



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

14 APR 2006

The Honorable Mark Forbes  
Speaker  
Mina' Bente Ocho Na Liheslaturan Guåhan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 253(EC), "AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE," which I signed into law on April 14, 2006, as **Public Law 28-111**.

Sinseru yan Magåhet,

**FELIX P. CAMACHO**  
I Maga'låhen Guåhan  
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo  
Senator and Legislative Secretary

<b>Senator Edward J.B. Calvo</b>	
<b>SECRETARY OF THE LEGISLATURE</b>	
<b>ACKNOWLEDGEMENT RECEIPT</b>	
Rcv'd by: <u>Nikole</u>	Print Name & Initial
Time: <u>10:00</u>	Date: <u>4-26-06</u>

Office of the Speaker

MARK FORBES

Date: 4/17/06

Time: 11:00

Rec'd by: [Signature]

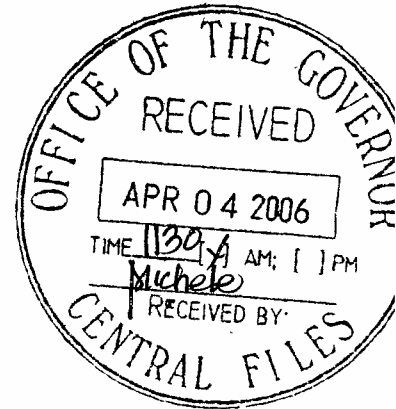
Print Name: [Signature]

28-06-0785



**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

March 31, 2006



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. 152(LS), 192(EC), 208(EC), 223(LS), 253(EC) & 255(LS); and Substitute Bill Nos. 234(LS) & 254(LS) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 22, 2006; Bill Nos. 219(EC), 245(EC) & 262(EC), and Substitute Bill Nos. 125(EC), 228(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 24, 2006; and Substitute Bill No. 243(LS) which was passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 30, 2006.

Sincerely,

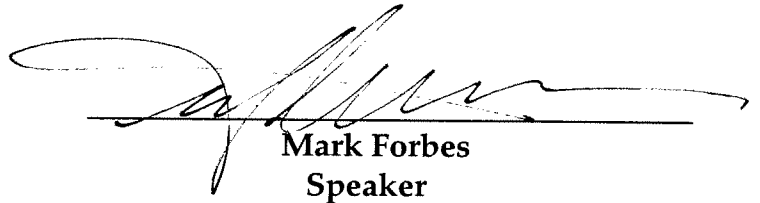
EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (14)


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

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

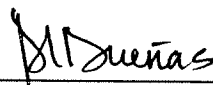
This is to certify that Bill No. 253 (EC), "AN ACT TO AMEND §34101, 34201 & 34307 CHAPTER 34 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE" was on the 22<sup>nd</sup> day of March, 2006, duly and regularly passed.

  
Mark Forbes  
Speaker

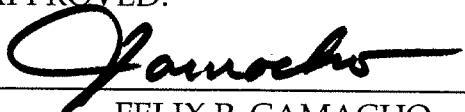
Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 04 day of April,  
2006, at 1130 o'clock 9 .M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 14 APRIL 2006

Public Law No. 28-111

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session**

**Bill No. 253 (EC)**

As amended on the Floor.

Introduced by:

L.F. Kasperbauer

Ray Tenorio

A. R. Unpingco

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

B. J.F. Cruz

Mike Cruz

Mark Forbes

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

A. B. Palacios

R. J. Respicio

J. T. Won Pat

**AN ACT TO *AMEND* §§ 34101, 34201 & 34307 CHAPTER 34 OF  
DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED  
RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL  
FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH  
AND SOCIAL SERVICES TO THE DEPARTMENT OF  
AGRICULTURE.**

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

2 **Section 1.** §34101 of Chapter 34, Article 1 of 10 GCA is hereby *amended* to  
3 read:

4 **“§34101. Definitions.**

5 For purposes of this Article:

1 (a) "Euthanasia" means putting an animal to death by drug in a manner  
2 provided by regulation of the Department of Agriculture (the Department).

3 (b) "Impoundment" means strict confinement under restraint by leash, cage  
4 or paddock upon premises specified by order of the Director of Agriculture (the  
5 "Director").

6 (c) "Officer" means a member of the Guam Police Department, a Mayor of  
7 Guam, or a person authorized by the Director.

8 (d) "Person" means any natural person, association, partnership, firm,  
9 corporation or any government entity.

10 (e) "Pet" means a cat or dog.

11 (f) "Pet owner" means any person or legal entity who harbors, cares for,  
12 exercises control over or knowingly permits any pet to remain on premises  
13 occupied by that person or legal entity.

14 (g) "Running at large" means any dog that

15 (1) is not restrained on private property in a manner that physically  
16 prevents the dog from leaving that property or reaching any public  
17 areas; or

18 (2) when on public property, or any public area, is not restrained by  
19 a leash, tether or other physical control device not to exceed eight (8)  
20 feet in length and under the physical control of a capable person.

21 (h) "Unlicensed pet" means any pet not exempted under the provisions of  
22 this Article for which the license for the current year has not been issued or to  
23 which the license tag is not attached.

24 (i) "Department" means the Department of Agriculture.

