CHAPTER 3
DEPARTMENTS OF THE GOVERNMENT

NOTE: A number of the newer agencies were created by laws found within the portions of the Government Code containing substantive provisions governing those agencies. In order to make this Chapter genuinely useful, and to make it a true indication of all of the Departments of the government regarded as such, the Compiler has placed within this Chapter both those sections placed in the § 5100 series of the Government Code and those other sections creating departments, even though the sections were originally placed elsewhere. The Compiler has used as a guide as to the appropriate departments of the government, those departments whose directors are listed in 4 GCA, § 6206B, Departments of the Government of Guam.

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§ 3101. Department of Administration.

There is within the Executive Branch of the government of Guam a Department of Administration. The Director of Administration is the head of the Department of Administration. The Director of Administration is appointed by I Maga'lahi (the Governor) with the advice and consent of I Liheslatura (the Legislature). Except for private parking facilities, and for parking facilities maintained and operated by the A. B. Won Pat International Airport Authority Guam, DOA shall have exclusive franchise within the government of Guam for the collection of fees for the furnishing of public parking within Guam. It is the duty of the Director of Administration to support an adequate public educational system as required by Section 29(b) of the Organic Act, as amended.

SOURCE: GC § 5100, amended by P.L. 10-9. Repealed and re-enacted by P.L. 26-76:24. Amended by P.L. 28-045:9, effective, Oct. 1, 2005 in accordance with P.L.28-045:23.

NOTE: P.L. 26-093:3 (May 31, 2002) states:

> References to the Antonio B. Won Pat International Airport. Any and all references to the A. B. Won Pat Guam International Airport in the laws of Guam are hereby amended to read the "Antonio B. Won Pat International Airport, Guam," or the A Won Pat International Airport, Guam.

§ 3101.1. Public Transportation Services.

There is, within the Department of Administration, a Division of Public Transportation Services. The Director of Administration shall be the only government official to provide and contract for public transportation on Guam's roads and highways.

(a) Any individual, business or organization providing public transportation services pursuant to a contract with the Division of Public Transportation Services of the Department of Administration shall:

(1) Ensure that each of its employees, e.g. driver, dispatcher, or transport care attendant, who works directly with the public complete, within six (6) months after it executes said contract, a minimum of sixteen (16) hours of passenger assistance training. Said training shall ensure that the employee possesses a general knowledge and understanding of working with public, to include the proper treatment of customers, including children, senior citizens, disabled persons and others users of the public transportation;

(2) Ensure that each of its employees who work directly with the public complete a passenger assistance training course every year following the initial training mandated by subsection (1) hereof, of no less than four (4) hours of training on the proper provision of services, changes in relevant law, changes in applicable technology and the like.

(3) Ensure that no employee who has not completed the training required by subsections (1) and (2) hereof works directly with the public.

(4) Provide the Director of Administration with a police clearance for each employee who works directly with the public.

(5) Bear the cost of providing the training required by this section.

(b) The Director of Administration shall incorporate the training and certification required by subsection (a) hereof in all bids and contracts regarding transportation services. Non-compliance by a contractor with said requirements shall be grounds for the termination of such a contract.

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(c) The Director of Administration and the University of Guam and the Guam Community College shall cooperate to create the training programs required by subsection (a) hereof. The University or College shall provide a written certificate to persons who complete said programs, their respective employers and the Director of Administration.

(d) The Director of Administration, through the Division of Public Transportation Services, shall ensure compliance with this section and shall annually assess the contractor's compliance herewith. The Director shall report on said compliance and shall transmit said report to the contractor, I Maga'lahen Guåhan and I Liheslaturan Guåhan no later than January 30th of each year.

SOURCE: Added by P.L. 29-019:VI:59 (Sept. 29, 2007).

2019 NOTE: The authority over public transportation, granted by this provision to the Division of Public Transportation Services of the Department of Administration, directly conflicts with Chapter 6 of Title 12, GCA, which was reenacted by P.L. 30-005:2 (Mar. 13, 2009). Pursuant to P.L. 30-005:2, the Guam Regional Transit Authority (GRTA) was established and "shall have the exclusive franchise for the furnishing of public transportation within Guam and on its roads and highways." P.L. 30-005 did not expressly repeal this provision; however, it arguably may have effectuated a repeal by implication.

§ 3102. Department of Law.

