



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

25 APR 2005

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. 39 (EC), "AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A CIVILIAN VOLUNTEER CONSERVATION OFFICER RESERVE," which I signed into law on April 22, 2005, as **Public Law 28-30**.

Sinseru yan Magâhet,

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

0147

Senator Edward J.B. Calvo SECRETARY OF THE LEGISLATURE ACKNOWLEDGEMENT RECEIPT	
Rcv'd by: <u>Nikoh YMS</u>	
Print Name & Initial	
Time: <u>3:24</u>	Date: <u>4-29-05</u>

Office of the Speaker

MARK FORBES

Date: 4/26/05

Time: 3:43

Rec'd by: Eng P

Print Name: Mark Forbes

28-097 0146



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

April 11, 2005


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



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 5(LS), 34(EC), 39(EC), 40(EC), 43(EC), 52(EC), 54(EC) and 83(EC); and Substitute Bill Nos. 6(LS), 9(LS), 32(EC), 56(EC), 74(EC) and 78(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on April 9, 2005.

Sincerely,


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

Enclosures (14)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

This is to certify that Bill No. 39 (EC), "AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A CIVILIAN VOLUNTEER CONSERVATION OFFICER RESERVE," was on the 9th day of April, 2005, duly and regularly passed.

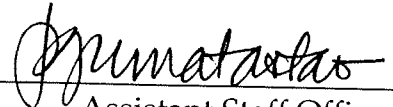

Mark Forbes
Speaker

Attested:



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

This Act was received by *I Maga'lahaen Guåhan* this 11 day of April, 2005,
at 4:32 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 4/28/05

Public Law No. 28-30

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 39 (EC)

As amended on the Floor.

Introduced by:

J. M.S. Brown
L. F. Kasperbauer
R. J. Respicio
F. B. Aguon, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A CIVILIAN VOLUNTEER CONSERVATION OFFICER RESERVE.

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

2 **Section 1. Legislative Findings and Intent.** The Department of
3 Agriculture is responsible for the protection of Guam's natural resources, but
4 limited funds have reduced the active law enforcement staff by more than
5 fifty (50) percent in recent years. In an effort to maintain critical
6 environmental programs and protect the island's precious resources, a civilian

1 volunteer conservation officer reserve is needed to create the manpower to
2 effectively complete the Department's mission.

3 **Section 2.** A new §63103.1 is hereby *added* to Article 1, Chapter 63,
4 **Division 6 of Title 5 of the Guam Code Annotated to read:**

5 **"§63103.1 Civilian Volunteer Conservation Officer Reserve.**

6 (1) Creation.

7 (2) Functions and Duties.

8 (3) Recruitment.

9 (4) Training, Equipment and Maintenance of Records.

10 (5) Volunteer: Authority.

11 (6) Same: Allowance.

12 (7) Same: Eligibility and Oath.

13 (8) Rules and Regulations: Recommendations.

14 (1) **Creation.** There is hereby created within the Department of
15 Agriculture of the government of Guam, the Civilian Volunteer
16 Conservation Officer Reserve, which shall be headed by the Director of
17 Agriculture, hereafter referred to as the Director. The Director, subject to
18 the advice and control of *I Maga'lahi*, shall carry out the purposes of this
19 Chapter and shall have such additional duties and responsibilities as are
20 authorized herein.

21 (2) **Functions and Duties.** The general function and duties of the
22 Civilian Volunteer Conservation Officer Reserve shall be to provide
23 backup manpower for the suppression of fish and wildlife crimes,
24 preservation of law and order, and to assist in civil emergencies. The
25 Director shall formulate a program whereby the Civilian Volunteer

1 Conservation Officer Reserve shall fulfill the functions and duties herein
2 prescribed. From time to time, the Director shall review and revise the
3 functions and duties of the Civilian Volunteer Conservation Officer
4 Reserve to insure an amicable discharge of its responsibilities and duties
5 knowing that its role is the extension of duties of regular Department of
6 Agriculture personnel.

7 (3) **Recruitment.** The Director shall recruit, on an entirely
8 volunteer basis, local residents who desire to provide their services to the
9 Department of Agriculture in carrying out its law enforcement duties
10 and emergency functions. The Director shall promulgate rules and
11 regulations consistent with the requirements of hiring regular
12 Conservation Officers.