25 (j) "Director" means the Director of Agriculture."

26 **Section 2.** §34201 of Chapter 34, Article 2 of 10 GCA is hereby *amended* to  
27 read:

1           **“§34201. Definitions.**

2           For purposes of this Article:

3           (a) “Animal” means any live non-human vertebrate creature, domestic or  
4           wild;

5           (b) “Animal shelter” means any facility operated by a humane society, the  
6           government of Guam or their authorized agents for the purpose of caring for  
7           animals held under the authority of this Article;

8           (c) “Auctions” mean any place or facility where animals are regularly  
9           bought, sold or traded, except for those facilities otherwise defined in this  
10          Article. This does not apply to individual sales of animals by owners;

11          (d) “Circus” means a commercial variety show featuring animal acts for  
12          public entertainment;

13          (e) “Commercial animal establishment” means a pet shop, grooming shop,  
14          auction, riding school or stable, zoological park, circus performing animal  
15          exhibition, animal quarantine facility or kennel;

16          (f) “Grooming shop” means a commercial establishment where animals are  
17          bathed, clipped, plucked or otherwise groomed;

18          (g) “Officer” means a member of the Guam Police Department, a Mayor or  
19          a person authorized by the Director of Agriculture (the "Director");

20          (h) “Kennel” means any premises wherein any person engaged in the  
21          business of boarding, breeding, buying, letting for hire, training for a fee, selling  
22          dogs or cats, or any premises in a non-agricultural zone area upon which five (5)  
23          or more adult dogs or cats are harbored or kept;

24          (i) “Owner” means any person, partnership or corporation owning, keeping  
25          or harboring one (1) or more animals. An animal shall be deemed to be harbored  
26          if it is fed or sheltered three (3) consecutive days or more;

1 (j) "Performing animal exhibition" means any spectacle, display, act or  
2 event other than circuses in which performing animals are used;

3 (k) "Pet" means any animal kept for pleasure rather than utility;

4 (l) "Pet shop" means any person, partnership or corporation, whether  
5 operated separately or in connection with another business enterprise except for a  
6 licensed kennel that buys, sells or boards any species of animal;

7 (m) "Public nuisance" means any animal that:

8 (1) Molests passersby or passing vehicles;

9 (2) Attacks other animals;

10 (3) Trespasses on school grounds;

11 (4) Is repeatedly at large; or

12 (5) Damages private or public property;

13 (n) "Restraint" means any animal secured by a leash or lead or under the  
14 control of a responsible person and obedient to that person's commands or within  
15 the real property limits of its owner;

16 (o) "Riding school or stables" mean any place which has available for hire,  
17 boarding and/or riding instruction, any horse, pony, donkey, mule or burro;

18 (p) "Veterinary hospital" means any establishment maintained and  
19 operated by a licensed veterinarian for surgery, diagnosis and treatment of  
20 disease and injuries of animals;

21 (q) "Vicious animal" means any animal that constitutes a physical threat to  
22 human beings or other animals;

23 (r) "Wild animal" means any animal which is not commonly domesticated,  
24 or which is not native to Guam, or which, irrespective of geographic origin, is of  
25 a wild or predatory nature, or any domesticated animal, which because of its  
26 size, vicious nature or other characteristics would constitute an unreasonable

1 danger to human life or property if not kept, maintained or contained in a safe  
2 and secure manner;

3 (s) "Zoological parks" means any facility, other than a pet shop or kennel,  
4 displaying or exhibiting one (1) or more species of non-domesticated animals  
5 operated by a person, partnership, corporation or government agency;

6 (t) "Permitting authority" means the Department of Agriculture (the  
7 Department) which shall be the permitting authority for purposes of this Article."

8 **Section 3.** §34307 of Chapter 34, Article 3 of 10 GCA is hereby *amended* to  
9 read:

10 **"§34307. Creation of Rabies Prevention Fund.**

11 There is created a special fund called the "Rabies Prevention Fund," which shall  
12 be exclusively used to support the implementation of this Act and to maintain, enhance  
13 and secure the prevention of rabies on Guam. All money collected under the provisions  
14 of this Chapter shall be deposited in the Rabies Prevention Fund. The Department of  
15 Administration shall be responsible for maintaining the accounting and administration  
16 of this fund. No later than December 31<sup>st</sup> of each year, the Directors of the  
17 Departments of Administration and Agriculture shall report to *I Maga'lahaen Guåhan*  
18 and *I Liheslaturan Guåhan* on the administration of this fund, including the total  
19 monies collected and deposited in this fund and the total expended."

20 **Section 4. Administrative Rules and Regulations.** The Director of Agriculture  
21 may adopt administrative rules, regulations and fees identical to those used by the  
22 Department of Public Health and Social Services immediately prior to the enactment  
23 hereof without compliance with the Administrative Adjudication Law (5 GCA, Chapter  
24 9) with regard to licenses, sanitary permits and other matters described herein.  
25 Amendments to such rules, regulations and fees shall be subject to the provisions of the  
26 Administrative Adjudication Law (5 GCA, Chapter 9).



1           **Section 5. Effective Date:** The effective date of the provisions of this Act shall  
2   be ninety (90) days from the date of enactment hereof.

