



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

FEB 06 2004

The Honorable Vicente C. Pangelinan
Speaker
I Mina' Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 9 (COR), "AN ACT TO ESTABLISH A "COMMUNITY FIREFIGHTER RESERVE PROGRAM" WITHIN THE GUAM FIRE DEPARTMENT WHICH SHALL PROVIDE A POOL OF TRAINED RESERVE FIREFIGHTERS TO AUGMENT THE DEPARTMENT'S NEEDS DURING EXTREME LOCAL EMERGENCIES TO INSURE PROPER AND EFFECTIVE SERVICE TO THE ISLAND COMMUNITY AND THE PEOPLE OF GUAM, BY *ADDING* SECTIONS 72107A THROUGH 72107D TO TITLE 10, GUAM CODE ANNOTATED," which I signed into law on February 6, 2004 as **Public Law 27-67**.

Sincerely yours,

KALEO S. MOYLAN

I Maga'låhen Guåhan Para Pa'go
Acting Governor of Guam

Attachment: copy attached of signed bill

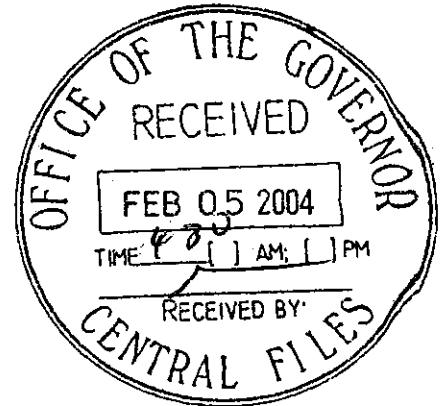
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

February 5, 2004

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 108(COR), 207(COR), 221(COR) and 232(COR), and Substitute Bill Nos. 9(COR), 71(LS), 93(COR), 151(COR), 167(LS), 180(LS), 196(COR) and 210(COR) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on February 4, 2004.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

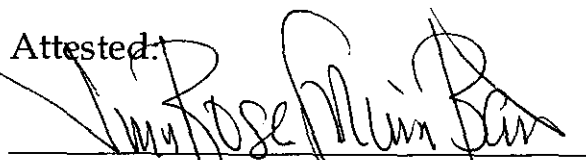
Enclosures (12)

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

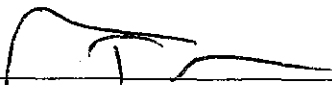
This is to certify that Substitute Bill No. 9 (COR), "AN ACT TO ESTABLISH A 'COMMUNITY FIREFIGHTER RESERVE PROGRAM' WITHIN THE GUAM FIRE DEPARTMENT WHICH SHALL PROVIDE A POOL OF TRAINED RESERVE FIREFIGHTERS TO AUGMENT THE DEPARTMENT'S NEEDS DURING EXTREME LOCAL EMERGENCIES TO INSURE PROPER AND EFFECTIVE SERVICE TO THE ISLAND COMMUNITY AND THE PEOPLE OF GUAM, BY ADDING SECTIONS 72107A THROUGH 72107D TO TITLE 10, GUAM CODE ANNOTATED," was on the 4th day of February, 2004, duly and regularly passed.

Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

This Act was received by I Maga'lahaen Guåhan this 5 day of February, 2004,
at 4³⁰ o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



KALEO S. MOYLAN
I Maga'lahaen Guåhan, Para Pa'go

Date: FEB 06, 2004

Public Law No. 27-67

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 9 (COR)

As substituted by the Committee on
Public Safety and Tourism and as further
substituted and amended on the Floor.