There is within the Executive Branch of the government of Guam, the Office of the Attorney General. The Attorney General is head of the Office of the Attorney General and Chief Legal Officer of the government of Guam.

SOURCE: GC § 5101. Repealed and reenacted by P.L. 13-117:1 (Dec. 27, 1975) and P.L. 16-072:10 (Mar. 5, 1982). Amended by P.L. 29-019:VI:51 (Sept. 29, 2007).

COMMENT: P.L. 16-72:10 amended this section by splitting from the Department of Law an Office of the Territorial Prosecutor. However, § 20 provided that

> "if any provision of this Act … is held invalid and the invalidity substantially affects other provisions or applications of the Act, then the provisions of this Act shall not be severable and the entire Act shall expire by operation of law. Provisions of existing statutes repealed or amended by this Act shall then be automatically revived."

A substantial provision of the Act, §1 providing for the term of the Prosecutor and limiting the Governor's power of removal, was declared invalid, thus nullifying the whole act and reverting the law to its previous condition. *Territorial Prosecutor for the Territory of Guam, People of the Territory of Guam, Petitioners, v. Superior Court of Guam, Respondent, Peter M. Perez, et al., Real Parties in Interest*, D.C. Civ. App. 82-0215, D.C. Guam, App. Div. May 26, 1983.

§ 3103. Guam Police Department.

There is within the Executive Branch of the government of Guam the Guam Police Department.

SOURCE: GC § 5102 as amended by P.L. 10-91; P.L. 17-78:1; P.L. 18-13:1. P.L. 24-034:3 (May 14, 1997) repealed provisions of this section that were inconsistent with the act and created a new Chapter 77 within Title 10, governing the Guam Police Department.

2019 NOTE: Past publications of the GCA indicated that this provision had been repealed in its entirety; however, P.L. 24-034:3 (May 14, 1997) stated: "All provisions of Title 5 GCA § 3103 inconsistent with this Act are repealed." The first sentence was not inconsistent and thus, will be included in future publications. Provisions that were inconsistent were repealed.

COMMENT: P.L. 17-78 split the Fire Department from the old Department of Public Safety, leaving the new Guam Police Department. P.L. 18-13 specified qualifications for the Chief of Police. The substantive law governing the Guam Police Department is found in Titles 8, 9, and 10 of this Code.

NOTE: § 3103.1- § 3103.3 and §3103.4 added by P.L. 24-240 and P.L. 24-241, respectively, re-codified as § 77201-§ 77203 and § 77301, Articles 2 and 3, respectively, Chapter 77, Title 10 GCA.

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§ 3104. Reinstatement of Fire Chief to Previous Position or Position Qualified For.

Notwithstanding any other provision of law, a person who is an active classified employee of the Guam Fire Department immediately prior to appointment by I Maga'lahen Guåhan (the Governor) and confirmation by I Liheslaturan Guåhan (the Legislature) to be Fire Chief shall, if not removed for cause, be reinstated to the position he or she previously held immediately prior to such appointment, or to an equivalent position, upon the expiration of his or her appointment as Fire Chief.

SOURCE: GC § 5102.1 added by P.L. 18-13:2. Amended by P.L. 28-150:V:43 (Sept. 30, 2006), entitled "Reinstatement of Chief of Police and Fire Chief to Classified Position." Repealed by P.L. 30-202:6 (Nov. 30, 2010). Added by P.L. 32-203:3 (Oct. 13, 2014).

NOTE: This provision is effective retroactively to January 1, 2011 pursuant to P.L. 32-203:7.

§ 3105. Guam Fire Department.

There is within the Executive Branch of the government of Guam a Guam Fire Department. The Fire Chief is the head of the Department.

(a) The Fire Chief is appointed by I Maga'lahen Guåhan (the Governor) with the advice and consent of I Liheslaturan Guåhan (the Legislature), and shall meet the following qualifications:

(1) must have a Bachelor's degree in Fire Science or Public Administration, or a closely related field or discipline, at an accredited institution; and

(2) have at least ten (10) years of experience in fire control, including control and extinguishment of fires and fire prevention, of which two (2) years must be served in a position equivalent to Battalion Chief or higher; or

(3) must have an Associate's degree in Fire Science, or a closely related field or discipline, at an accredited institution; and

(4) have at least fifteen (15) years of experience in fire control, including control and extinguishment of fires and fire prevention, of which four (4) years must be served in a position equivalent to Battalion Chief or higher.