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 3/22/06

## VOTING SHEET

*w/o engrossment*

Bill No. 253 (ec)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15    0    0    0    0

CERTIFIED TRUE AND CORRECT:

*Fatima C. Sandoval*  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



# Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1  
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

March 6, 2006

The Honorable Speaker Mark Forbes  
155 Hesler Place  
Hagatna, Guam 96910

RE: Bill 253 (EC) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **Bill 253 (EC), AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

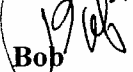
Transmitted herewith for your consideration and action is our committee report on the above subject matter. The Committee votes are as follows:

7 TO PASS  
0 NOT TO PASS  
0 TO REPORT OUT ONLY  
0 ABSTAIN  
0 INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at [bob@bobsoffice.org](mailto:bob@bobsoffice.org) or by phone at 472-9355.

Sincerely,

  
Bob

**Senator Robert Klitzkie, Chairman**  
Committee on Judiciary, Governmental Operations & Reorganization



# Bob's Office

*The Office of Senator Robert Klitzkie*

197 Hernan Cortes Ave., Suite A-1  
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

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March 1, 2006

Committee on Judiciary, Governmental Operations,  
& Reorganization  
155 Hesler Place  
Hagatna, Guam 96910

RE: Voting Sheet for Bill 253 (EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **Bill 253 (EC), AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

**Bob**

**Senator Robert Klitzkie, Chairman**  
Committee on Judiciary, Governmental Operations,  
& Reorganization



**Committee on Judiciary, Governmental Operations,  
and Reorganization**

*I Mina' Bente Ocho Na Liheslaturan Guahan*

**Bill 253 (EC) - AN ACT AMEND §§ 34101, 34201 & 34307  
CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE  
ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL  
CONTROL FUNCTIONS FROM THE DEPARTMENT OF  
PUBLIC HEALTH AND SOCIAL SERVICES TO THE  
DEPARTMENT OF AGRICULTURE.**

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
<b>Senator Robert Klitzkie, Chairman</b>		X				
<b>Speaker Mark Forbes, Member</b>		✓				
<b>Senator Jesse Lujan, Member</b>		3/3/06				
<b>Senator Adolpho Palacios, Member</b>		✓				
<b>Senator Larry Kasperbauer, Ph. D., Member</b>		X				
<b>Senator Ray Tenorio, Member</b>		✓				
<b>Senator B.J. Cruz, Member</b>		✓				

*Zmf*  
3/22/06

*Zmf*  
3/22/06

*6* 3/22/06  
*w/o engrossme*

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session**

Bill No. 253 (EC)

*UK*  
*FAI*  
*OS*

Introduced by:

L.F. Kasperbauer

*rayf*  
*aku*

<sup>to</sup>  
**AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF  
DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED  
RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL  
FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH  
AND SOCIAL SERVICES TO THE DEPARTMENT OF  
AGRICULTURE.**

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

**Section 1.** §34101 of Chapter 34, Article 1 of 10 G.C.A is hereby *amended* to read:

**§34101. Definitions.**

For purposes of this Article:

(a) Euthanasia meaning putting an animal to death by drug in a manner provided by regulation of the Department of Agriculture (the Department).

(b) Impoundment means strict confinement under restraint by leash, cage or paddock upon premises specified by order of the Director of ~~Public Health and Social Services~~ Agriculture (the "Director").

(c) Officer means a member of the Guam Police Department, a Mayor of Guam, or a person authorized by the Director.

(d) Person means any natural person, association, partnership, firm, corporation or any government entity.

(e) Pet means a cat or dog.

Passed FA No. 1

Date: 3/22 Time: \_\_\_\_\_

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 253

LFK

**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

Add #2 Ray T } Co-sponsors  
#3 ARU }

*(Below only for Clerk of Legislature's use and processing))*

Date 3/22, 2006

Floor Amendment No. 1 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

LFK

AUTHOR OF AMENDMENT

Concur *(initial)*

W  
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

1 (f) Pet owner means any person or legal entity who harbors, cares for,  
2 exercises control over or knowingly permits any pet to remain on premises occupied by  
3 that person or legal entity.

4 (g) Running at large means any dog that

5 (1) is not restrained on private property in a manner that physically  
6 prevents the dog from leaving that property or reaching any public areas; or

7 (2) when on public property, or any public area, is not restrained by a  
8 leash, tether or other physical control device not to exceed eight (8) feet in length and  
9 under the physical control of a capable person.

10 (h) Unlicensed pet means any pet not exempted under the provisions of  
11 this Article for which the license for the current year has not been issued or to which  
12 the license tag is not attached.

13 (i) Department means the Department of Agriculture.

14 (j) Director means the Director of ~~Public Health and Social Services~~  
15 Agriculture.