13 (4) **Training, Equipment and Maintenance of Records.** The
14 Director shall devise a program whereby the Law Enforcement Section
15 in the Division of Aquatic and Wildlife Resources of the Department of
16 Agriculture and the Civil Defense Office provides the members of the
17 Civilian Volunteer Conservation Officer Reserve training in crime
18 prevention and operational techniques and procedures for natural and
19 man-made emergencies. Volunteer officers must have a certificate of
20 completion of a training program approved by competent authority.
21 The Civilian Volunteer Conservation Officer Reserve shall maintain a
22 roster of volunteers who have received the training prescribed herein. In
23 order to maintain membership in the Reserve, each member must
24 complete his or her scheduled training and no volunteer may remain in
25 the Reserve if he or she is unable to successfully complete the training.

1 Additionally, basic supplies and equipment shall be provided to assure
2 constant functioning of the Civilian Volunteer Conservation Officer
3 Reserve, including a continuing program for replacement of officers.

4 **(5) Volunteer: Authority.** Whenever members of the Civilian
5 Volunteer Conservation Reserve render assistance to Conservation
6 Officers, the volunteers shall have the same powers, duties, rights,
7 including coverage under the Worker's Compensation Act, privileges
8 and immunities, as full-time employees of the Department of
9 Agriculture, *except* that they shall earn recruitment credit for services
10 performed as volunteers.

11 **(6) Same: Allowance.** Each member of the Civilian Volunteer
12 Conservation Officer Reserve who successfully completes probationary
13 requirements as established by the Director and who contributes a
14 minimum of forty-two (42) hours or more per month, shall receive an
15 allowance of Two Hundred Fifty Dollars (\$250.00) per month, to defray
16 the cost of maintenance of his equipment and uniforms. The
17 Department of Agriculture shall identify funds within department
18 appropriations or other appropriate funding sources to satisfy the
19 requirements of this Section.

20 **(7) Same: Eligibility and Oath.** No person shall be a volunteer
21 member of the Civilian Volunteer Conservation Officer Reserve
22 established under this Chapter who advocates a change by force or
23 violence in the constitutional form of the Government of the United
24 States or Guam or the overthrow of any Government in the United States
25 by force, or who has been convicted of or is under indictment or

1 information charging any subversive act against the United States.
2 Every volunteer shall, entering upon his or her duties, take an oath, in
3 writing, before a person authorized to administer oaths in Guam, which
4 oath shall be substantially as follows:

5 'I _____, do solemnly swear (or affirm) that I
6 will support and defend the Constitution of the United States and the
7 laws of Guam, against all enemies, foreign or domestic; that I will bear
8 true faith and allegiance to the same; that I take this obligation freely,
9 without any mental reservation or purpose of evasion; and that I will
10 well and faithfully discharge the duties upon which I am about to enter
11 and I do further swear (or affirm) that I do not advocate, nor am I a
12 member of any political party or organization that advocates the
13 overthrow of the Government of the United States or of Guam by force
14 or violence; and that during such time as I am a member of the Civilian
15 Volunteer Conservation Reserve I will not advocate nor become a
16 member of any political party or organization that advocates the
17 overthrow of the Government of the United States or of Guam by force
18 or violence.'

19 **(8) Rules and Regulations: Recommendations.** The Director shall
20 create rules and regulations through the Administrative Adjudication
21 process to implement and maintain the Civilian Volunteer Conservation
22 Officer Reserve."

23 **Section 3. Severability.** *If any provision of this Act or its application*
24 *to any person or circumstance is held invalid, the invalidity does not affect*
25 *other provisions or applications of this Act which can be given effect without*

1 the invalid provision or application, and to this end the provisions of this Act
2 are severable.



FILE COPY

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



April 11, 2005

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

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 5(LS), 34(EC), 39(EC), 40(EC), 43(EC), 52(EC), 54(EC) and 83(EC); and Substitute Bill Nos. 6(LS), 9(LS), 32(EC), 56(EC), 74(EC) and 78(EC) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on April 9, 2005.

Sincerely,

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

Enclosures (14)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session


FILE COPY

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

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Mark Forbes
Speaker

Attested:


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

This Act was received by *I Maga'lahaen Guåhan* this 11 day of April, 2005,
at 4:32 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 39 (EC)

As amended on the Floor.

Introduced by:

J. M.S. Brown
L. F. Kasperbauer
R. J. Respicio
F. B. Aguon, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1,
CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM
CODE ANNOTATED, TO ENHANCE ENFORCEMENT OF
NATURAL RESOURCES LAWS THROUGH THE
CREATION OF A CIVILIAN VOLUNTEER
CONSERVATION OFFICER RESERVE.**

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

2 **Section 1. Legislative Findings and Intent.** The Department of
3 Agriculture is responsible for the protection of Guam's natural resources, but
4 limited funds have reduced the active law enforcement staff by more than
5 fifty (50) percent in recent years. In an effort to maintain critical
6 environmental programs and protect the island's precious resources, a civilian

1 volunteer conservation officer reserve is needed to create the manpower to
2 effectively complete the Department's mission.