Introduced by:

F. B. Aguon, Jr.

J. M. Quinata

J. M.S. Brown

F. R. Cunliffe

C. Fernandez

Mark Forbes

L. F. Kasperbauer

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

T. R. Muña Barnes

v. c. pangelinan

Toni Sanford

R. J. Respicio

Ray Tenorio

AN ACT TO ESTABLISH A "COMMUNITY FIREFIGHTER RESERVE PROGRAM" WITHIN THE GUAM FIRE DEPARTMENT WHICH SHALL PROVIDE A POOL OF TRAINED RESERVE FIREFIGHTERS TO AUGMENT THE DEPARTMENT'S NEEDS DURING EXTREME LOCAL EMERGENCIES TO INSURE PROPER AND EFFECTIVE SERVICE TO THE ISLAND COMMUNITY AND THE PEOPLE OF GUAM, BY ADDING SECTIONS 72107A THROUGH 72107D TO TITLE 10, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that due to limited financial resources available to the government of Guam,
4 the Guam Fire Department will have minimal opportunities over the next few
5 years to recruit and hire new firefighters to assist its present manpower in
6 servicing our community. Therefore, it is essential that community resources
7 be identified and utilized effectively to support the needs of the agency in
8 carrying out its mission. A program that may be created to support the Guam
9 Fire Department in meeting the demands of the community while
10 acknowledging the financial limitations is the use of properly trained
11 individuals in the special areas of need who may be available through the
12 establishment of a Community Firefighter Reserve Program. The program
13 would identify and train individuals who have a desire to serve the
14 community through firefighting and emergency medical service activities.
15 These individuals would be required to be trained and serve the island
16 community for a minimum number of service work time hours per month
17 within the Guam Fire Department alongside full-time firefighters or medical
18 personnel. In exchange for active participation in the program, the firefighter
19 reservist would receive a fixed monthly financial stipend, with no additional
20 incentive or differential compensation. The creation and utilization of such a
21 program could provide significant part-time assistance to the Guam Fire
22 Department in addressing community service needs during times of low or
23 inadequate manpower, it would increase its ability to effectively support the
24 island community in the provision of necessary firefighting and medical
25 services, it would formulate a pool of human resources that could

1 immediately be made available during times of local firefighting emergency
2 situations, and it may alleviate the need to immediately recruit for full-time
3 firefighters during these tough economic times in which necessary
4 government of Guam finances may be quite limited. The Firefighter Reserve
5 members would benefit tremendously in their direct service to the community
6 and in acquiring experience and training within one of the island's critical
7 government agencies.

8 Furthermore, *I Liheslaturan Guåhan* finds that the Guam Police
9 Department presently has a Community Volunteer Police Reserve Program
10 that has been in existence for numerous years and which has provided
11 significant support to the department particularly during the past several
12 years in which Guam has been experiencing austere financial times. The
13 police reservists in the past few years have been utilized to service the
14 community through providing much-needed public safety support during
15 numerous community activities which include, but is not limited to, the
16 Liberation Day Carnival Festivities, the Liberation Day Parade activities, the
17 Highway Patrol, the recent Blue-Fire highway enforcement program,
18 community service escort needs during funerals, and numerous other
19 activities.

20 Therefore, it is the intent of *I Liheslaturan Guåhan* to acknowledge the
21 importance of insuring that necessary public services such as firefighting and
22 medical services through the Guam Fire Department is not hampered as a
23 result of the continuing financial challenges that the government of Guam is
24 experiencing. This provision would establish a Guam Community Firefighter
25 Reserve Program within the Guam Fire Department to provide the agency

1 with people resources necessary to carry out its services to the island and its
2 people. The Reserve Program would support the Guam Fire Department
3 through providing it with readily trained individuals, upon the completion of
4 necessary training and education requirements, who can serve alongside full-
5 time regular firefighters and medical personnel, while minimizing the
6 financial requirements for such support due to limited government financial
7 resources.