16  
17 **Section 3.** §34201 of Chapter 34, Article 2 of 10 G.C.A is hereby *amended* to read:

18  
19 **§ 34201. Definitions.**

20 For purposes of this Article:

21 (a) Animal means any live non-human vertebrate creature, domestic or  
22 wild;

23 (b) Animal shelter means any facility operated by a humane society, the  
24 government of Guam or its authorized agents for the purpose of caring for animals held  
25 under the authority of this Article;



1 (c) Auctions mean any place or facility where animals are regularly  
2 bought, sold or traded, except for those facilities otherwise defined in this Article. This  
3 does not apply to individual sales of animals by owners;

4 (d) Circus means a commercial variety show featuring animal acts for  
5 public entertainment;

6 (e) Commercial animal establishment means an pet shop, grooming shop,  
7 auction, riding school or stable, zoological park, circus performing animal exhibition,  
8 animal quarantine facility or kennel;

9 (f) Grooming shop means a commercial establishment where animals are  
10 bathed, clipped, plucked or otherwise groomed;

11 (g) Officer means a member of the Guam Police Department, a Mayor or a  
12 person authorized by the Director of ~~Public Health and Social Services~~ Agriculture (the  
13 "Director");

14 (h) Kennel means any premises wherein any person engaged in the  
15 business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs  
16 or cats, or any premise in a non-agricultural zone area upon which five (5) or more  
17 adult dogs or cats are harbored or kept;

18 (i) Owner means any person, partnership or corporation owning, keeping  
19 or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is  
20 fed or sheltered three (3) consecutive days or more;

21 (j) Performing animal exhibition means any spectacle, display, act or event  
22 other than circuses in which performing animals are used;

23 (k) Pet means any animal kept for pleasure rather than utility;

24 (l) Pet shop means any person, partnership or corporation, whether  
25 operated separately or in connection with another business enterprise except for a  
26 licensed kennel that buys, sells or boards any species of animal;

27 (m) Public nuisance means any animal which

1 (1) Molests passersby or passing vehicles;

2 (2) Attacks other animals;

3 (3) Trespasses on school grounds;

4 (4) Is repeatedly at large; or

5 (5) Damages private or public property;

6 (n) Restraint means any animal secured by a leash or lead or under the  
7 control of a responsible person and obedient to that person's commands or within the  
8 real property limits of its owner;

9 (o) Riding school or stables mean any place which has available for hire,  
10 boarding and/or riding instruction, any horse, pony, donkey, mule or burro;

11 (p) Veterinary hospital means any establishment maintained and operated  
12 by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of  
13 animals;

14 (q) Vicious animal means any animal that constitutes a physical threat to  
15 human beings or other animals;

16 (r) Wild animal means any animal which is not commonly domesticated, or  
17 which is not native to Guam, or which, irrespective of geographic origin, is of a wild or  
18 predatory nature, or any domesticated animal, which because of its size, vicious nature  
19 or other characteristics would constitute an unreasonable danger to human life or  
20 property if not kept, maintained or contained in a safe and secure manner;

21 (s) Zoological parks means any facility, other than a pet shop or kennel,  
22 displaying or exhibiting one (1) or more species of non-domesticated animals operated  
23 by a person, partnership, corporation or government agency;

24 (t) Permitting authority means the Department of ~~Public Health and Social~~  
25 ~~Services~~ Agriculture (the Department) which shall be the permitting authority for  
26 purposes of this Article.

27

1 **Section 3.** §34307 of Chapter 34, Article 3 of 10 G.C.A is hereby *amended* to read:

2  
3 **§ 34307. Creation of Rabies Prevention Fund.**

4 There is created a special fund called the "Rabies Prevention Fund," which  
5 shall be exclusively used to support the implementation of this Act and to maintain,  
6 enhance and secure the prevention of rabies on Guam. All money collected under the  
7 provisions of this Chapter shall be deposited in the Rabies Prevention Fund. The  
8 Department of Administration shall be responsible of maintaining the accounting and  
9 administration of this fund. Annually, but not later than December 31 of each year, the  
10 Directors of the Departments of Administration and ~~Public Health and Social Services~~  
11 Agriculture shall report to I Maga'lahaen Guahan and I Liheslaturan Guahan the results  
12 of operations of this fund, including the total monies collected and deposited in this  
13 fund and the total expended

14  
15 **Section 4. Administrative Rules and Regulations.** The Department of  
16 Agriculture may adopt identical Administrative Rules, Regulations and Fees as was  
17 used by the Department of Public Health and Social Services immediately prior to the  
18 enactment of Sections 1, 2, and 3 herein without adjudication as required by the  
19 Administrative Adjudication Law (5GCA: Chapter 9) with regards to Licenses, Sanitary  
20 Permits and other functions herein. Any changes, however, to such Rules, Regulations  
21 and Fees shall be subject to the provisions of the Administrative Adjudication Law  
22 (5GCA: Chapter 9).

23  
24 **Section 5. Effective Date:** The effective date of the provisions of this Act shall  
25 be Ninety (90) Days from the date of enactment hereof.

## **Summary of Testimonies: Bill No. 253**

**Mr. Joseph D. Torres; Deputy Director, Department of Agriculture.** Mr. Torres presented oral testimony in favor of the Bill. He noted that prior law transferred Articles 1 and 3 of Chapter 23 of Title 10 to the Department of Agriculture but not Article 2. The Bill's sponsor, Senator Kasperbauer noted that the Bill only addressed those changes that were necessary to transfer all animal control functions to Agriculture. He further noted that although prior law did make changes to Articles 1 and 3 that references to the Department of Public Health and Social Services still remained. He stated that this Bill would correct those portions of law and transfer the functions in Article 2 as well.