(b) Compensation of Fire Chief. Notwithstanding any other provision of law, a person appointed by I Maga'lahen Guåhan (the Governor) and confirmed by I Liheslaturan Guåhan (the Legislature) to be Fire Chief, and who at the time of appointment is an active member of the classified service shall receive a salary established by the government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3) year average of the annual income earned immediately prior to appointment as Fire Chief, whichever is greater. Said three (3) year average shall be reviewed annually to determine if mandated pay increases would have affected the three (3) year average.

SOURCE: GC § 5115 added by P.L. 17-78:2. Amended by P.L. 23-043:2 (Oct. 5, 1995). Amended by P.L. 32-203:2 (Oct. 13, 2014).

2014 NOTE: The amendment of P.L. 32-203:2 is effective retroactively to January 1, 2011 pursuant to P.L. 32-203:7.

NOTE: P.L. 17-078 created the Guam Fire Department. The substantive law governing the Guam Fire Department is found in 10 GCA Chapter 72.

§ 3106. Department of Public Works.

There is within the Executive Branch of the government of Guam a Department of Public Works. The Director of Public Works is the head of the Department of Public Works. The Director of Public Works is appointed by the Governor with the advice and consent of the Legislature.

SOURCE: GC § 5104 amended by P.L. 10-91.

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§ 3107. Department of Education.

There is within the Executive Branch of the government of Guam a Department of Education. It is the mission of the Department of Education and the duty of all public officials of the Executive Branch of the government of Guam to provide an adequate public educational system as required by §1421g(b) of Title 48 of the United States Code, the Organic Act of Guam, as amended, and to that end provide an adequate public education for all public school students as those terms are defined at 1 GCA § 715; and to effectuate an increase in the academic performance and standardized testing results of all public school students as measured annually by standards and assessments adopted by the Guam Education Board.

SOURCE: GC § 5105, amended by P.L. 13-008:1 (Apr. 12, 1975), P.L. 28-045:10 (June 6, 2005), and P.L. 33-013:1 (Apr. 1, 2015).

NOTE: The Legislature re-created the elected Board of Education by P.L. 22-42, the first election for which took place on November 8, 1994. In P.L. 22-42, the Legislature amended 17 GCA § 3102 and added § 3102.1 relative to the selection and qualifications of the Director of Education. The Director, following the passage of P.L. 22-42, but before the elected board takes office, is now selected by the Board without the approval of either the Governor or the Legislature. This section was repealed by implication. *See* AG Opinion LEG 94-0541 (07/15/94).

2015 NOTE: In amending this provision, P.L. 33-013:1 changed language which had stated "§ 29(b) of the Organic Act of Guam" to "§ 1421g(b) of the Organic Act of Guam." However, the designation of § 1421g(b) reflects the codification of this provision in the U.S. Code. Therefore, to clarify the reference, the Compiler has added "Title 48 of the United States Code" following § 1421g(b).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

CROSS-REFERENCE: 17 GCA § 3101, which provides that the DOE is within the government of Guam.

§ 3108. Department of Agriculture.

There is within the Executive Branch of the government of Guam a Department of Agriculture. The Director of Agriculture is the head of the Department of Agriculture. The Director of Agriculture is appointed by the Governor with the advice and consent of the Legislature.

SOURCE: GC § 5106 amended by P.L. 10-91.

§ 3109. Department of Land Management.

There is within the Executive Branch of the government of Guam a Department of Land Management. The Director of Land Management is head of the Department of Land Management. The Director of Land Management is appointed by the Governor with the advice and consent of the Legislature.

SOURCE: GC § 5107 amended by P.L. 10-91.

§ 3110. Department of Commerce.

[Repealed.]

SOURCE: GC § 5108 amended by P.L. 10-91. Repealed by P.L. 26-76:32 and functions transferred elsewhere.

NOTE: GC § 5109, Department of Labor and Personnel, was repealed by P.L. 9-239. The functions of this department were taken over by either the Department of Labor or the Department of Administration.

§ 3111. Department of Public Health and Social Services.