8 **Section 2. Creation of the "Community Firefighter Reserve Program"**
9 **within the Guam Fire Department.** There is hereby *added* new Sections
10 72107A through 72107D entitled the "Community Firefighter Reserve
11 Program" to Chapter 72, Division 3, Title 10 of the Guam Code Annotated, to
12 read as follows:

13 **"§72107A. Community Firefighter Reserve Program.**

14 a) **Creation.** There is hereby created within the Guam Fire
15 Department of the government of Guam the 'Community
16 Firefighter Reserve Program', hereinafter referred to as the
17 'Program'. The Program shall be administered by the Chief of the
18 Guam Fire Department, hereinafter referred to as the 'Fire Chief.'
19 The Fire Chief, shall be responsible for carrying out the purpose of
20 this Chapter, and shall have such additional duties and
21 responsibilities as authorized herein.

22 b) **Functions and Duties.** The general functions and duties
23 of the Guam Firefighter Reserve Program shall be to provide
24 backup manpower and support augmenting the regular, full-time
25 Firefighters or Emergency Medical Technicians within the Guam

1 Fire Department, to include the following: control and extinguish
2 injurious or dangerous fires, to remove that which is liable to
3 cause such fires, enforce laws relating to the prevention and
4 spread of fires and all laws pertaining to fire control and fire
5 hazards within the community, maintain an emergency medical
6 and rescue service, and other such related duties as may be
7 designated by the Fire Chief.

8 The Fire Chief shall formulate a program whereby the
9 Firefighter Reserve shall adhere to the functions and duties herein
10 prescribed. The Fire Chief shall annually review, revise, and
11 update the functions and duties of the Guam Firefighter Reserve
12 to insure an amicable discharge of responsibilities and duties of
13 regular personnel.

14 **c) Recruitment.** The Fire Chief shall recruit, on an
15 entirely volunteer basis, persons who desire to make available
16 their services to assist the Guam Fire Department in carrying out
17 its fire control, emergency medical, and rescue functions. The Fire
18 Chief shall further promulgate rules and regulations consistent
19 with requirements of hiring regular firefighters.

20 **d) Training, Equipping and Maintenance of Records.**
21 The Fire Chief shall devise a program whereby the fire divisions of
22 the Guam Fire Department, the Civil Defense Office, Office of
23 Homeland Security, and other pertinent government entities
24 provide the members of the Guam Firefighter Reserve training in
25 fire prevention and control, emergency medical and rescue

1 services, and operational techniques and procedures for natural
2 and man-made emergencies. The Guam Firefighter Reserve
3 Program shall maintain a roster of volunteers who have received
4 the training prescribed herein. In order to maintain membership in
5 the Firefighter Reserve Program, each member must keep up with
6 the scheduled and required training and no reserve member may
7 remain in the Reserve Program, if he or she is unable to keep up
8 with, or otherwise absorb the training. Additionally, basic supplies
9 and equipment shall be provided to assure the constant
10 operability of the Community Firefighter Reserve Program,
11 including a continuing program for replacement.

12 e) **Firefighter Reserve: Authority.** Whenever the fire
13 units of the Community Firefighter Reserve Program, and the
14 members thereof are rendering assistance to the regular firemen,
15 such reserve firefighters shall have the same powers, duties, rights
16 (including coverage under the Worker's Compensation Act),
17 privileges and immunities, as full-time Firefighters or Emergency
18 Medical Technicians of the Guam Fire Department, except that
19 they shall earn recruitment credit for services performed as
20 reserve firefighters.

21 **§72107B. Same: Allowance.** Each member of the Community
22 Firefighter Reserve Program who successfully completes probationary
23 requirements as established by the Fire Chief and who performs
24 satisfactorily during a month shall receive an allowance of Fifty Dollars
25 (\$50) for that month, to defray the cost of maintenance of their uniforms.

1 The Guam Fire Department shall identify funds within its department
2 appropriations to satisfy the intent of this Section.

3 For the initial year of its establishment, the Guam Fire Department
4 shall be allotted *no more than* twenty-five (25) Firefighter Reserve
5 positions, and may increase its recruitment of reserve firefighters for the
6 program in any given year thereafter to *no more than* a total of Fifty (50)
7 Firefighter Reserve positions at any time.

