. BORDALLO
Governor of Guam

Date: _____

Public Law No. 17-81

SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

Bill No. 635
Substitute by Committee on
Youth, Human Resources,
Senior Citizens & Cultural Affairs

Introduced by:

T. S. Nelson
F. R. Santos
E. P. Arriola

F. J. Quitugua
J. F. Quan
J. T. San Agustin

AN ACT TO ADD A NEW CHAPTER II TO TITLE XL OF
THE GOVERNMENT CODE OF GUAM RELATIVE TO
ESTABLISHMENT OF THE AGENCY FOR HUMAN
RESOURCES DEVELOPMENT WITHIN THE GOVERNMENT
OF GUAM AND FOR OTHER PURPOSES.

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

2 Section 1. A new Chapter II is added to Title XL of the Government
3 Code of Guam to read:

4 "CHAPTER II.

5 Agency for Human Resources Development

6 Section 44100. Agency. There is hereby established within the
7 Government of Guam an Agency for Human Resources Development. The
8 Director of the Agency for Human Resources Development is the head of the
9 Agency. The Director is appointed by the Governor with the advice and
10 consent of the Legislature.

11 Section 44101. Purpose. The Agency for Human Resources
12 Development will be responsible for the coordination of manpower needs,
13 assessment and employment programs funded under the provisions of local
14 statutes and of federal statutes. This responsibility shall not be construed
15 to deny any other entity of the Government of Guam from carrying out its
16 regularly assigned functions.

1 The Agency may be responsible, if mutually selected by the Private
2 Industry Council and the Governor, for the administration of the service
3 delivery area programs pursuant to Job Training Partnership Act of 1982,
4 more commonly known as JTPA. The administration of JTPA shall be in
5 accordance with applicable local and federal statutes, policies, regulations
6 and guidelines. The Director shall be responsible for compliance with all
7 federal requirements pertaining to methods and standards of administration
8 required for receipt from the federal government of funds for JTPA and
9 such administrative costs as are provided in connection therewith.

10 The Agency for Human Resources Development is also authorized to
11 seek, apply, and otherwise obtain funds from the federal government and
12 from private and other sources for use in manpower and other programs
13 which fall within the purpose and functions of the Agency as provided
14 herein.

15 Section 44102. Definitions. The following words and phrases, when
16 used in this Chapter shall have the following meaning:

17 (a) 'Agency' means the Agency for Human Resources
18 Development.

19 (b) 'Director' means the Director of the Agency for Human
20 Resources Development.

21 (c) 'Employees' means employees of the Agency for Human
22 Resources Development.

23 (d) 'Program Year' means the years beginning on July 1 in the
24 fiscal year for which appropriations, either federal or local, are made
25 for a program to be administered by the Agency.

26 Section 44103. Rules and Regulations. The Director shall develop and
27 adopt rules and regulations to insure that the administration of federal
28 and/or local programs comply with standards set by the federal and/or local
29 government as a condition to receipt of federal and/or local funds, and local
30 policies and laws, including the Administrative Adjudication Act. The
31 Director, also pursuant to the Administrative Adjudication Act, shall
32 develop procedures, written policies and adopt rules with regard to
33 planning, implementing, monitoring, evaluating and reporting the Agency's
34 programs.

1 Section 44104. Employment. The Director, subject to the approval of
2 the Governor, may employ a Deputy Director and a Secretary. All
3 employees of the Agency for Human Resources Development, except the
4 Director, Deputy Director, Secretary, Provisional Employees and others
5 hired by contract shall be members of the classified service of the
6 Government of Guam.

7 The employees of the Agency shall be members of the Government of
8 Guam Retirement Fund subject to provisions of 4 GCA, Section 8105. The
9 Agency shall contribute to the Government of Guam Retirement Fund on the
10 basis of annual billings as determined by the Board of Trustees,
11 Government of Guam Retirement Fund, for the employers' share of the cost
12 of the retirement benefits applicable to the Agency's employees and their
13 beneficiaries. The Agency shall contribute to the Workers' Compensation
14 Fund on the basis of annual billings as determined by the Workers'
15 Compensation Commissioner with the benefits payment made from such fund
16 on account of the employees of the Agency. Employees of the Agency shall
17 also be eligible to participate in any Government of Guam health and life
18 insurance or prepaid health plan.

19 Section 44105. Personnel Rules. The Rules adopted by the Director
20 of the Department of Administration subject to criteria established by
21 Chapter 4 of Title 4 of GCA, governing the selection, promotion,
22 performance evaluation, demotion, suspension, and other disciplinary action
23 shall be applicable to employees of the Agency.