3 **Section 2. A new §63103.1 is hereby *added* to Article 1, Chapter 63,**
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- 7 (2) Functions and Duties.
- 8 (3) Recruitment.
- 9 (4) Training, Equipment and Maintenance of Records.
- 10 (5) Volunteer: Authority.
- 11 (6) Same: Allowance.
- 12 (7) Same: Eligibility and Oath.
- 13 (8) Rules and Regulations: Recommendations.

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16 Conservation Officer Reserve, which shall be headed by the Director of
17 Agriculture, hereafter referred to as the Director. The Director, subject to
18 the advice and control of *I Maga'lahi*, shall carry out the purposes of this
19 Chapter and shall have such additional duties and responsibilities as are
20 authorized herein.

21 **(2) Functions and Duties.** The general function and duties of the
22 Civilian Volunteer Conservation Officer Reserve shall be to provide
23 backup manpower for the suppression of fish and wildlife crimes,
24 preservation of law and order, and to assist in civil emergencies. The
25 Director shall formulate a program whereby the Civilian Volunteer

1 Conservation Officer Reserve shall fulfill the functions and duties herein
2 prescribed. From time to time, the Director shall review and revise the
3 functions and duties of the Civilian Volunteer Conservation Officer
4 Reserve to insure an amicable discharge of its responsibilities and duties
5 knowing that its role is the extension of duties of regular Department of
6 Agriculture personnel.

7 (3) **Recruitment.** The Director shall recruit, on an entirely
8 volunteer basis, local residents who desire to provide their services to the
9 Department of Agriculture in carrying out its law enforcement duties
10 and emergency functions. The Director shall promulgate rules and
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12 Conservation Officers.

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15 in the Division of Aquatic and Wildlife Resources of the Department of
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20 completion of a training program approved by competent authority.
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22 roster of volunteers who have received the training prescribed herein. In
23 order to maintain membership in the Reserve, each member must
24 complete his or her scheduled training and no volunteer may remain in
25 the Reserve if he or she is unable to successfully complete the training.

1 Additionally, basic supplies and equipment shall be provided to assure
2 constant functioning of the Civilian Volunteer Conservation Officer
3 Reserve, including a continuing program for replacement of officers.

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5 Volunteer Conservation Reserve render assistance to Conservation
6 Officers, the volunteers shall have the same powers, duties, rights,
7 including coverage under the Worker's Compensation Act, privileges
8 and immunities, as full-time employees of the Department of
9 Agriculture, *except* that they shall earn recruitment credit for services
10 performed as volunteers.

11 **(6) Same: Allowance.** Each member of the Civilian Volunteer
12 Conservation Officer Reserve who successfully completes probationary
13 requirements as established by the Director and who contributes a
14 minimum of forty-two (42) hours or more per month, shall receive an
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17 Department of Agriculture shall identify funds within department
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19 requirements of this Section.

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22 established under this Chapter who advocates a change by force or
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24 States or Guam or the overthrow of any Government in the United States
25 by force, or who has been convicted of or is under indictment or

1 information charging any subversive act against the United States.
2 Every volunteer shall, entering upon his or her duties, take an oath, in
3 writing, before a person authorized to administer oaths in Guam, which
4 oath shall be substantially as follows:

5 'I _____, do solemnly swear (or affirm) that I
6 will support and defend the Constitution of the United States and the
7 laws of Guam, against all enemies, foreign or domestic; that I will bear
8 true faith and allegiance to the same; that I take this obligation freely,
9 without any mental reservation or purpose of evasion; and that I will
10 well and faithfully discharge the duties upon which I am about to enter
11 and I do further swear (or affirm) that I do not advocate, nor am I a
12 member of any political party or organization that advocates the
13 overthrow of the Government of the United States or of Guam by force
14 or violence; and that during such time as I am a member of the Civilian
15 Volunteer Conservation Reserve I will not advocate nor become a
16 member of any political party or organization that advocates the
17 overthrow of the Government of the United States or of Guam by force
18 or violence.'

19 **(8) Rules and Regulations: Recommendations.** The Director shall
20 create rules and regulations through the Administrative Adjudication
21 process to implement and maintain the Civilian Volunteer Conservation
22 Officer Reserve."

23 **Section 3. Severability.** *If any provision of this Act or its application*
24 *to any person or circumstance is held invalid, the invalidity does not affect*
25 *other provisions or applications of this Act which can be given effect without*

1 the invalid provision or application, and to this end the provisions of this Act
2 are severable.