8 **§72107C. Same: Eligibility and Oath.** No person shall be a
9 member of the Guam Firefighter Reserve Program established under
10 this Chapter who advocates a change by force or violence in the
11 constitutional form of the Government of the United States, or this
12 island, or the overthrow of any government in the United States by
13 force, or who has been convicted of or is under indictment or
14 information charging any subversive act against the United States.
15 Every reserve member shall, entering upon his duties, take an oath, in
16 writing, before a person authorized to administer oaths in this island,
17 which oath shall be substantially as follows:

18 'I _____, do solemnly swear (or affirm) that I will support and
19 defend the Constitution of the United States and the laws of Guam,
20 against all enemies, foreign or domestic; that I will bear true faith and
21 allegiance to the same; that I take this obligation freely, without any
22 mental reservation or purpose of evasion; and that I will well and
23 faithfully discharge the duties upon which I am about to enter, and I do
24 further swear (or affirm) that I do not advocate, nor am I a member of
25 any political party or organization that advocates the overthrow of the

1 Government of the United States, or of this island, by force or violence;
2 and that during such time as I am a member of the Guam Firefighter
3 Reserve Program I will not advocate nor become a member of any
4 political party or organization that advocates the overthrow of the
5 Government of the United States, or of this island, by force or violence.'

6 §72107D. Rules and Regulations: The Fire Chief shall
7 promulgate Rules and Regulations pursuant to the Administration
8 Adjudication Law as may be necessary to carry out the provisions of this
9 Chapter."

10 **Section 3. Effective Date for the Commencement of the "Community**
11 **Firefighter Reserve Program" within the Guam Fire Department.** The Guam
12 Fire Department shall, *no later than* one hundred eighty (180) days following
13 the enactment of this Act, submit the proposed Rules and Regulations for the
14 Community Firefighters Reserve Program to *I Liheslaturan Guåhan* for
15 approval pursuant to the Administration Adjudication Law.

16 Subject to the approval of the Rules and Regulations for the Community
17 Firefighter Reserve Program by *I Liheslaturan Guåhan*, the Program shall be
18 implemented and commenced *no sooner than* October 1, 2004, and shall be
19 subject to the appropriation of necessary funds by *I Liheslaturan Guåhan*.

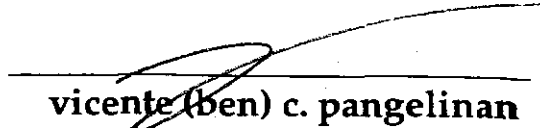
20 **Section 4. Severability.** *If* any of the provisions of this Act or the
21 application thereof to any person or circumstances are held invalid, such
22 invalidity shall *not* affect any other provision of application of this Act, which
23 can be given effect without the invalid provisions or application, and to this
24 end the provisions of this Act are severable.

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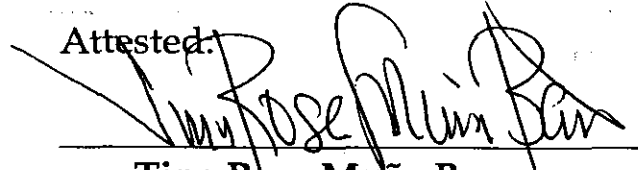
**I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session**

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that Substitute Bill No. 9 (COR), "AN ACT TO ESTABLISH A 'COMMUNITY FIREFIGHTER RESERVE PROGRAM' WITHIN THE GUAM FIRE DEPARTMENT WHICH SHALL PROVIDE A POOL OF TRAINED RESERVE FIREFIGHTERS TO AUGMENT THE DEPARTMENT'S NEEDS DURING EXTREME LOCAL EMERGENCIES TO INSURE PROPER AND EFFECTIVE SERVICE TO THE ISLAND COMMUNITY AND THE PEOPLE OF GUAM, BY ADDING SECTIONS 72107A THROUGH 72107D TO TITLE 10, GUAM CODE ANNOTATED," was on the 4th day of February, 2004, duly and regularly passed.


vicente (ben) c. pangelinan
Speaker

Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 5 day of February, 2004,
at 4:30 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 9 (COR)

As substituted by the Committee on
Public Safety and Tourism and as further
substituted and amended on the Floor.