24 Section 44106. Effective Date and Transfer. On the effective date of
25 this Act, all working capital, accounts payable and receivable, all books,
26 records, applications, assets, liabilities, agreements, privileges and
27 employees of the Agency for Human Resources Development presently
28 existing pursuant to Executive Orders Numbers 77-6, 83-14, and 83-19 shall
29 be transferred to the Agency for Human Resources Development established
30 under this Chapter.

31 Any person accepting employment under this section, excluding the
32 Director, Deputy Director and Private Secretary will receive not less than
33 the rate of compensation he was receiving immediately before the transfer

1 date. The other employment benefits and rights shall be governed under
2 Section 44103 and 44104 of this Chapter.

3 Section 44107. Position Descriptions. The Director shall develop
4 within three (3) months of the effective date of this Act, position
5 descriptions for all employees of the Agency for Human Resources
6 Development which shall be subject to the approval of the Civil Service
7 Commission.

8 Section 44108. If at any time the Agency is not selected or authorized
9 to administer any federal or local programs pursuant to the authority given
10 it by this Chapter, the Agency shall cease to exist.

11 Section 44109. Guam Job Training Coordinating Council. The Guam
12 Job Training Coordinating Council shall have the same authority and
13 functions with respect to programs administered pursuant to this Chapter,
14 as that provided in the Job Training Partnership Act of 1982, Public Law
15 97-300.

16 Section 44110. Private Industry Council. The Private Industry
17 Council shall have the same authority and functions with respect to
18 programs administered pursuant to this Chapter, as that provided in the
19 Job Training Partnership Act of 1982, Public Law 97-300.

20 Section 44111. Administrative Limitations and Appropriations. The
21 sum of One Million Dollars (\$1,000,000) is hereby authorized to be
22 appropriated from the General Fund to the Agency for Human Resources
23 Development for the purpose of administering job training and employment
24 related services consistent with those authorized under JTPA. These
25 services, however, shall be restricted to those individuals in need of, but
26 who do not meet federal eligibility standards and requirements for, job
27 training and employment related services pursuant to provisions of Public
28 Law 97-300. The Agency for Human Resources Development is authorized to
29 expend not more than ten percent (10%) of this appropriation for
30 administrative purposes.

31 Section 44112. Annual Report. The Director of the Agency shall
32 submit a report which shall be a public document, not later than twelve
33 (12) months immediately following the date of enactment of this Act. This
34 report shall include, but need not be limited to, a detailed statement of

1 program expenditures, the number and groups served through program
2 activities, and a review and evaluation of program accomplishments in
3 meeting with the employment needs of jobless individuals. This report shall
4 be submitted to the Governor, with review and comments from the
5 Legislature.

6 Section 2. Section 5127, Chapter 5, Title 9 GCA (contained in Section
7 2 of P.L. 17-12), is repealed and reenacted to read:

8 "Section 5127. Juvenile Conference Committee. The presiding
9 judge shall appoint men and women from the community who shall be
10 representative of human service entities both public and private and
11 may include but are not limited to, commissioners, probation officers,
12 police or educational personnel, and military personnel to serve as
13 members of the Juvenile Conference Committee at the pleasure of the
14 Court.

15 Membership on the Juvenile Conference Committee shall be for a
16 term of one (1) year. The Committee shall serve as a friend of the
17 court in making a special study and investigation of each juvenile
18 offender referred to it by the court, which referral may be by general
19 classification of subject matter or specific cases. The Committee shall
20 attempt to determine what factors brought about the anti-social
21 behavior complained of, and shall devise ways and means of setting up
22 an individualized service plan to aid the juvenile so that he may be
23 trained and developed into an acceptable member of society and a good
24 citizen so as not to become a confirmed delinquent or criminal.

25 All matters coming before the Committee shall be held in strict
26 confidence and shall under no circumstances become public. Every
27 person appointed to a Committee established pursuant to this Section
28 shall be duly instructed by the judge as to the secrecy and
29 confidential nature of such service, and shall take an oath to preserve
30 such information inviolate.

31 Section 3. The lapsed funds of the Ninth Guam Youth Congress is
32 hereby re-appropriated to the Tenth Guam Youth Congress.

33 Section 4. There is hereby established within the Laboratory Section
34 of the Guam Memorial Hospital a Guam Cancer Registry, which shall operate

1 under the supervision of the hospital pathologist, to collect information on
2 all cases of cancer occurring within the Territory, to analyze and compare
3 such data in appropriate ways and to annually prepare and distribute a
4 report on their findings.