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

March 25, 2005

The Honorable Robert Klitzkie, Chairman
Committee on Calendar
I Mina Bente Ocho na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

Re: Committee Recommendation on Bill 39

Dear Chairman Klitzkie:

The, Committee on Judiciary, Governmental Operations & Reorganization to which was referred Bill No.39, AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE, herein reports back with the recommendation TO PASS.

Votes are as Follows:

7

TO PASS


NOT TO PASS

TO REPORT OUT ONLY

ABSTAIN

INACTIVE FILE

Sincerely,


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



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

VOTING SHEET ON BILL No. 39

Bill No. 39 (LS): AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE. .

BILL NO. 39	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Senator Robert Klitzkie, Chairman		✓				
Vice Chairman: Speaker Mark Forbes Ex-Officio member		✓				
Senator Jesse A. Lujan, Member		✓				
Senator Adolpho B. Palacios, Sr. , Member		X				
Senator Larry F. Kasperbauer, Ph. D. Member		X				
Senator Ray Tenorio, Member		✓				
Senator Benjamin J. F. Cruz, Member		✓				



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

March 25, 2005

TO: All Members
Committee on Judiciary, Governmental Operations & Reorganization

FROM: Chairman

Subject: Bill 39 - Voting Sheet and Committee Report

Transmitted herewith are the voting sheets and the Committee Report on Bill No. 39, AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE, for your review and signature.

Your attention to this matter is greatly appreciated.


Robert Klitzkie, Chairman

I. Overview

The Committee on Judiciary, Governmental Operations and Reorganization held a public hearing on Friday, March 18, 2005 at 9:00 a.m. in the legislative Public Hearing Room on Bill No. 39 "An act to add a new section 63103.1 to Article 1, Chapter 63, Division 6 of Title 5 of the Guam Code Annotated to enhance enforcement of natural resources laws through the creation of a Volunteer Conservation Officer Reserve."

Senators present:

Senator Robert Klitzkie, Chairman
Senator Ray Tenorio, Member
Senator Adolpho Palacios, Member
Senator B.J. Cruz, Member
Senator Larry Kasperbauer, Member
Vice Speaker Joanne Brown
Senator Eddie Calvo
Senator Lou Leon Guerrero
Senator Judi Won Pat

II. Testimony

The following is a summary of oral and written testimony provided during the hearing:

Joseph D. Torres, acting director for the Department of Agriculture, testified in favor of bill 39. Department of Agriculture employees Tino Aguon and Mike Reyes, along with former employee Trina Leberer, were also present.

According to Mr. Torres, the seven Conservation Officers on staff have been overworked for the last three years. "The additional enforcement duties associated with our Marine Preserves is further strained by the reduction of personnel due to retirement and normal attrition," he stated in his written testimony. He went on to say, "Bill 39 will provide an avenue by which much-needed additional qualified personnel can help to augment our current level of manpower." He appeared in support of the bill.

Ms. Leberer, formerly with the Department of Agriculture and now with The Nature Conservancy, worked in establishing the Coral Reef Initiative Grant. When questioned by Senator Klitzkie as to the likelihood that Guam will receive a grant again, Ms. Leberer pointed out that California has received a grant similar to the Coral Reef Initiative Grant since the 1970s. She added that, while California and other coastal states have a grant that is exclusively for their coastal zones, Guam is in a unique position because *all* of Guam is considered a coastal zone, thus making the prospects of receiving future grants very good.

Sergeant Mike Reyes submitted written testimony. In it he stated his section once comprised of 16 employees. "Unfortunately, for the last 10 years, we've experienced a reduction in manpower due to officers leaving for better job opportunities, including several retirements. As a result of budget constraints, the vacancies were never filled, forcing the remaining officers to carry the additional workload. Even with our manpower at an all-time low, this apparently has not stopped the front office from adding extra duties, such as the implementation of five marine preserves, the implementation of the Marine Preserve Eco Permitting Regulation, Homeland Security assignment, and the Office of Civil Defense to augment the Guam Police Department during times of natural disasters. My main concern is the enforcement of mandates without physically and mentally burning my officers out." Mr. Torres concurred with Mr. Reyes, as did Mr. Aguon and Ms. Leberer.

The Department of Agriculture, Division of Aquatics and Wildlife Resources, Law Enforcement Section, is in need of additional conservation officers, and has been lacking in manpower for the last three years, Torres added. "Seven officers cannot provide the coverage that is demanded from us, but we do the best that we can with what we have been given," wrote Sergeant Reyes.