**Dr. Tom Poole, Territorial Veterinarian,** Dr. Poole did not testify but was available for questions on general matters regarding the animal control functions to the Department of Agriculture.

**Ms. Marie Chenery: President, Guam Animals in Need (GAIN).** Ms. Chenery testified in favor of the Bill. She noted that GAIN had lobbied in the past to transfer all animal control functions to the Department of Agriculture and that the transferring of Article 2 would be the final step in that process. Additionally, she advised the committee of other areas outside the scope of the bill that legislature might consider addressing.

**Karen Johnson, GAIN.** Ms. Johnson signed in to testify in favor of the Bill but left before the hearing commenced.

## **Findings and Recommendations: Bill No. 253**

The Committee on Judiciary, Governmental Operations & Reorganization finds that the functions of Animal Control are largely the responsibility of the Department of Agriculture. The Committee also finds that greater efficiency and better public service can be realized if the remaining responsibilities that are currently administered by the Department of Public Health and Social Services were transferred to the Department of Agriculture. The Committee therefore recommends that Bill No. 253 (EC) be reported out with the recommendation to DO PASS.

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 253 (EC)**

**Bill Title (Preamble): AN ACT TO AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Department of Agriculture	<b>Dept./Agency Head:</b> Paul Bassler
<b>Department's General Fund (GF) appropriation(s) to date:</b>	\$2,847,620
<b>Dept's Other Fund appropriation(s) to date:</b> Unreserved Fund Balance Fund \$49,000; Plant Inspection & Permit Fund \$40,000	\$89,000
<b>Total Department/Agency Appropriation(s) to date:</b> (Does not include reappropriation of \$50K from prior year per P.L. 28-74:2.)	\$2,936,620

**Fund Source Information of Proposed Appropriation**

	General Fund:	Other (specify):	Total:
FY 2006 Adopted Revenues	\$435,092,898	\$0	\$435,092,898
FY Appro. to P.L. 28-94	(\$435,092,898)	\$0	(\$435,092,898)
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	1/	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Other Fund:</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	\$0	1/	1/	1/	1/

1. Does the bill contain "revenue generating" provisions? /X/ Yes      / / No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A      / / Yes      / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_
3. Does the Bill establish a new program/agency? / / Yes      /X/ No  
If yes, will the program duplicate existing programs/agencies? / / N/A      / / Yes      /X/ No  
Is there a federal mandate to establish the program/agency? / / Yes      /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes      /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes      / / No  
/ / Requested agency comments not received by due date      / / Other: \_\_\_\_\_

**Analyst:** M. J. [Signature]      **Date:** 2-7-06      **Director:** [Signature]      **Date:** FEB 22 2006  
Carlos P. Bordallo

**Footnotes:** 1/ Enactment of the proposed bill transfers from the Department of Public Health, to the Department of Agriculture, the functions of Article 2, Chapter 34 of 10 GCA relative to animal facilities and humane animal care. Such transfer will enable the Department to carry out and enforce animal control statutes. All fees generated for the intent of the bill will be deposited into the Rabies Prevention Fund, which may be utilized to defray program expenses related to animal control duties. Additional projected costs to include personnel services in connection with such transfer, may be absorbed under the existing budget or be included in subsequent annual budgets. Based on the language of the proposed bill, revenues and expenditures under the Fund do not require legislative appropriation, but which must be reported to the Governor and the Legislature on an annual basis, no later than December 31st each year, to be prepared by the Department of Administration and the Department of Agriculture.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 253 (EC)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
<b>General Fund</b>					
<b>Other: Rabies Prevention Fund</b>	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890
<b>Total</b>	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890

**Comments:**

The two (2) attached Fund Analysis reports pertain to total funds collected under the Rabies Prevention Fund and the Environmental Health Fund. The fiscal impact of the proposed bill entails an increase under the former Fund as mentioned above, with a decrease under the latter Fund, in the estimated amount of \$1,890 per year, beginning FY 2006, based on 14 establishments currently paying sanitary permits. A listing from the Department of Public Health, Division of Environmental Health indicates the 14 establishments paying the sanitary permit, the amount of which is currently being deposited under the Environmental Health Fund. The proposed bill will require such deposits to be made under the Rabies Prevention Fund. The multi-year projected revenue for purposes of this fiscal note assumes status quo number of permits over a 5-year period. Any other increase in collection will depend on new applicants for permits, enforcement efforts made under the program to result in additional permits, or any subsequent change to the fee rate.



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization**

**MINUTES**

**[Prepared by: Audreya Punzalan \*02/22/2006]**

**Date:** February 9, 2006

**Location:** Guam Legislature – Public Hearing Room  
155 Hesler Street Hagatna, Guam

**Called to order by Senator Robert Klitzkie, chairman, at 1:30pm**

**Senators present:**

Senator Robert Klitzkie, Chairman  
Senator Adolpho Palacios, Member  
Senator Larry Kasperbauer, Member  
Senator Ray Tenorio, Member

**Public hearing agenda:** Bill 238 (EC); Bill 244 (EC); Bill 253 (EC)

**Bill 238 (EC)**, AN ACT TO AMEND SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO 'DOC' SANCHEZ SCHOLARSHIP PROGRAM, was heard at 1:32pm.