5 Section 5. Section 4 of Public Law 16-122 is hereby amended as
6 follows:

7 "Section 4. This Act shall expire by its own terms on June 30,
8 1985.

9 Section 6. 4 GCA Section 4151 (4 GCA Section 4302) is amended to
10 read:

11 "Section 4302. Same: Health Insurance or Provision of Health
12 Care.

13 (a) All companies or other legal entities providing or applying to
14 provide health insurance or the provision of health care to Government
15 of Guam employees shall make their audited financial statements
16 available to the Director of Administration annually. Such records
17 shall be public records.

18 (b) Within 120 days of enactment of this Act, the Director of
19 Administration shall promulgate rules and regulations setting forth the
20 other information he requires from the companies or legal entities and
21 the method by which such information shall be reported. This
22 information shall be equitably required of each company and shall be
23 submitted no less than ten (10) days before any negotiations or active
24 consideration of proposals commences. Materials submitted in
25 fulfillment of this requirement shall not be considered public records.

26 (c) A negotiating team consisting of the Director of
27 Administration who shall be Chairperson, the Administrator of the
28 Guam Health Planning and Development Agency or his/her designee,
29 the Director of Bureau of Budget and Management Research, or
30 his/her designee, an employee representative from the Judicial Branch
31 to be appointed by the Presiding Judge, an employee representative
32 from the Legislative branch to be appointed by the Speaker, and two
33 (2) employees from the Executive branch who shall represent
34 employees' interest to be appointed by the Governor shall examine the

1 financial information of the [prepaid] health insurance companies,
2 health care providers or other legal entities for the purpose of
3 developing the most economical and beneficial health plan for
4 Government of Guam employees. The negotiating team may obtain
5 technical support from other financial and health related agencies.

6 The negotiating team with the approval of the Governor is
7 authorized to contract an actuary competent to develop health
8 insurance rates or other recognized expert to train and/or advise
9 negotiating team."

10 Section 7. New Subsections (d), (e), (f), and (g) are added to 4
11 GCA Section 4151 (4 GCA Section 4302) to read:

12 "(d) All contracts for health insurance or the provision of health
13 care to be available to the employees of the Government of Guam shall
14 provide for a minimum benefit package and may provide for additional
15 benefits. The minimum benefit package shall be developed by the
16 Director of Administration through procedures established by the
17 Administrative Adjudication Act within 120 days of enactment of this
18 Act.

19 (e) The minimum benefit package shall be re-examined annually
20 at least sixty (60) days prior to beginning consideration of proposals
21 for health insurance or provision of health care. The Chief
22 Administrative Officer of each department or agency of the Government
23 of Guam shall appoint an employee representative who will solicit input
24 from all employees in the department or agency regarding problems,
25 additions, deletions and desired changes to the benefits available.
26 These employee representatives will make this information known to the
27 Director of Administration during the review period.

28 (f) No health insurance company or health care provider
29 contracted to provide health care to Government of Guam employees
30 can deny coverage to the employee or dependents on the basis of a
31 congenital anomaly. Congenital anomalies will be covered on the same
32 basis as any other preexisting condition and subject to the same
33 maximum limitations as any other health benefit.

1 (g) Effective October 1, 1986, the contract period for health
2 insurance or provision of health care shall coincide with the fiscal year
3 of the Government of Guam. To that end, the contract period
4 proceeding the one for FY'87 may be for less than twelve (12)
5 months."

6 Section 8. 17 GCA Section 3120.1 contained in P.L. 17-68, Section 1
7 is amended to read:

8 "Section 3120.1. Sufficient textbooks and other supplies.
9 Pursuant to the authority and power established by Section 3120(a)
10 and Section 3118 of this Chapter, the Board shall provide textbooks
11 adopted by the Board in sufficient quantities so as to assure that each
12 student is assigned a textbook for his own use in each subject in
13 which the student is enrolled and in which textbooks are used for
14 classroom instruction. This requirement is inapplicable to pilot
15 programs or other pilot projects of the Department of Education.
16 Sufficient laboratory equipment and supplies shall also be provided for
17 science, physical education, music, and business courses so as to
18 achieve full implementation of those courses in the curriculum."

19 Section 9. A new 4 GCA Section 4116 is added to read:

20 "Section 4116. No employee of a department, agency or
21 instrumentality of the Government of Guam may be involuntarily
22 transferred to a position which is unrelated with respect to job duties
23 and responsibilities to the position occupied by the employee before
24 such transfer."

