


MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 FEB 21 PM 2:09
WMA

Bill No. 380-31 (cov)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT RELATIVE TO THE RELEASE OF
WORKING ANIMALS FROM GOVERNMENT
SERVICE, BY ADDING A NEW §22705 TO 5GCA.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there has recently been a request for guidance on the disposition of
4 working animals at the Department of Corrections with the General Services
5 Agency. There is nothing in local statute which addresses the disposition of
6 such animals that have served the government of Guam after their service is
7 no longer able to be utilized by the government.

8 *I Liheslaturan Guåhan* finds that the United States Public Law 106-446
9 addresses the disposition of military dogs and horses utilized by the
10 Department of Defense.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide for the
12 release of a working animal from government service at the end of an animal's

1 useful life and to further provide for the adoption by individuals or
2 organizations of these animals, by adding a new §22705 to 5GCA.

3 **Section 2. Release of Working animals from Government Service.** A
4 new §22705 is hereby added to 5GCA, to read:

5 “§22705. Release of Working Animals from Government Service.

6 (a) Availability for Adoption. The Director of the Agency
7 concerned may make a working animal of such Agency
8 available for adoption by a person or entity referred to in
9 subsection (c), unless the animal has been determined to be
10 unsuitable for adoption under section (b), under circumstances
11 as follows:

12 (1) At the end of the animal’s useful life;

13 (2) Before the end of the animal’s useful life, if such Director,
14 in such Director’s discretion, determines that unusual or
15 extraordinary circumstances justify making the animal
16 available for adoption before that time; or

17 (3) When the animal is otherwise excess to the needs of such
18 Agency.

19 (b) Suitability for Adoption. The decision whether a particular
20 animal is suitable or unsuitable for adoption under this Section
21 shall be made by the Leader of the last Unit to which the animal
22 is assigned before being declared excess. The Unit Leader shall

1 consider the recommendations of the Unit's veterinarian, or
2 other competent authority, in making the decision regarding
3 the adoptability of the animal.

4 (c) Authorized recipients. The working animals may be adopted
5 under this section by law enforcement agencies, former
6 handlers of these animals, and other persons capable of
7 humanely caring for these animals.

8 (d) Consideration. The transfer of a working animal under this
9 section may be without charge to the recipient.

10 (e) Limitations on Liability for Transferred Animals.

11 (1) Notwithstanding any other provision of law, the
12 government of Guam shall not be subject to any suit,
13 claim, demand or action, liability, judgment, cost or other
14 fee arising out of any claim for personal injury or
15 property damage, including death, illness, or loss of or
16 damage to property or other economic loss, that results
17 from, or is in any manner predicated upon, the act or
18 omission of a former working animal transferred under
19 this section, including any training provided to the
20 animal while a working animal.

21 (2) Notwithstanding any other provision of law, the
22 government of Guam shall not be liable for any

1 veterinary expense associated with a working animal
2 transferred under this section for a condition of the
3 working animal before transfer under this section,
4 whether or not such condition is known at the time of
5 transfer under this section.

6 (f) Annual Report. The Director of the Agency shall submit to the
7 Speaker of *I Liheslaturan Guåhan* an annual report specifying the
8 number of working animals adopted under this section during
9 the preceding year, the number of these animals currently
10 awaiting adoption, and the number of these animals
11 euthanized during the preceding year. With respect to each
12 euthanized working animal, the report shall contain an
13 explanation of the reason(s) why the animal was euthanized
14 rather than retained for adoption under this section.

15 (g) Definitions. For the purposes of this Section:

16 (1) "Agency" means the Guam Police Department, the
17 Department of Corrections and the Customs or
18 Quarantine Agency;

19 (2) "Director" means the Chief of the Guam Police
20 Department, Director of the Department of Corrections,
21 or the Director of the Customs and Quarantine Agency;

22 (3) "Working animal" means a working dog for the Agency;

1 (4) "Unit" means an operational division of the Agency; and

2 (5) "Leader" means the chief officer in the Unit."

3 **Section 3. Rules and Regulations.** The Chief Procurement Officer of
4 the General Services Agency shall, in coordination with the Guam Police
5 Department, the Department of Corrections and the Customs and Quarantine
6 Agency, promulgate rules and regulations for the release of working animals
7 from service to their respective agencies.

8 **Section 4. Effective Date.** This Act shall be effective upon enactment.

9 **Section 5. Severability.** If any provision of this Act or its application to
10 any person or circumstance is found to be invalid or contrary to law, such
11 invalidity shall not affect other provisions or applications of this Act which
12 can be given effect without the invalid provisions or application, and to this
13 end the provisions of this Act are severable.