There is, within the Executive Branch of the government of Guam, a Department of Public Health and Social Services, the head of which is the Director. The Director of the Department of Public Health and Social Services is appointed by I Maga'lahi [the Governor] with the advice and consent of I Liheslatura [the Legislature]. The Director shall meet the following minimum qualifications:

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(a) Shall have graduated from a recognized college or university with a Master's Degree in Health Administration, healthcare service management, human service or a health related field, and five (5) years of experience in the management and administration of a human service, social service, or healthcare service organization of which three (3) years shall have been experienced as an administrator or director in human service, social service, or healthcare service organization; or

(b) Shall have graduated from a recognized college or university with a Master's Degree in Business Administration or Public Administration, and five (5) years of experience in health administration, human service, social service or healthcare service organization of which three (3) years must have been experienced as an administrator or director in a public health setting, human service, social service or healthcare service organization; or

(c) Shall have graduated from a recognized college or university with a Bachelor's Degree in Business Administration, Public Administration, Health Administration, healthcare service management, human service or health related field, and eight (8) years of experience in health administration or healthcare related field, of which five (5) years shall have been experienced as an administrator or director in a public health, human service, social service or healthcare service organization.

SOURCE: GC § 5110 amended by P.L. 10-91. Amended by P.L. 27-09:2. Amended by P.L. 29-078:2 (May 9, 2008).

CROSS-REFERENCE: P.L. 27-09:3 (Apr. 28, 2003) states that: "Any new appointment of a Director after enactment of this Act shall be in compliance with the provisions of this Act."

2013 NOTE: Numbers and/or letters were added to adhere to the Compiler's alpha-numeric scheme in accordance to 1 GCA § 1606.

§ 3112. Department of Labor.

There is within the Executive Branch of the government of Guam a Department of Labor. The Director of Labor is the head of the Department of Labor. The Director of Labor is appointed by the Governor with the advice and consent of the Legislature.

SOURCE: GC § 5111 amended by P.L. 10-91.

§ 3113. Department of Corrections.

(a) There is within the Executive Branch of the government of Guam a Department of Corrections. The Director of Corrections is the head of the Department of Corrections. The Director of Corrections is appointed by I Maga'låhi (the Governor) with the advice and consent of I Liheslatura (the Legislature), and shall meet the following qualifications:

(1) have no less than ten (10) years of progressive experience in a law enforcement agency, including at least three (3) years in a senior law enforcement position, or equivalent executive management experience in the field of public administration, business administration, criminal justice or law, or a closely related field or discipline;

(2) graduated with a Bachelor's degree or higher in criminal justice, public administration, business administration, law, or a closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

(3) have no felony, domestic or family violence convictions;

(4) have no misdemeanor convictions involving moral turpitude;

(5) submit to and pass a drug screening test, including, but not limited to, urinalysis testing, unless the appointee is a current employee of the government of Guam registered with the Peace Officer

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Standards and Training (POST) Commission as a peace officer occupying a Test-Designated Position (TDP) pursuant to the Department's Drug-Free Workplace Program;

(6) be of good health and good moral character;

(7) submit to psychological testing;

(8) submit to a polygraph examination; and

(9) submit to a thorough investigation of his or her background and moral character.

(b) Compensation of Director of the Department of Corrections.

Notwithstanding any other provision of law, a person appointed by I Maga'låhen Guåhan and confirmed by I Liheslaturan Guåhan to be Director of Corrections, and who at the time of his or her appointment is an active member of the classified service, shall receive a salary established by the government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3)-year average of the annual income earned immediately prior to his or her appointment as Director of the Department of Corrections, whichever is greater. Said three (3)-year average shall be reviewed annually to determine if mandated pay increases would have affected the three (3)-year average.

(c) A person who is an active classified employee of the government of Guam immediately prior to his or her appointment by I Maga'låhen Guåhan and confirmation by I Liheslaturan Guåhan to be Director of the Department of Corrections shall, if not removed for cause, be reinstated to the position he or she previously held immediately prior to such appointment, or to an equivalent position, upon expiration of his or her appointment as Director of Corrections.

SOURCE: GC § 5112 amended by P.L. 10-91. The substantive law governing the Department of Corrections is found in 9 GCA Chapter 90. Amended by P.L. 34-167:2 (Dec. 29, 2018).

2019 NOTE: Subsection designations have been added to adhere to the Compiler's general codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

§ 3114. Department of Revenue and Taxation.

There is within the Executive Branch of the government of Guam a Department of Revenue and Taxation. The Director of Revenue and Taxation is the head of the Department of Revenue and Taxation. The Director of Revenue and Taxation is appointed by the Governor with the advice and consent of the Legislature.