25 Section 10. A new 4 GCA Section 4117 is added to read:

26 "Section 4117. No employee shall be temporarily assigned or
27 detailed to a position nor shall the employee assume the duties and
28 responsibilities of a position other than the one to which he has been
29 appointed for a period in excess of one hundred twenty (120) days,
30 unless the appointing authority obtains an exemption upon written
31 application to the Civil Service Commission, such exemption not to
32 extend beyond an additional one hundred twenty (120) days. No
33 exemption shall be granted to the one hundred twenty (120) day detail

1 limitation except upon express approval by the Civil Service
2 Commission Board."

3 Section 11. A new 4 GCA Section 4118 is added to read:

4 "Section 4118. No employee of a department, agency or
5 instrumentality of the Government of Guam shall be appointed by a
6 cognizant authority to serve temporarily in an acting capacity as head
7 of a department, agency or instrumentality for a period in excess of
8 one year. Any employee so appointed has the right to return to the
9 position the employee held immediately before the appointment to serve
10 in an acting capacity after the one year period is exhausted. The
11 time limitation of this section may not be circumvented by an
12 interruption in the appointment to an acting capacity or to the position
13 the employee held immediately before the appointment for a period of
14 less than thirty (30) days."

15 Section 12. The first paragraph of 4 GCA Section 4175 (4 GCA
16 Section 4406) as added by Public Law 16-23 and amended by Public Law
17 16-41 is further amended to read:

18 "Section 4175(\$4406). Adverse Action Procedure and Appeals.
19 An employee who is dismissed, demoted, or suspended shall be given
20 immediate notice of the action, together with a specific statement of the
21 charges upon which such action is based in the manner required by
22 Article 1 of this Chapter. Copies thereof shall be filed with the Civil
23 Service Commission and, if applicable, with the government entity
24 charged with hearing his appeal under the personnel rules governing
25 his appointment not later than the working day next following the
26 effective date of the action. In no event may an employee be given
27 the notice and statement of the charges required by this Section after
28 the sixtieth (60th) day after management knew or should have known
29 the facts or events which form the alleged basis for such action. Any
30 action brought by management in violation of this Section is barred
31 and any decision based on such an action is void."

32 Section 13. A new 4 GCA §4401.1 is added to read:

33 "§4406.1. If an employee in the classified service retains an
34 attorney to represent him or her before the Civil Service Commission

1 or other applicable administrative body to challenge an adverse action
2 brought against the employee, and the employee prevails, the employee
3 shall be awarded and paid costs, if any, and reasonable attorney's
4 fees because of such attorney representation from funds of the
5 department, agency or instrumentality in which the employee was
6 employed."

7 Section 14. A new Chapter IV is added to Title VI of the Government
8 Code to read:

9 "Chapter IV

10 Government Reorganization

11 Section 5300. Any Reorganization Plan for a department, agency
12 or instrumentality of the Government of Guam which is proposed by
13 the Governor or by a department, agency or instrumentality must have
14 a public hearing at least thirty (30) days prior to the implementation
15 of such plan. Public notice of such hearing, including publication in a
16 newspaper of general circulation within the Territory and including
17 written notice to each employee of the department, agency or
18 instrumentality in which the plan is to be implemented shall be
19 provided at least fourteen (14) calendar days prior to the holding of
20 such hearing. Employees shall have full opportunity to review the
21 proposed reorganization plan prior to the hearing.

22 Section 5301. No classified employee at the time a reorganization
23 plan is adopted shall be removed from his or position or downgraded as
24 a result of any reorganization undertaken pursuant to the plan."

25 Section 15. The Governor of Guam is hereby authorized to convey to
26 the qualified applicant, Mr. Carlos T. Calvo, Lot No. 60, portion of Santa
27 Cruz St., and portion of Travesia De Gomez, municipality of Agana,
28 containing an area of 75.9 s.m., 67.1 s.m. and 94.7 s.m., respectively, all
29 situated within Lot No. 23, Block No. 25, New Agana, as shown on Drawing
30 No. I4-81T148 prepared by the Department of Land Management.

31 Section 16. The Governor of Guam is hereby authorized to convey to
32 the qualified applicant, Mr. Eulogio Del Carmen, portion of Pre-War road in
33 Tumon, containing an area of 124.95 s.m., situated between Lot Nos.
34 5124-1-1 and 5124-2-R1, municipality of Dededo.