**Testimony:**

- **Edward Artero**, employee of the Guam Police Department & recent graduate of the Pedro Doc Sanchez scholarship program, presented testimony on Bill 238 (EC) at 1:32pm.
- **Maria Apuron**, an employee of the Guam Police Department, presented testimony on Bill 238 (EC) at 2:00pm.
- **Alice Taijeron** presented personal testimony on Bill 238 (EC) at 2:03pm.
- **Pete Cruz**, an employee of the Guam Environmental Protection Agency, presented testimony on Bill 238 (EC) at 2:11pm.
- **Maurice Sayama**, police lieutenant of the Guam Police Department, presented testimony on Bill 238 (EC) at 2:16pm.
- **Kevin Guerrero**, employee of the Guam Police Department, presented testimony on Bill 253 (EC) at 2:34pm.
- **Edwin Salas** presented testimony on Bill 238 (EC) at 2:44pm.

**Bill 244 (EC)**, AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE, was heard at 1:52pm

**Testimony:**

- **David Sullivan** presented personal testimony on Bill 244 (EC) at 1:53pm.

- **Robert Camacho**, from the Department of Corrections, presented testimony on Bill 244 (EC) at 1:55pm.

**Bill 253 (EC)**, AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE, was heard at 2:23pm.

**Testimony:**

- **Marie Chenery**, president of Guam Animals in Need (GAIN), presented testimony on Bill 253 (EC) at 2:24pm.
- **Joseph Torres**, of the Department of Agriculture, presented testimony on Bill 253 (EC) at 2:28pm.
- **Dr. Tom Poole**, territorial veterinarian, presented testimony on Bill 253 (EC) at 2:30pm.

**\* Questions and comments were presented to the panel throughout the public hearing by Senator Klitzkie, Senator Larry Kasperbauer, Senator Adolpho Palacios, & Senator Ray Tenorio.**

**Adjourned by Senator Klitzkie, chairman, at 2:46pm.**





*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization**

**AGENDA**  
**Guam Legislature**  
**Public Hearing Room**

**1:30pm**

**Bill 238 (EC)** - AN ACT TO AMEND SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO 'DOC' SANCHEZ SCHOLARSHIP PROGRAM.

**Bill 244 (EC)** - AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE

**Bill 253 (EC)** - AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE.

**For more information, please visit [www.bobsoffice.org/judiciary](http://www.bobsoffice.org/judiciary).**

**Written testimony can be submitted via e-mail to**

**[judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

**For ADA assistance, please contact the Office of Senator Robert Klitzkie at**

**(671) 472-9355 ext. 3, or send request via email to**

**[judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**





## Declaration Under Penalty of Perjury of Audreya Punzalan


- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on February 2, 2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on February 7, 2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on February 2, 2006 & February 7, 2006.
- 7.) I e-mailed notice to Speaker Forbes on February 2, 2006 & February 7, 2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature ([www.guamlegislature.com](http://www.guamlegislature.com)), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on February 2, 2006 & February 7, 2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs dealt with accordingly.
- 9.) I caused notice on [www.bobsoffice.org](http://www.bobsoffice.org), website for the Committee on Judiciary, Governmental Operations, and Reorganization, on February 2, 2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

### **Declaration Under Penalty of Perjury**

#### **6 GCA Section 306**

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on February 15, 2006 on Guam by

  
\_\_\_\_\_  
**Audreya Punzalan**

**APPENDIX A: NOTICE OF PUBLIC HEARING**



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization**

**NOTICE OF PUBLIC HEARING**

A public hearing will be held from February 09, 2006 in the Guam Legislature's public hearing at room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

**1:30pm**

**Bill 238 (EC)** - AN ACT TO AMEND SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO 'DOC' SANCHEZ SCHOLARSHIP PROGRAM.

**Bill 244 (EC)** - AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE

**Bill 253 (EC)** - AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE.

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**Written testimony can be submitted via e-mail to**

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**For ADA assistance, please contact the Office of Senator Robert Klitzkie at**