SOURCE: GC § 5113 amended by P.L. 10-91.

§ 3115. Department of Parks and Recreation.

There is within the Executive Branch of the government of Guam a Department of Parks and Recreation. The Director of Parks and Recreation is the head of said department and is appointed by the Governor, pursuant to § 77107(a) of Article 1, Chapter 77, Title 21 GCA, with the consent of the Legislature.

SOURCE: GC § 5114 added by P.L. 12-209; amended by P.L. 15-145:24. Amended by P.L. 35-139:1 (Jan. 16, 2021).

§ 3116. Guam Community College.

There is within the Executive Branch of the government of Guam a community college to be known as the Guam Community College. The President of the Community College is the head of the institution. The President is appointed by the Board of Trustees of the Community College.

SOURCE: GC § 5116 added by P.L. 14-77:1.

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CROSS-REFERENCE: *See* 17 GCA § 31110 (enacted by P.L. 17-17:2, amended by P.L. 18-12) for method of appointment of the President and change of name from Provost to President.

§ 3117. Department of Youth Affairs.

There is within the Executive Branch of the government of Guam a Department of Youth Affairs. The head of the department shall be the Director who shall be appointed by the Council on Youth Affairs with the approval of the Governor and with the advice and consent of the Legislature.

SOURCE: GC § 5120 added by P.L. 14-110:2.

§ 3118. Department of Military Affairs.

(*See* 10 GCA § 63100 for the creation of the Department of Military Affairs.)

§ 3119. Council on the Arts and Humanities.

There is within the Executive Branch of the government of Guam the Guam Council on the Arts and Humanities. The chief administrative officer of the Council shall be the Director who shall be appointed by the governing board with the approval of the Governor and with the advice and consent of the Legislature.

SOURCE: GC § 5123 added by P.L. 16-122:2.

§ 3120. Agency for Human Resources Development.

[Repealed.]

SOURCE: GC § 44100, added by P.L. 17-081:1 (Dec. 18, 1984). Repealed by P.L. 33-061:3 (Aug. 24, 2015).

2015 NOTE: Pursuant to 22 GCA §§ 1301 and 1302, as added by P.L. 33-061:4 (Aug. 24, 2015), the Agency for Human Resources Development is now known as the Division of Workforce Development and Training within the Department of Labor. *See* 22 GCA, Div. 1, Ch. 1, Art. 3.

§ 3121. Guam Behavioral Health and Wellness Center.

(*See* 10 GCA § 85103, added by P.L. 17-021:2, for the creation of the Guam Behavioral Health and Wellness Center.)

2013 NOTE: Pursuant to P.L. 32-024:2 (May 6, 2013), which renamed the Department of Mental Health and Substance Abuse (DMHSA) to the Guam Behavioral Health and Wellness Center, all references to DMHSA were altered to the Guam Behavioral Health and Wellness Center.

§ 3122. Guam Public Library System.

(a) There is within the government of Guam a Guam Public Library System, herein referred to as the Library System, which shall be a separate agency of the government of Guam. The title of all Library System's property is and shall continue to be in the government of Guam. All references made to the term "Library" in this Section, and Sections within Chapter 80 of Title 5 of the Guam Code Annotated, shall mean the Library System.

(b) The Library System shall be under the general cognizance of the Guam Public Library Board, hereinafter referred to as the Board, which shall have the authority, power and responsibility for the administration and operation of the Guam Public Library System.

(c) The Board shall appoint a Director who shall perform such executive functions in connection with the operation of the Library System as may be designated by the Board, and who shall serve as executive secretary of the Board without additional compensation. The Director shall, with the concurrence of the Board, appoint a Deputy Director who shall be in the unclassified service and who shall be a librarian, as defined by the Library System's minimum knowledge, abilities and skills qualifications for a librarian position.

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(d) [No text]

(1) Qualifications for Director. The Director must:

(A) have earned a Master's Degree in Library Science (MLS), Master's degree in Library and Information Science (MLIS), or a Master's degree in Education with concentration in Library Science, from a United States accredited college or university or from a college or university accredited by the American Library Association (ALA); or

(B) Provided that no applicant meets (A), be a librarian, as defined by the Library System's minimum knowledge, abilities, and skills qualifications for a librarian position, with preference for those holding the degrees in subparagraph (A); and

(C) have the proven ability to manage library operations and personnel as demonstrated in one of three ways:

(i) have a minimum of four (4) years general managerial experience; or

(ii) have successfully completed the core competencies of the American Library Association's Certified Public Library Administrator (CPLA) program including the budget and finance; management of technology, organization and personnel management; and facilities management segments of this Program; or

(iii) have earned Bachelor's or Master's degree in Business Administration, Commerce, Business Information Systems, Public Administration or a related field from a United States accredited college or university.