On a side note, Sergeant Reyes' count of nine employees does not take into account the employee assigned to administrative responsibilities and the employee on medical leave. If these two were taken out, the seven employees, as Mr. Torres had stated earlier, would be remaining.

III. Conclusion

Vice Speaker Joanne M.S. Brown, author of Bill No. 39 (EC), stated that this measure has to be passed to increase the number of conservation officers available to ensure the continued protection of our natural resources. Committee Chairman Senator Klizkie thanked all those who testified and his colleagues for attending the hearing.

Discussion on Bill No. 39(EC) concluded at 9:30 a.m.

IV. Findings and recommendations

The Committee on Judiciary, Governmental Operations and Reorganization recommends **TO DO PASS** Bill No. 39, *as amended by the committee*, "An act to add a new section 63103.1 to Article 1, Chapter 63, Division 6 of Title 5 of the Guam Code Annotated to enhance enforcement of natural resources laws through the creation of a Volunteer Conservation Officer Reserve."

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 39**

Bill Title (Preamble): AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Agriculture	Dept./Agency Head: Paul C. Bassler
Department's General Fund (GF) appropriation(s) to date:	\$2,112,185
Department's Other Fund (specify): _____ appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$2,112,185

Fund Source Information of Proposed Appropriation			
	General Fund:	Other (specify):	Total:
FY 2005 Adopted Revenues	\$447,441,000	\$100,502,170	\$547,943,170
FY Appro. to P.L. 28-06	(\$447,821,707)	(\$100,702,530)	(\$548,524,237)
Sub-total:	(\$380,707)	(\$200,360)	(\$581,067)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$380,707)	(\$200,360)	(\$581,067)

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / X / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A / / Yes / / No
If no, what is the additional amount required? \$ _____
- Does the Bill establish a new program/agency? / X / Yes / / 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
- Will the enactment of this Bill require new physical facilities? / / Yes / X / No
- 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: <u>Nancy L. Mesa</u> Date: _____	Director: <u>Carlos P. Bordallo</u> Date: <u>MAR 16 2005</u>
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Footnotes: Per information received from the Department of Agriculture, the development and implementation of a Civilian Volunteer Conservation Officer Reserve will entail a cost of approximately \$40,000 for stipends, uniforms and equipment for ten (10) volunteer conservation officers. Although Section 2. (6) of Bill No. 39 stipulated that the Department of Agriculture shall identify funds within department appropriations to satisfy the aforementioned funding requirements, the department has indicated that upon the enactment of Bill No 39 into law, the department will work closely with the Bureau of Statistics and Plans to enter into a "Memorandum of Understanding" and Work Request to fund the development and implementation of a Civilian Volunteer Conservation Officer Reserve for the enforcement of conservation and resource protection laws.



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

MINUTES

[Revised 03/23/05-7:42am]

Date: March 18, 2005

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

Called to order by Senator Robert Klitzkie, Chairman at 9:00am

Senators present:

Senator Robert Klitzkie, Chairman
Senator Ray Tenorio, Member
Senator Adolpho Palacios, Member
Senator B.J. Cruz, Member
Senator Larry Kasperbauer, Member
Senator Joanne Brown
Senator Lou Leon Guerrero
Senator Judi Won Pat
Senator Eddie Calvo

Bills on agenda: Bill 5 (LS); Bill 39 (EC); Bill 42 (EC); Bill 43 (EC); Bill 53 (EC); Bill 62 (EC); Bill 72 (EC); Bill 78 (EC); Bill 83 (EC); Bill 84 (EC)

Bill 5 (LS) heard at 9:01am

Description: AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

Testimony:

- No individuals signed-in to present oral testimony.
- **Dr. Jose Cruz**, Chairman of the Guam Education Policy Board, presented written testimony in support of Bill 5.

Bill 39 (EC) heard at 9:02am

Description: AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

Testimony:

- **Mr. Joseph Torres**, Acting Director of the Department of Agriculture, testified in support of Bill 39 at 9:03am.*

*Mr. Torres was accompanied by the following individuals for the purpose of providing technical support during questioning by Senators:

Celestino Aguon, Acting Chief of the Department of Aquatics and Wild Life

Trina Leberer, former employee and Supervisor of Aquatics

Michael Reyes, Acting Chief for the Conservation Office

- Comments and questions presented to the panel by Senator Brown, Senator Palacios, **Senator Tenorio**, Senator Leon Guerrero, Senator Kasperbauer, and Senator Klitzkie.