1 Section 17. The Governor is authorized to exchange Lot Nos. 133-2,
2 17.76 s.m.; 134-1, 3.87 s.m.; 134-2, 14.90 s.m.; Santa Cruz St., 195.86
3 s.m. and 161-1, 22.02 s.m.; all within New Lot Nos. 24 and 25, Block No.
4 24, New Agana, to the qualified applicant, Mr. Paul M. Calvo. In turn,
5 Mr. Calvo will convey to the Government of Guam, Lot Nos. 160-2, 10.97
6 s.m.; 160-R2, 65.77 s.m.; 159-2, 19.19 s.m.; 159-3, 64.74 s.m.; 136-1,
7 52.43 s.m.; 158-1, 44.40 s.m.; all within New Lots 2, 3, 4, and 23, Block
8 No. 24 New Agana. The exchange shall be on a value for value basis, but
9 not to exceed condemned price established in Block No. 24 plus and
10 administrative cost of twenty-five percent (25%).

11 Section 18. The Governor is authorized to exchange portion of Lot
12 No. 12-1, containing an area of 527+ s.m., municipality of Talofofo, with
13 Mr. Augusto Paulino's property Lot No. 14-REM, (within the submerged
14 land), containing an area of 658.12+ s.m.

15 Section 19. The Governor is authorized to convey to the qualified
16 applicant, Mrs. Rita L.G. Cruz, Lot No. 163 and Lot No. 167, Block No. 7,
17 New Agana, Territory of Guam, containing an area of 2,324.68 square
18 meters.

19 Section 20. Section 1 of Public Law 17-49 is amended as follows:

20 "Section 1. The Governor of Guam is authorized to buy or
21 exchange Lot Nos. 88-1, 391 s.m.; 88-P, 150 s.m.; 89, 363 s.m.; 90,
22 252.68 s.m.; 91, 140.66 s.m.; 92, 258.89 s.m.; 93, 486.64 s.m.; 94,
23 666.27 s.m.; 95, 224.89 s.m.; 96, 232.46 s.m.; 97, 259.48 s.m.; 98,
24 234 s.m.; 99, 84.79 s.m.; 100, 139.56 s.m.; 101, 296 s.m.; 102,
25 311.70 s.m.; 103, 233 s.m.; 104, 289.58 s.m.; 105, 328 s.m.; 106,
26 869.29 s.m.; 107, 218 s.m.; 108; 109, 320 s.m.; 111, 105 s.m.; 112,
27 427.04 s.m., along Inarajan Bay between As Misa Bridge and the
28 Public Works Bus Substation, for Government of Guam land on a value
29 for value basis, as determined by private appraisal; provided, that no
30 lot conveyed by the government shall be less than eighty feet by
31 eighty feet (80' X 80') or six thousand four hundred (6,400) square
32 feet.

33 Section 21. Section 136000 of the Government Code of Guam is
34 amended to read:

1 "§13600. Use Permits. (a) The Director with the approval of the
2 Governor is authorized to grant permits for the use of any suitable
3 government real property, not otherwise occupied or in use, for any
4 lawful purposes.

5 Section 22. Section 50001 of the Government Code of Guam, as found
6 in Section 247 of P.L. 13-187, is repealed and reenacted to read:

7 "Section 50001. Pawnbroking without a license. It shall be a
8 misdemeanor to carry on the business of a pawnbroker or to receive
9 goods in pledge for loans upon which interest is charged, without a
10 license as a pawnbroker. The annual license fee for a pawnbroker
11 shall be one hundred dollars (\$100.00). A pawnbroker shall pay gross
12 receipts tax upon its revenues and sales of pawned merchandise as a
13 lending institution, as provided for in Sections 19541.06, 19541.0601,
14 and 19541.0602 of the Government Code of Guam."

15 Section 23. Section 50003 of the Government Code as found in Section
16 247 of P.L. 13-187 is repealed and reenacted to read:

17 "Section 50003. Pawnbrokers, what charges may make.
18 Notwithstanding any other provision of law, a pawnbroker may charge
19 for pawn loans, including consumer loans:

20 (a) A pawnbroker may legally charge interest at the rate of up to
21 three percent (3%) per calendar month or part thereof on the first
22 \$300 outstanding on any loan, and two percent (2%) per calendar
23 month or part thereof on balances of loans in excess of \$300.00.

24 (b) In addition to the interest and other charges allowed herein,
25 a pawnbroker may charge a set-up and loan origination charge of Ten
26 dollars (\$10.00), or such minimum charge as may be permitted to be
27 charged by any bank, finance company, or small loan company
28 pursuant to any law or regulation, whichever is greater.