Introduced by:

F. B. Aguon, Jr.
J. M. Quinata
J. M.S. Brown
F. R. Cunliffe
C. Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña Barnes
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AN ACT TO ESTABLISH A "COMMUNITY FIREFIGHTER RESERVE PROGRAM" WITHIN THE GUAM FIRE DEPARTMENT WHICH SHALL PROVIDE A POOL OF TRAINED RESERVE FIREFIGHTERS TO AUGMENT THE DEPARTMENT'S NEEDS DURING EXTREME LOCAL EMERGENCIES TO INSURE PROPER AND EFFECTIVE SERVICE TO THE ISLAND COMMUNITY AND THE PEOPLE OF GUAM, BY ADDING SECTIONS 72107A THROUGH 72107D TO TITLE 10, GUAM CODE ANNOTATED.

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6 servicing our community. Therefore, it is essential that community resources
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8 Furthermore, *I Liheslaturan Guåhan* finds that the Guam Police
9 Department presently has a Community Volunteer Police Reserve Program
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12 years in which Guam has been experiencing austere financial times. The
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17 Highway Patrol, the recent Blue-Fire highway enforcement program,
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20 Therefore, it is the intent of *I Liheslaturan Guåhan* to acknowledge the
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22 medical services through the Guam Fire Department is not hampered as a
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8 **Section 2. Creation of the "Community Firefighter Reserve Program"**
9 **within the Guam Fire Department.** There is hereby *added* new Sections
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15 Department of the government of Guam the 'Community
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17 'Program'. The Program shall be administered by the Chief of the
18 Guam Fire Department, hereinafter referred to as the 'Fire Chief.'
19 The Fire Chief, shall be responsible for carrying out the purpose of
20 this Chapter, and shall have such additional duties and
21 responsibilities as authorized herein.

22 b) **Functions and Duties.** The general functions and duties
23 of the Guam Firefighter Reserve Program shall be to provide
24 backup manpower and support augmenting the regular, full-time
25 Firefighters or Emergency Medical Technicians within the Guam

1 Fire Department, to include the following: control and extinguish
2 injurious or dangerous fires, to remove that which is liable to
3 cause such fires, enforce laws relating to the prevention and
4 spread of fires and all laws pertaining to fire control and fire
5 hazards within the community, maintain an emergency medical
6 and rescue service, and other such related duties as may be
7 designated by the Fire Chief.

8 The Fire Chief shall formulate a program whereby the
9 Firefighter Reserve shall adhere to the functions and duties herein
10 prescribed. The Fire Chief shall annually review, revise, and
11 update the functions and duties of the Guam Firefighter Reserve
12 to insure an amicable discharge of responsibilities and duties of
13 regular personnel.

14 **c) Recruitment.** The Fire Chief shall recruit, on an
15 entirely volunteer basis, persons who desire to make available
16 their services to assist the Guam Fire Department in carrying out
17 its fire control, emergency medical, and rescue functions. The Fire
18 Chief shall further promulgate rules and regulations consistent
19 with requirements of hiring regular firefighters.

20 **d) Training, Equipping and Maintenance of Records.**
21 The Fire Chief shall devise a program whereby the fire divisions of
22 the Guam Fire Department, the Civil Defense Office, Office of
23 Homeland Security, and other pertinent government entities
24 provide the members of the Guam Firefighter Reserve training in
25 fire prevention and control, emergency medical and rescue

1 services, and operational techniques and procedures for natural
2 and man-made emergencies. The Guam Firefighter Reserve
3 Program shall maintain a roster of volunteers who have received
4 the training prescribed herein. In order to maintain membership in
5 the Firefighter Reserve Program, each member must keep up with
6 the scheduled and required training and no reserve member may
7 remain in the Reserve Program, if he or she is unable to keep up
8 with, or otherwise absorb the training. Additionally, basic supplies
9 and equipment shall be provided to assure the constant
10 operability of the Community Firefighter Reserve Program,
11 including a continuing program for replacement.