Bill 42 (EC) heard at 9:38am

Description: AN ACT TO AMEND THE COMPOSITION, RESPONSIBILITIES AND DUTIES OF THE ACCREDITATION BOARD IN THE REVIEW AND CERTIFICATION OF PRIVATE POST SECONDARY INSTITUTIONS BY REPEALING AND REENACTING §44104 OF CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED AND TO APPEND §44105, §44106 AND §44107 TO CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED.

Testimony:

- **Dr. Jose Nededog**, private citizen and long-time educator, testified in support of Bill 42 at 9:39am.

- **Mr. Mark Zhao**, Businessman and Representative of NAZPAC College, testified in support of Bill 42 at 9:49am.

- **Mr. Ron Moroni**, Attorney representing NAZPAC with respect to litigation issues, testified in support of Bill 42 at 9:52am.

- **Dr. Jose Cruz**, Chairman of the Guam Education Policy Board, testified in opposition of Bill 42 at 9:59am.

- **Mr. Larry Ramirez**, private citizen, testified in support of Bill 42 @ 10:46am

- Comments and questions presented to the panel by Senator Klitzkie, Senator Brown, Senator Palacios, Senator Kasperbauer, Senator Won Pat, and Senator Eddie Calvo.

Bill 43 (EC) heard at 10:54am

Description: AN TO REPEAL AND RE-ENACT ITEM (o) OF §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE PERSONNEL TRANSFER AUTHORITY OF THE SUPERINTENDENT OF EDUCATION.

Testimony:

- **Mr. Louis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Chairman of the Guam Education Policy Board (unable to attend) and the Superintendent of Education in support of Bill 43 at 10:55am.

- **Mr. Robert Koss**, Director of Field Services for Guam Federation of Teachers, testified on behalf of the membership of the association and the president of the GFT (unable to attend) in support of Bill 43 at 10:55am.

- Comments and questions presented to the panel by Senator Klitzkie, Senator Palacios, Senator Leon Guerrero, Senator Kasperbauer, and Senator Won Pat.

Bill 62 (EC) heard at 11:21am

Description: AN ACT TO RECRUIT AND RETAIN PHARMACISTS IN THE GUAM MEMORIAL HOSPITAL, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, BY ADDING A NEW SECTION 6230 TO ARTICLE 2 OF CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED.

Testimony:

- No individuals signed-in to present oral and/or written testimony

Bill 53 (EC) heard at 11:22am

Description: AN ACT TO AMEND SECTION 12 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO PERSONAL SERVICES CONTRACTS.

Testimony:

- **Mr. Joe Guthrie**, Deputy Attorney General, stated he was in support of Bill 53 at 11:23am. No testimony given—yielded to Attorney General.
- **Mr. Doug Moylan**, Attorney General, testified in opposition of Bill 53 in its current form at 11:23am.
- **Mr. Bill Bishoff**, limited-term employee at AG's office, testified in support of Bill 53 at 11:42am.
- **Mr. Mark "Paps" Martinez**, private citizen, presented oral and written testimony in support of Bill 53 at 11:44am.
- Comments and question presented to the panel by Senator Klitzkie, Senator Palacios, Senator Tenorio, and Senator Won Pat.

***An adjourned hearing was called by the Chairman at 12:00pm to reconvene at 1:30pm**

Bill 83 (EC) heard at 1:30pm

Description:

Description: RELATIVE TO ADOPTING THE FEDERAL UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT FOR LOCAL APPLICATION AND ENFORCEMENT.

Testimony:

- **Ms. Carol Ann Butler**, Private Attorney, testified in support of Bill 72 at 1:31pm.
- **Mr. Ron Moroni**, Private Attorney, testified in support of Bill 72 at 1:33pm.
- **Mr. Daniel Somerfleck**, Director of Guam Legal Services, testified in support of Bill 72 at 1:36pm.
- **Ms. Kathy Maher**, PSC, testified in support of Bill 84 at 2:46pm
- Comments and questions were presented to the panel by Senator Klitzkie, Senator BJ Cruz, Senator Palacios, and Senator Won Pat.

Bill 84 (EC) heard at 2:03pm

Description: AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

Testimony:

- **Mr. Luis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Superintendent in support of Bill 72 at 2:06pm.
- **Mr. Matt Rector**, President of the Guam Federation of Teachers, testified in support of Bill 84 at 2:08pm.
- **Mr. Ron Benoit**, Member of the Guam Education Policy Board, Guam Chamber of Commerce, and Businessman, testified in opposition of Bill 84 at 2:26pm.
- Comments and questions presented to the panel by Senator Klitzkie, Senator Tenorio, Senator Kasperbauer, Senator BJ Cruz, Senator Won Pat, and Senator Palacios.