**(671) 472-9355 ext. 3, or send request via email to**

**[judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

## APPENDIX B: MEDIA E-MAIL LISTING

<b>Notice to all media : Outlet Managers, Publishers, Producers</b>	<b>Notice to all media : News Directors, Editors, Reporters</b>
<p><b><u>PRINT</u></b> <b>Marianas Variety</b> – Amier Younis, Ops Mgr, amier@mvguam.com <b>Directions</b> – Jerry Roberts, Publisher, jroberts@directionsguam.com <b>Guam Business</b> – Steve Nygard, Publisher, snygard@glimpses.guam.net <b>Pacific Daily News</b> – Government Meetings Section life@guampdn.com <b>Marianas Business Journal</b> – Steve Nygard, Publisher, snygard@glimpses.guam.net <b>Guahan Magazine</b> – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com <b>Mabuhay News</b> – Ritchie Lim, Publisher, paciwire@ite.net <b>Mariana’s Variety</b> – Ad Section , ads@mvguam.com</p> <p><b><u>TV</u></b> <b>KUAM Ch. 8</b> – generalmanager@KUAM.com <b>KUAM Ch. 11</b> – generalmanager@KUAM.com <b>ABC 14</b> – David Larson, Gen Mgr, david@go14.tv <b>KGTF</b> – kgtf12@ite.net</p> <p><b><u>RADIO</u></b> <b>K57</b> – Ray Gibson, General Mgr, rgibson@k57.com <b>Power98</b> – Roque Aguon, General Mgr, raguon@power98.com <b>105 Rock</b> – Albert Juan, General Mgr, ajuan@105therock.com <b>I-94 FM</b> – Fredalynn Mortera Hecita, fredalynn@kuam.com <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com <b>K-StereO</b> – Ed Poppe, General Mgr, ksto@ite.net <b>KISH (102.9 FM)</b> – Ed Poppe, General Mgr, ksto@ite.net <b>Hit Radio 100</b> – Vince Limuaco, Sales Mgr., marketing@hitradio100.com <b>KPRG (89.3 FM)</b> – General Manager, kprg@guam.net <b>Harvest Family Radio</b> – khmg@harvestministries.net <b>KTKB</b> – ktkb@ktkb.com <b>KOLG 90.0 FM</b> – Contact, chuck@kolg.org <b>KTWG 800 AM</b> – Ops Mgr , Kleilani63@hotmail.com</p>	<p><b><u>PRINT</u></b> <b>Pacific Daily News</b> – Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com <b>Marianas Variety</b> – Mar-Vic Cagurangan, marvic@mvguam.com <b>Directions</b> – Gennette Quan, Editor, editor@directionsguam.com <b>Guam Business</b> – Maureen Maratita, Editor, mmaratita@glimpses.guam.net <b>Marianas Business Journal</b> – Maureen Maratita, Editor, mmaratita@glimpses.guam.net <b>Guahan Magazine</b> – Jayne Flores, Editor, jayne@guahanmagazine.com <b>Mabuhay News</b> – Ritchie Lim, Editor mabuhaynews@yahoo.com <b>Mariana’s Variety</b> – Ad Section, ads@mvguam.com</p> <p><b><u>TV</u></b> <b>KUAM Ch.8</b> – Sabrina Matanane, News Dir, Sabrina@KUAM.com <b>KUAM Ch. 11</b> – Sabrina Matanane, News Dir, Sabrina@KUAM.com <b>ABC 14 News</b> – John Anderson, News Director, jontalk@k57.com</p> <p><b><u>RADIO</u></b> <b>I-94 FM</b> – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com <b>K57, Power98, 105 Rock</b> – Patty Arroyo, News Director, parrojo@k57.com <b>K-StereO</b> – Jean Hudson, News Director, kstonews@ite.net <b>KISH (102.9 FM)</b> – Jean Hudson, News Director, kstonews@ite.net</p>

## APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman  
Speaker Mark Forbes, Ex-Officio  
Senator Jesse A. Lujan, Member  
Senator Larry Kasperbauer, Ph.D., Member  
Senator Ray Tenorio, Member  
Senator Benjamin J.F. Cruz, Member  
Senator Adolpho B. Palacios, Sr., Member

[bob@bobsoffice.org](mailto:bob@bobsoffice.org)  
[speakerforbes@yahoo.com](mailto:speakerforbes@yahoo.com)  
[jal@netpci.net](mailto:jal@netpci.net)  
[lk4kids@ite.net](mailto:lk4kids@ite.net)  
[ray@raytenorio.com](mailto:ray@raytenorio.com)  
[cjbjcruz@ite.net](mailto:cjbjcruz@ite.net)  
[patrickcepeda@hotmail.com](mailto:patrickcepeda@hotmail.com)

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

Bill No. 253 (EC)

Introduced by:

L.F. Kasperbauer *LJK*

**AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF  
DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED  
RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL  
FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH  
AND SOCIAL SERVICES TO THE DEPARTMENT OF  
AGRICULTURE.**

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

**Section 1.** §34101 of Chapter 34, Article 1 of 10 G.C.A is hereby *amended* to read:

**§34101. Definitions.**

For purposes of this Article:

(a) Euthanasia meaning putting an animal to death by drug in a manner provided by regulation of the Department of Agriculture (the Department).

(b) Impoundment means strict confinement under restraint by leash, cage or paddock upon premises specified by order of the Director of ~~Public Health and Social Services~~ Agriculture (the "Director").

(c) Officer means a member of the Guam Police Department, a Mayor of Guam, or a person authorized by the Director.

(d) Person means any natural person, association, partnership, firm, corporation or any government entity.

(e) Pet means a cat or dog.

1 (f) Pet owner means any person or legal entity who harbors, cares for,  
2 exercises control over or knowingly permits any pet to remain on premises occupied by  
3 that person or legal entity.

4 (g) Running at large means any dog that

5 (1) is not restrained on private property in a manner that physically  
6 prevents the dog from leaving that property or reaching any public areas; or

7 (2) when on public property, or any public area, is not restrained by a  
8 leash, tether or other physical control device not to exceed eight (8) feet in length and  
9 under the physical control of a capable person.

10 (h) Unlicensed pet means any pet not exempted under the provisions of  
11 this Article for which the license for the current year has not been issued or to which  
12 the license tag is not attached.