29 (c) In addition to the interest and other charges allowed herein,
30 a pawnbroker may charge up to fifty cents (\$0.50) per day per item
31 pawned for storage, insurance, and handling. Such amount shall be
32 disclosed in writing to the pledgor, but need not be treated as
33 interest in computing the rate of interest to be disclosed to the
34 pledgor by the pawnbroker."

1 Section 24. Section 50004 of the Government Code as found in Section
2 247 of P.L. 13-187 is repealed and reenacted to read:

3 "Section 50004. Retention, Redemption and Sale of Pledged
4 Goods. Every pawnbroker must retain in his possession all articles
5 pledged to him in accordance with the loan agreement, and shall have
6 a security interest therein. If the pledgor fails to redeem his pledge
7 when due, the pawnbroker shall hold the pledge for redemption for a
8 period of at least Forty-five (45) days after notice of default of
9 payment has been mailed by registered or certified mail, return receipt
10 requested, to the last known mailing address of the pledgor. If within
11 the Forty-five (45) day period after mailing, the pledgor does not
12 redeem the articles pledged by paying the sums due along with all
13 accrued interest, other charges, and a charge of Ten Dollars (\$10.00)
14 plus postage costs for the notice of default, which amount the
15 pawnbroker is authorized to charge to the delinquent pledgor, then
16 the pawnbroker shall, notwithstanding any other provision of law, own
17 the article(s) pledged based upon his Uniform Commercial Code
18 Security Interest therein. Notwithstanding any other provision of law,
19 the pledgor shall thereafter have no more interest whatsoever in the
20 article(s) pledged, title to the pledged article shall be in the
21 pawnbroker, and the debt of the pledgor to the pawnbroker shall be
22 discharged. The pawnbroker shall not be entitled to a deficiency
23 judgment if the value of the item pawned is less than the total sum
24 owed."

25 Section 25. Section 50005 of the Government Code as found in Section
26 247 of P.L. 13-187 is repealed.

27 Section 26 . Section 128 of the Civil Code of Guam is repealed and
28 reenacted to read:

29 "§128. Residence of Parties. A dissolution of marriage may be
30 granted if one of the parties is a resident of Guam or if one of the
31 parties is physically present in Guam at the time of filing for a
32 dissolution of marriage or if one of the parties is physically present in
33 Guam before the time of entry of final decree of divorce or if one of
34 the parties has executed a declaration of intent to become a resident of

1 Guam. Registration as a voter in Guam, the execution of an affidavit
2 or the filing of a verified petition with the Superior Court indicating
3 that Guam is or will be the residence of one of the parties, the
4 execution of an affidavit indicating an intent by one of the parties to
5 become a resident of Guam, the execution of an affidavit or a verified
6 petition by one of the parties that one of the parties is physically
7 present in Guam, setting up a Guam corporation with one of the
8 parties owning a majority of the shares of stock issued and
9 outstanding, or the payment of taxes in Guam shall be prima facie
10 evidence of compliance with this section. Any person who has been
11 living outside of the United States shall be conclusively presumed to
12 have complied with this Section if the person executes an affidavit that
13 he is not living in the United States, if the person opens a bank
14 account in a bank licensed to do business in Guam, and if the person
15 states in the affidavit that the person intends to become a resident of
16 Guam. Physical presence by one of the parties in Guam for a period
17 of seven (7) days prior to filing of the action for dissolution of
18 marriage, or for any seven (7) day period between the time of filing
19 the action and the entry of the final decree of divorce, shall give rise
20 to an additional conclusive presumption of compliance with this section.
21 The parties may conclusively waive any objections they may have as to
22 the jurisdiction of the court to grant a divorce to either one or both
23 of the parties, which waiver shall conclusively bar any future attack
24 upon the jurisdiction of the court to grant a divorce to the parties
25 pursuant to the provisions of the codes of Guam. Failure of any party
26 to comply with the provisions of this section is an affirmative defense
27 only, as indicated in Section 129 of the Civil Code of Guam."

28 Section 27. Section 129 of the Civil Code of Guam is repealed and
29 reenacted to read:

30 "§129. Residence, presumption of jurisdiction. In actions for
31 dissolution of marriage, neither the domicile nor residence of the
32 husband shall be deemed to be the domicile or residence of the wife.
33 For the purposes of such an action, each may have a separate domicile or
34 residence depending upon proof of the fact and not upon legal