Bill 78 (LS) heard at 2:30pm

Description: AN ACT TO ESTABLISH A COMPENSATION PLAN REVIEW FOR CERTIFICATED PERSONNEL AND HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF EDUCATION.

Testimony:

- **Mr. Luis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Superintendent of Education, in support of Bill 78 at 2:30pm.
- **Mr. Matt Rector**, President of the Guam Federation of Teachers, testified in support of Bill 78 at 2:34pm.
- **Mr. Robert Koss**,
- Comments and questions presented to the panel by Senator Klitzkie, Senator Palacios, Senator Tenorio, Senator Kasperbauer, Senator Cruz, and Senator Won Pat.

Bill 72 (EC) heard at 2:50pm

Description: AN ACT TO AMEND §10 OF CHAPTER VI OF PUBLIC LAW 27-106 FOR THE PURPOSE OF ALLOWING LIMITED TERM APPOINTMENTS TO CERTAIN POSITIONS WITHIN THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, THE CUSTOMS AND QUARANTINE AGENCY, AND THE DEPARTMENT OF CORRECTIONS.

Testimony:

- **Mr. Fred Bordallo, Jr.**, Police Lieutenant at Guam Police Department, assigned to the Training and Staff Development Section, testified in opposition of Bill 72 at 2:50pm.
- **Mr. Frank Ishizaki**, Chief of Police, testified in support of Bill 72 at 15:03pm.
- Comments and questions presented to the panel by Senator Palacios, Senator Tenorio, **Senator Won Pat**, and Senator Klitzkie.

Public hearing adjourned at 3:30pm.

2nd
4-7-05

3rd
4/7/05

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Amended FA
12

Bill No. 39 (EC)

Introduced by:

I.M.S. Brown

AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative findings and intent.** The Department of
3 Agriculture is responsible for the protection of Guam's natural resources, but
4 limited funds have reduced the active law enforcement staff by more than fifty
5 (50) percent in recent years. In an effort to maintain critical environmental
6 programs and protect the island's precious resources, a volunteer conservation
7 officer reserve is needed to extend the manpower need to effectively meet the
8 Department's mission.

9 **Section 2.** A new §63103.1 is hereby *added* to Article 1, Chapter 63,
10 Division 6 of Title 5 of the Guam Code Annotated to read:

11 "§63103.1 Civilian Volunteer Conservation Officer Reserve

- 12 (1) Creation.
- 13 (2) Functions and Duties
- 14 (3) Recruitment
- 15 (4) Training, Equipment, and Maintenance of Records
- 16 (5) Volunteer: Authority
- 17 (6) Same: Allowance
- 18 (7) Same: Eligibility and Oath
- 19 (8) Rules and Regulations: Recommendations

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 39

Senator Brown

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Sen. L F Kasperbauer, Rory Respicio

as # 2 and 3 sponsors of Bill 39

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

Date 4/7, 2005

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

[Signature]
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

Handwritten notes and initials: "FA" and "5" with various scribbles.

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(1) **Creation.** There is hereby created within the Department of Agriculture of the Territory of Guam the Civilian Volunteer Conservation Officer Reserve, which shall be headed by the Director of Agriculture, hereafter referred to as the Director. The Director, subject to the advice and control of the Governor, shall be responsible for carrying out the purpose of this Chapter and shall have such additional duties and responsibilities as are authorized herein, or as may be prescribed by the Governor.]

(2) **Functions and Duties.** The general function and duties of the Civilian Volunteer Conservation Officer Reserve shall be to provide backup manpower for the suppression of fish and wildlife crime, preservation of law and order and to assist in civil emergencies. The Director shall formulate a program whereby the Civilian Volunteer Conservation Officer Reserve shall adhere to the functions and duties herein prescribed. From time to time the Director shall review and revise the functions and duties of the Civilian Volunteer Conservation Officer Reserve to insure an amicable discharge of responsibilities and duties knowing the fact that their roles are the extension of duties of the regular personnel.

(3) **Recruitment.** The Director shall recruit on an entirely volunteer basis, local residents who desire to make available their services to assist the Department of Agriculture in carrying out its law enforcement duties and emergency functions. The Director shall further promulgate rules and regulations consistent with requirements of hiring regular Conservation Officers.

(4) **Training, Equipment and Maintenance of Records.** The Director shall devise a program whereby the Law Enforcement Section in the Division of Aquatic and Wildlife Resources of the Department of Agriculture and the Civil Defense Office provide the members of the

Handwritten mark resembling a circled number "2".