(2) Primary Job Duties. The Director shall administer the day-to-day operations of the Guam Public Library System, implement board policy, supervise personnel and services; lead collaborative strategic planning with the Board to advance library goals; oversee budgeting, long-term planning, and compliance with applicable laws; and perform other duties as assigned by the Board.

SOURCE: GC § 42000 (Subsection (a)); GC § 42003 (Subsection (b)); GC § 42012 (Subsection (c)), as codified by the Compiler pursuant to authority granted by 1 GCA § 1606. Repealed and reenacted by P.L. 24-041:2 (June 20, 1997). Subsection (d) added by P.L. 27-013:2 (Apr. 26, 2003); repealed and reenacted by P.L. 28-050:4 (June 30, 2005); and amended by P.L. 38-136:XII:55 (Aug. 28, 2026).

2026 NOTE: The Compiler has added "no text" to subsection (d) to indicate a change in formatting only; the content of the provision has not been altered.

2016 NOTE: This provision was codified by the Compiler during the transition from the Government Code and the establishment of the GCA. The remaining Government Code provisions governing the public libraries, added by P.L. 2-107 (Aug. 6, 1954), were subsequently codified by the Compiler as Title 5, Chapter 80.

CROSS-REFERENCE: Title 5 GCA, Chapter 80.

§ 3123. Public Utility Agency.

[Repealed.]

SOURCE: GC § 21200 amended by P.L. 16-59:1. The substantive law governing PUAG is found in 5 GCA Chapter 56. Repealed by P.L. 23-119:2.

§ 3124. Civil Service Commission.

(For creation of the Civil Service Commission, *see* 4 GCA § 4401 amended by P.L. 16-23.)

§ 3125. Civil Defense.

(For creation of the Civil Defense agency, *see* 10 GCA § 65103, ¶ 1 (formerly GC § 8503, ¶ 1)).

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§ 3126. Vocational Rehabilitation.

(For creation of the Department of Vocational Rehabilitation, *see* 17 GCA § 41102 repealed /reenacted by P.L. 18-032:1 (Apr. 24, 1986).)

NOTE: Creation of the Guam Environmental Protection Agency, which is not a true department of the government, but is more akin to an autonomous agency, is found in 10 GCA Chapter 45. Creation of the Bureau of Planning and Bureau of Budget and Management Research is found in Chapter 1 of this Title. Those two bureaus are not separate agencies, but are placed within the Office of the Governor.

§ 3127. Customs and Quarantine Agency.

(a) There is hereby established within the government of Guam, the Customs and Quarantine Agency (the Agency). The Director of the Agency, who is the head of the Agency, shall be appointed by I Maga'låhi (the Governor) with the advice and consent of I Liheslatura (the Legislature), and shall meet the following qualifications:

(1) have no less than ten (10) years of progressive experience in a law enforcement agency, including at least three (3) years in a senior law enforcement position, or with equivalent executive management experience in the field of public administration, business administration, criminal justice, or law, or a closely related field or discipline;

(2) graduated with a Bachelor's degree or higher in criminal justice, public administration, business administration, law, or a closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

(3) have no felony, domestic or family violence convictions;

(4) have no misdemeanor convictions involving moral turpitude;

(5) submit to and pass a drug screening test, including, but not limited to, urinalysis testing, unless the appointee is a current employee of the government of Guam registered with the Peace Officer Standards and Training (POST) Commission as a peace officer occupying a Test-Designated Position (TDP) pursuant to the Department's Drug-Free Workplace Program;

(6) be of good health and good moral character;

(7) submit to psychological testing;

(8) submit to a polygraph examination; and

(9) submit to a thorough investigation of his or her background and moral character.

(b) Compensation of Director of Customs and Quarantine Agency.