1 presumptions. Physical presence in Guam for ninety (90) days next
2 preceeding the commencement of the action or next preceeding the entry of
3 the final decree of divorce shall give rise to a conclusive presumption of
4 residence in Guam as required by Section 128 of the Civil Code of Guam.
5 Allegations and proof of residency or other compliance with the
6 requirements of Section 128 of the Civil Code of Guam need not be plead or
7 proved, and the court need make no findings as to residency of any party
8 to a divorce or as to compliance with the requirements of Section 128 of the
9 Civil Code of Guam, unless requested by a party. Lack of residency or
10 other failure to comply with Section 128 of the Civil Code of Guam shall be
11 an affirmative defense only, which must be plead and proved by any party
12 raising the issue. Only the parties (ie, the husband or the wife), and no
13 other person nor the court can raise the issue of nor object to the
14 jurisdiction of the Superior Court of Guam in an action for dissolution of
15 marriage, residence of the parties, or other compliance with Section 128 of
16 the Superior Court of Guam. The Superior Court of Guam is presumed to
17 have jurisdiction over any action for dissolution of marriage which may be
18 filed in the Superior Court of Guam."

19 Section 28. Section 130 of the Civil Procedure Code of Guam is hereby
20 repealed and reenacted to read as follows:

21 "§130. Default, when allowed. No dissolution of marriage can be
22 granted upon the uncorrobrated statement, admission or testimony of
23 the parties in any contested action for dissolution of marriage, but the
24 court must require proof of the facts alleged. In the event of
25 uncontested, consent or default divorce actions, the court may grant a
26 divorce based upon the verified complaint of the Plaintiff or Petitioner
27 if it appears to be in the interests of justice. Any corroboration or
28 evidence which the court may require in default, consent, or other
29 uncontested divorces shall be in the form of sworn affidavits."

30 Section 29. Section 132 of the Civil Procedure Code of Guam is
31 repealed and reenacted to read:

32 "§132. Final Decree of Divorce After Six (6) Months Period.
33 When six (6) months have expired after filing of the initial petition or
34 complaint for divorce, and following entry of an interlocutory decree of

1 divorce, the court on motion of either party, or upon its own motion,
2 may enter the final judgement granting the dissolution of marriage,
3 which final judgment shall restore the parties to status as single
4 persons. This six months waiting period after the filing of the
5 petition or complaint may be shortened by the court upon application
6 by either party, upon showing a cause to shorten the time. The court
7 may also enter such other orders as may be necessary to complete the
8 disposition of the action. If an appeal is filed by either party, the
9 final decree may not be entered until the appeal has been disposed of
10 by the appellate courts, and in any event may not be entered if the
11 judgment granting the interlocutory divorce is reversed on appeal. If
12 either party dies after entry of an interlocutory divorce but before
13 entry of the final decree of divorce, the court shall enter a final
14 decree of divorce, effective nunc pro tunc to the date of the entry of
15 the interlocutory decree of divorce."

16 Section 30. 12 GCA Section 9106 (enacted in Section 1 of P.L. 17-32)
17 is amended as follows:

18 "Section 9106. Board. (a) The exercise of the powers of the
19 Bureau shall be directed by the Board of Directors composed of nine
20 (9) members selected in accordance with this Section. Four (4)
21 directors, referred to as 'appointed directors' shall be members and
22 shall be appointed by the Governor with the advice and consent from
23 the Legislature. One of the appointed directors shall be a
24 commissioner or assistant commissioner selected by the Commissioner's
25 Council. Four (4) directors, referred to as 'elected directors' shall be
26 contributing members in good standing elected by the membership.
27 The four (4) appointed and four (4) elected directors shall then select
28 the ninth (9th) director by a vote requiring concurrence of six (6) of
29 the directors. The ninth (9th) director shall be actively and directly
30 involved in the tourism industry. There shall be two (2) alternate
31 directors who shall be appointed by the Speaker of the Legislature
32 with the consent of the Legislature. These alternate directors shall be
33 designated as Alternate No. 1 and Alternate No. 2. They shall have
34 no voting power unless and until a member of the Board of Directors

1 is absent from a meeting. Alternate No. 1 shall replace the first
2 absent director and alternate No. 2 shall replace the second absent
3 director. Should an absent director, who has been replaced by an
4 alternate arrive at a meeting, his voting power displaces that of the
5 alternate on any matters which arise after his arrival. Alternate
6 directors shall not replace directors who are present at a meeting but
7 choose to leave prior to the close of the meeting. The Board of
8 Directors shall elect from amongst its body a chairperson and
9 vice-chairperson. The ninth director from a previous board shall not
10 be held over solely to act as the ninth director of a new board. The
11 ninth director of a previous board may be appointed as the ninth
12 director of any subsequent board as set forth herein.

13 (c) Elected and Alternate Directors and the ninth director shall
14 serve for two (2) years.