13 (i) Department means the Department of Agriculture.

14 (j) Director means the Director of ~~Public Health and Social Services~~  
15 Agriculture.

16  
17 **Section 3.** §34201 of Chapter 34, Article 2 of 10 G.C.A is hereby *amended* to read:  
18

19 **§ 34201. Definitions.**

20 For purposes of this Article:

21 (a) Animal means any live non-human vertebrate creature, domestic or  
22 wild;

23 (b) Animal shelter means any facility operated by a humane society, the  
24 government of Guam or its authorized agents for the purpose of caring for animals held  
25 under the authority of this Article;



1 (c) Auctions mean any place or facility where animals are regularly  
2 bought, sold or traded, except for those facilities otherwise defined in this Article. This  
3 does not apply to individual sales of animals by owners;

4 (d) Circus means a commercial variety show featuring animal acts for  
5 public entertainment;

6 (e) Commercial animal establishment means an pet shop, grooming shop,  
7 auction, riding school or stable, zoological park, circus performing animal exhibition,  
8 animal quarantine facility or kennel;

9 (f) Grooming shop means a commercial establishment where animals are  
10 bathed, clipped, plucked or otherwise groomed;

11 (g) Officer means a member of the Guam Police Department, a Mayor or a  
12 person authorized by the Director of ~~Public Health and Social Services~~ Agriculture (the  
13 "Director");

14 (h) Kennel means any premises wherein any person engaged in the  
15 business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs  
16 or cats, or any premise in a non-agricultural zone area upon which five (5) or more  
17 adult dogs or cats are harbored or kept;

18 (i) Owner means any person, partnership or corporation owning, keeping  
19 or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is  
20 fed or sheltered three (3) consecutive days or more;

21 (j) Performing animal exhibition means any spectacle, display, act or event  
22 other than circuses in which performing animals are used;

23 (k) Pet means any animal kept for pleasure rather than utility;

24 (l) Pet shop means any person, partnership or corporation, whether  
25 operated separately or in connection with another business enterprise except for a  
26 licensed kennel that buys, sells or boards any species of animal;

27 (m) Public nuisance means any animal which

1 (1) Molests passersby or passing vehicles;

2 (2) Attacks other animals;

3 (3) Trespasses on school grounds;

4 (4) Is repeatedly at large; or

5 (5) Damages private or public property;

6 (n) Restraint means any animal secured by a leash or lead or under the  
7 control of a responsible person and obedient to that person's commands or within the  
8 real property limits of its owner;

9 (o) Riding school or stables mean any place which has available for hire,  
10 boarding and/or riding instruction, any horse, pony, donkey, mule or burro;

11 (p) Veterinary hospital means any establishment maintained and operated  
12 by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of  
13 animals;

14 (q) Vicious animal means any animal that constitutes a physical threat to  
15 human beings or other animals;

16 (r) Wild animal means any animal which is not commonly domesticated, or  
17 which is not native to Guam, or which, irrespective of geographic origin, is of a wild or  
18 predatory nature, or any domesticated animal, which because of its size, vicious nature  
19 or other characteristics would constitute an unreasonable danger to human life or  
20 property if not kept, maintained or contained in a safe and secure manner;

21 (s) Zoological parks means any facility, other than a pet shop or kennel,  
22 displaying or exhibiting one (1) or more species of non-domesticated animals operated  
23 by a person, partnership, corporation or government agency;

24 (t) Permitting authority means the Department of ~~Public Health and Social~~  
25 ~~Services~~ Agriculture (the Department) which shall be the permitting authority for  
26 purposes of this Article.

27

1    **Section 3.** §34307 of Chapter 34, Article 3 of 10 G.C.A is hereby *amended* to read:

2

3            **§ 34307. Creation of Rabies Prevention Fund.**

4            There is created a special fund called the "Rabies Prevention Fund," which  
5 shall be exclusively used to support the implementation of this Act and to maintain,  
6 enhance and secure the prevention of rabies on Guam. All money collected under the  
7 provisions of this Chapter shall be deposited in the Rabies Prevention Fund. The  
8 Department of Administration shall be responsible of maintaining the accounting and  
9 administration of this fund. Annually, but not later than December 31 of each year, the  
10 Directors of the Departments of Administration and ~~Public Health and Social Services~~  
11 Agriculture shall report to I Maga'lahaen Guahan and I Liheslaturan Guahan the results  
12 of operations of this fund, including the total monies collected and deposited in this  
13 fund and the total expended

14

15            **Section 4. Administrative Rules and Regulations.** The Department of  
16 Agriculture may adopt identical Administrative Rules, Regulations and Fees as was  
17 used by the Department of Public Health and Social Services immediately prior to the  
18 enactment of Sections 1, 2, and 3 herein without adjudication as required by the  
19 Administrative Adjudication Law (5GCA: Chapter 9) with regards to Licenses, Sanitary  
20 Permits and other functions herein. Any changes, however, to such Rules, Regulations  
21 and Fees shall be subject to the provisions of the Administrative Adjudication Law  
22 (5GCA: Chapter 9).

23

24            **Section 5. Effective Date:** The effective date of the provisions of this Act shall  
25 be Ninety (90) Days from the date of enactment hereof.