Notwithstanding any other provision of law, a person appointed by I Maga'låhen Guåhan and confirmed by I Liheslaturan Guåhan to be Director of the Customs and Quarantine Agency, and who at the time of his or her appointment is an active member of the classified service, shall receive a salary established by the government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3)-year average of the annual income earned immediately prior to his/her appointment as the Director of the Customs and Quarantine Agency, whichever is greater. Said three (3)-year average shall be reviewed annually to determine if mandated pay increases would have affected the three (3)-year average.

(c) A person who is an active classified employee of the government of Guam immediately prior to his or her appointment by I Maga'låhen Guåhan and confirmation by I Liheslaturan Guåhan to be a Director of the Customs and Quarantine Agency shall, if not removed for cause, be reinstated to the position he or she previously held immediately prior to such appointment, or to an equivalent position, upon expiration of his or her appointment as Director of the Customs and Quarantine Agency.

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(d) The senior ranking classified Customs and Quarantine Officer within the Agency shall act as the Deputy Director of the Agency with all the powers of such a deputy but without additional compensation. The compensation of the Director of the Agency and of such Director's personal secretary shall be set by the Director of Administration.

SOURCE: Added by P.L. 22-112:2 (04/11/94). Amended by P.L. 23-003:1. (Mar. 30, 1995) and P.L. 34-170:2 (Dec. 29, 2018) (effective Jan. 1, 2019).

2019 NOTE: Subsection designations have been added to adhere to the Compiler's general codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

NOTE: Effective January 1, 2006, references to the "Civil Service Commission" were amended to "Director of Administration" pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

COMMENT: The amendment made to this section changed the words, "senior classified employee" to "senior ranking classified Customs & Quarantine Officer" to make sure that the Deputy Director was always such an Officer and not, by reason of time in service, another employee of the agency who was not a sworn officer.

§ 3128. Guam Museum.

(For the creation of the Guam Museum as a separate agency, *see* 5 GCA § 83102.)

§ 3129. Komitea Para Tiyan.

(a) Legislative History. The Komitea Para Tiyan, as agent for the Governor of Guam under Executive Order 95-02, and on behalf of the people of Guam, has issued official notice to the United States Navy, to the Federal government and to all other concerned individuals and authorities that the Komitea Para Tiyan shall continue to assume the authority, duties and responsibilities as 'caretaker' of Naval Air Station, Guam ("NAS") during the interim period and until such time as all requirements are successfully accomplished for the issuance of title to the government of Guam to the property and parcels comprising NAS.

(b) Personnel. The Komitea Para Tiyan may hire personnel to perform the functions that are necessary for the effective performance of the responsibilities and obligations of caretaker.

(c) [Repealed.]

SOURCE: Added by P.L. 24-59:IV:1 as § 3128. Recodified as § 3129 by the Compiler as § 3128 was previously codified. Amended by P.L. 25-003:IV:3 as § 3128. Subsection (c) repealed by P.L. 36-071:13 (Dec. 27, 2021).

2022 NOTE: Prior to its repeal by P.L. 36-071:13 (Dec. 27, 2021), subsection (c) stated:

> Komitea Para Tiyan Authorized to Charge Rents and Fees. The Komitea Para Tiyan is designated the responsibility of developing and recommending the planning activities in the reuse of NAS or the various use or potential uses of the facilities within NAS for the maximum benefit of the people of Guam. The Komitea Para Tiyan is authorized to identify and adopt the types of fees, charges and assessments for use of NAS facilities, and is exempt from the provisions of the Administrative Adjudication Law. All money collected or proceeds received from lease fees, service fees or rentals of equipment and facilities within NAS, with the exception of those facilities and fees currently being administered by the Department of Education, shall be promptly accounted for and deposited into the 'Komitea Para Tiyan Fund' of the government of Guam. There is created within the government of Guam, a 'Komitea Para Tiyan Fund' which is to be maintained separate and apart from other funds. All money collected and deposited into Komitea Para Tiyan Fund shall be used exclusively by the Komitea Para Tiyan, and the Komitea Para Tiyan is authorized to expend, as authorized and appropriated by I Liheslaturan Guåhan, such funds for the operations, maintenance of NAS grounds and facilities, and for the payment of utility expenses incurred by the common areas of Tiyan, but not for utility expenses incurred by any department or agency.
>
> For the purpose of this Section, 'common areas of Tiyan' are those areas within the confines of Naval Air Station ('NAS') that have not been allocated or designated for use by any agency or department of the government of Guam. The Director of the Department of Administration shall submit a quarterly financial statement detailing the status of the Komitea Para Tiyan Fund to the Speaker of I Liheslaturan Guåhan. Any amount remaining in the Komitea Para Tiyan Fund at the end of each fiscal year shall be transferred to the Tiyan Trust Fund as outlined in § 68982 of Article 12 of Chapter 68, Division 2 of Title 21 of the Guam Code Annotated.