12 e) **Firefighter Reserve: Authority.** Whenever the fire
13 units of the Community Firefighter Reserve Program, and the
14 members thereof are rendering assistance to the regular firemen,
15 such reserve firefighters shall have the same powers, duties, rights
16 (including coverage under the Worker's Compensation Act),
17 privileges and immunities, as full-time Firefighters or Emergency
18 Medical Technicians of the Guam Fire Department, except that
19 they shall earn recruitment credit for services performed as
20 reserve firefighters.

21 **§72107B. Same: Allowance.** Each member of the Community
22 Firefighter Reserve Program who successfully completes probationary
23 requirements as established by the Fire Chief and who performs
24 satisfactorily during a month shall receive an allowance of Fifty Dollars
25 (\$50) for that month, to defray the cost of maintenance of their uniforms.

1 The Guam Fire Department shall identify funds within its department
2 appropriations to satisfy the intent of this Section.

3 For the initial year of its establishment, the Guam Fire Department
4 shall be allotted *no more than* twenty-five (25) Firefighter Reserve
5 positions, and may increase its recruitment of reserve firefighters for the
6 program in any given year thereafter to *no more than* a total of Fifty (50)
7 Firefighter Reserve positions at any time.

8 §72107C. Same: Eligibility and Oath. No person shall be a
9 member of the Guam Firefighter Reserve Program established under
10 this Chapter who advocates a change by force or violence in the
11 constitutional form of the Government of the United States, or this
12 island, or the overthrow of any government in the United States by
13 force, or who has been convicted of or is under indictment or
14 information charging any subversive act against the United States.
15 Every reserve member shall, entering upon his duties, take an oath, in
16 writing, before a person authorized to administer oaths in this island,
17 which oath shall be substantially as follows:

18 'I _____, do solemnly swear (or affirm) that I will support and
19 defend the Constitution of the United States and the laws of Guam,
20 against all enemies, foreign or domestic; that I will bear true faith and
21 allegiance to the same; that I take this obligation freely, without any
22 mental reservation or purpose of evasion; and that I will well and
23 faithfully discharge the duties upon which I am about to enter, and I do
24 further swear (or affirm) that I do not advocate, nor am I a member of
25 any political party or organization that advocates the overthrow of the

1 Government of the United States, or of this island, by force or violence;
2 and that during such time as I am a member of the Guam Firefighter
3 Reserve Program I will not advocate nor become a member of any
4 political party or organization that advocates the overthrow of the
5 Government of the United States, or of this island, by force or violence.'

6 §72107D. Rules and Regulations: The Fire Chief shall
7 promulgate Rules and Regulations pursuant to the Administration
8 Adjudication Law as may be necessary to carry out the provisions of this
9 Chapter."

10 **Section 3. Effective Date for the Commencement of the "Community**
11 **Firefighter Reserve Program" within the Guam Fire Department.** The Guam
12 Fire Department shall, *no later than* one hundred eighty (180) days following
13 the enactment of this Act, submit the proposed Rules and Regulations for the
14 Community Firefighters Reserve Program to *I Liheslaturan Guåhan* for
15 approval pursuant to the Administration Adjudication Law.

16 Subject to the approval of the Rules and Regulations for the Community
17 Firefighter Reserve Program by *I Liheslaturan Guåhan*, the Program shall be
18 implemented and commenced *no sooner than* October 1, 2004, and shall be
19 subject to the appropriation of necessary funds by *I Liheslaturan Guåhan*.

20 **Section 4. Severability.** *If* any of the provisions of this Act or the
21 application thereof to any person or circumstances are held invalid, such
22 invalidity shall *not* affect any other provision of application of this Act, which
23 can be given effect without the invalid provisions or application, and to this
24 end the provisions of this Act are severable.