15 (e) Elected and Alternate directors and the ninth director may
16 be removed for cause upon the vote of not less than six directors or
17 with or without cause upon the vote of not less than two-thirds of the
18 total number of votes of the contributing members at a properly called
19 meeting of the contributing members at which a quorum is present.

20 (f) A vacancy on the Board (whether created by resignation or
21 removal) of an appointed member shall be filled by appointment of the
22 Governor with the advice and consent of the Legislature. The person
23 filling the vacancy shall serve at the pleasure of the Governor."

24 Section 31. Section 9111, 12 GCA, is repealed and a new Section 9111
25 is enacted to read as follows:

26 "Section 9111. The Bureau will always seek the most reasonable
27 prices for services and products needed, giving due consideration to
28 the urgency of the requirement. Purchase orders or letters of
29 authorization will be executed by the General Manager for needed
30 products or provisions, pursuant to the current budget. Such
31 purchase orders or letters of authorization for expenditures in excess
32 of Two Thousand Five Hundred Dollars (\$2,500), (except salaries)
33 shall require prior approval by the Board of Directors."

1 Section 32. The Department of Agriculture, with the assistance of the
2 Department of Land Management and the Department of Public Works, is
3 directed to prepare a feasibility study of an all-weather road to some
4 agricultural land in the Inarajan-Talofofa area. Such feasibility study shall
5 be delivered to the Governor and the Guam Legislature within three (3)
6 months from the approval of the act.

7 Section 33. The sum of Fifteen Thousand Dollars (\$15,000) is hereby
8 appropriated from the General Fund for the preparation of such feasibility
9 study as described in Section 32 above.

10 Section 34. There is appropriated from the fund created by Section
11 2508.1, Article 5, Chapter 2, 12 GCA, to the Department of Public Works
12 the sum of Eight Hundred Thousand Dollars (\$800,000) for the renovation
13 and repair of the Guam Legislature Building and the construction of any
14 additions thereto.

15 Section 35. There is appropriated from the fund created by Section
16 2508.1, Article 5, Chapter 2, 12 GCA, to the Department of Public Works,
17 the sum of Four Hundred Thousand Dollars (\$400,000) for the renovation
18 and repair of the old Guam Memorial Hospital Building.

19 Section 36. Subsection (g) of Section 4108, Chapter 4, 4 GCA is
20 amended as follows:

21 "(g) Vesting. Sick leave accrued for service with the
22 government of Guam or any of its instrumentalities, branches,
23 authorities or any entity, corporation or agency, shall vest in the
24 employee upon accrual and shall remain vested in such employee so
25 long as he is employed by the Government notwithstanding the fact
26 that from time to time, he may be transferred from one branch to
27 another or to an autonomous agency, authority or other entity within
28 the government of Guam, provided that if such employee is separated
29 from government service for a period longer than five (5) years, he
30 shall be divested of all accumulated sick leave."

31 Section 37. A new Subsection (b) is added to 2 GCA §1120, and the
32 first, existing, paragraph is re-lettered "(a)", as follows:

33 "(b). Elected officials who have retired from the government of
34 Guam and who are receiving retirement benefits from the government

1 or elected officials who are eligible to receive retirement benefits from
2 the government shall not relinquish, forfeit, or have such benefits
3 suspended during the periods such elected officials are holding their
4 respective offices; provided, however, that such elected officials shall
5 not be deemed active members of the retirement fund for purposes of
6 such elected office service, and no deductions shall be made nor
7 government contributions made on account of any salary they receive
8 as such elected officials."

9 Section 38. Section 25312 of the Government Code of Guam is repealed
10 and reenacted as follows:

11 "Section 25312. Hours of Sale. On-Sale Premises. An on-sale
12 licensee shall not sell or serve any person any alcoholic beverages
13 after 2:00 a.m., except that preceding New Year's Day, the selling
14 time shall be 2:00 a.m., on Saturdays, Sundays and holidays the
15 selling time shall be 4:00 a.m. Provided, however, that all alcoholic
16 beverages must be consumed within 15 minutes of the time permitted
17 for the sale thereof. A licensee may begin selling or serving alcoholic
18 beverages at 8:00 a.m., Monday through Sunday, inclusive."

19 Section 39. There is appropriated from the General Fund to the
20 Legislature Operations Fund the sum of Fifteen Thousand Dollars (\$15,000)
21 for the operation of the Office of Guam's Delegate-elect to Washington for a
22 period of two (2) months. The Chairperson of the Committee on Rules may
23 authorize the expenditure of funds from this appropriation.