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2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

§ 3130. Annual Public Hearing Requirements on Fee Schedules.

All departments and agencies of the government of Guam that administer and collect fees for government services shall conduct a public hearing on existing fee schedules to receive and ascertain public opinion thereon within sixty (60) days of enactment of this Act. Beginning in 2008, all such departments and agencies shall conduct such hearings on an annual basis prior to April 1 of each year and shall regularly adjust existing fees, pursuant to the Administrative Adjudication Act, or implement new fees for the purpose of cost recovery.

SOURCE: Added by P.L. 29-002:V:IX:2 (May 18, 2007).

2013 NOTE: This section was originally codified as 5 GCA 3111 by P.L. 29-002:V:IX:2. Recodified by the Compiler to this section pursuant to 1 GCA § 1606.

§ 3131. Better Customer Service Policy – "Move to the Front of the Line".

All agencies, public corporations and instrumentalities of the government of Guam shall ensure that individuals with mobility disabilities, or are fifty-five (55) years of age or older, or veterans are allowed to move to the front of the line for customer service requests and remittance of payments, and treated on a first come – first served basis. This Section does not apply where patrons of an agency are scheduled by appointment. Nothing herein is intended to prevent an agency, public corporation or instrumentality from creating separate service lines to accommodate patrons with mobility disabilities, or are fifty-five (55) years of age or older, or veterans. The provisions of this Section shall not affect the policies, priorities and protocols for rendering triage/treatment of patients for medical care.

SOURCE: Added by P.L. 30-171:1 (July 16, 2010), effective sixty (60) from date of enactment. Amended by P.L. 31-269:2 (Dec. 26, 2012).

2013 NOTE: This section was originally codified as 5 GCA 3132 by P.L. 30-171:1. Recodified by the Compiler to this section pursuant to 1 GCA § 1606.

§ 3132. Agency Operational Continuity Plans.

The Director or equivalent officer of each agency and instrumentality of the government of Guam shall establish an operational continuity plan.

(a) Each such plan shall be reviewed annually for adequacy and so ratified by the governing board or, in the absence of a governing board, I Maga'låhen Guåhan, on or before October 1st with amendments. Copies of each plan, to include those annually reviewed, shall be transmitted to I Maga'låhen Guåhan and the Speaker of I Liheslaturan Guåhan no later than five (5) working days following the ratification thereof.

(b) Such plan shall include, but not be limited to, provisions for:

(1) events that would disrupt the ability of the agency to operate, such as:

(A) loss of personnel by retirement, whether known or unknown in advance, national guard deployment, military reserve deployment, sickness, death, or other contingencies;

(B) loss, malfunction, or breakdown of equipment necessary for the efficient provision of services;

(C) loss of physical or electronic records necessary for the efficient provision of services;

(D) unavailability of a facility necessary for the efficient provision of services;

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(E) unanticipated reduced funding levels during the fiscal year relative to the appropriated level by ten percent (10%), twenty percent (20%), or thirty percent (30%);

(F) any combination of the above through reasonably foreseeable instances, such as a natural or other disaster or act, or omission of the agency or other entities, including hostile acts; or

(G) any additional areas so identified by the governing board, or in the absence of a governing board, I Maga'låhen Guåhan;

(2) the maintenance of maximum operational continuity in the event of any situation that would disrupt the ability of the agency to operate pursuant to Subsection (a) of this Section; and

(3) a statement of actions to be taken to prevent or mitigate any vulnerabilities, pursuant to Subsection (a) of this Section, which pose a significant risk to the continuity of operations of the agency.

SOURCE: Added by P.L. 34-082:3 (Feb. 19, 2018).

2018 NOTE: Subsection designations altered/added pursuant to the authority of 1 GCA § 1606.

ARTICLE 2
JUDICIARY

§ 3201. Courts of Guam.

The courts of Guam shall be constituted as provided in Title 7, Guam Code Annotated.

SOURCE: GC § 29000.

NOTE: The Code of Civil Procedure is now codified as Title 7 of the Guam Code Annotated.

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