Passed FA No. 5

Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 39

Yk
Senator/Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

legal council make tech corrections
on Territory where it
appears

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

Date 4/7, 2005

Floor Amendment No. 5 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

Lgt
AUTHOR OF AMENDMENT

Concur (initial)

ms
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

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Civilian Volunteer Conservation Officer Reserve training in crime prevention and operational techniques and procedures for natural and man made emergencies. The Civilian Volunteer Conservation Officer Reserve shall maintain a roster of volunteers who have received the training prescribed herein. In order to maintain membership in the Reserve, each member must keep up with his or her scheduled training and no volunteer may remain in the Reserve if he or she is unable to keep up with or otherwise absorb the training. Additionally, basic supplies and equipment shall be provided to assure a constant and operability of the Civilian Volunteer Conservation Officer Reserve, including a continuing program for replacement.

(5) **Volunteer: Authority.** Whenever the Civilian Volunteer Conservation Reserve and the members thereof are rendering assistance to the Conservation Officers, such volunteers shall have the same powers, duties, rights (including coverage under the Worker's Compensation Act), privileges and immunities, as if they were paid, full-time members of the Department of Agriculture, except that they shall earn recruitment credit for services performed as volunteers.

(6) **Same: Allowance.** Each member of the Civilian Volunteer Conservation Officer Reserve who successfully completes probationary requirements as established by the Director and who contributes a minimum of forty-two hours or more per month, shall receive an allowance of Two Hundred Fifty Dollars (\$250) per month, to defray the cost of maintenance of their equipment and uniforms. The Department of Agriculture shall identify funds within department appropriations *or other appropriate fund sources* to satisfy the intent of this Section.

(7) **Same: Eligibility and Oath.** No person shall be a volunteer member of the Civilian Volunteer Conservation Officer Reserve established under this Chapter who advocates a change by force or

1 violence in the constitutional form of the Government of the United
2 States or in ^{Guam} ~~this Territory~~ or the overthrow of any government in the
3 United States by force, or who has been convicted of or is under
4 indictment or information charging any subversive act against the
5 United States. Every volunteer shall, entering upon his or her duties,
6 take an oath, in writing, before a person authorized to administer
7 oaths in this Territory, which oath shall be substantially as follows:

8 *I _____, do solemnly swear (or affirm) that I
9 will support and defend the Constitution of the United States and the
10 laws of ~~the territory~~ of Guam, against all enemies, foreign or domestic;
11 that I will bear true faith and allegiance to the same; that I take ~~this~~
12 obligation freely, without any mental reservation or purpose of
13 evasion; and that I will well and faithfully discharge the duties upon
14 which I am about to enter and I do further swear (or affirm) that I do
15 not advocate, nor am I a member of any political party or organization
16 that advocates the overthrow of the Government of the United States
17 or of ^{Guam} ~~this Territory~~ by force or violence; and that during such time as I
18 am a member of the Civilian Volunteer Conservation Reserve I will not
19 advocate nor become a member of any political party or organization
20 that advocate the overthrow of the Government of the United States or
21 of this Territory by force or violence."

22 (8) Rules and Regulations: Recommendations. [The Director is
23 authorized and empowered to recommend to the Governor for
24 issuance as executive orders the making, amendment and recession of
25 such orders, rules and regulations as may be necessary to carry out the
26 provisions of this Chapter.] The Director ~~also~~ shall ~~have the authority to~~
27 ~~amend and~~ create rules and regulations to implement and maintain the
28 Civilian Volunteer Conservation Officer Reserve through the
29 Administrative Adjudication Process.

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Passed FA No. 4

Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 39

LALG

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 4. delete "The Director this Chapter"
lines 22 thru 26; line 26 delete "also"

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

Date 4/7, 2005

Floor Amendment No. 4 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

AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

[Signature]
Speaker

Ass't. Amend. Clerk

Engrossment Staff

1 **Section 3. Severability.** If any of the provisions of this ^{Act} Law or its
2 application thereof to any person or circumstance is found to be invalid or
3 contrary to ^{Act} Law, such invalidity shall not affect other provisions or applications
4 of this ^{Act} Law, which can be given effect without the invalid provisions or
5 application, and to this end the provisions of this ^{Act} Law are severable.

Final
4-7-05

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 39 (EC)

*As amended by the Committee on Judiciary,
Governmental Operations and Reorganization*

Introduced by:

J.M.S. Brown

AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative findings and intent.** The Department of
3 Agriculture is responsible for the protection of Guam's natural resources, but
4 limited funds have reduced the active law enforcement staff by more than fifty
5 (50) percent in recent years. In an effort to maintain critical environmental
6 programs and protect the island's precious resources, a volunteer conservation
7 officer reserve is needed to extend the manpower need to effectively meet the
8 Department's mission.

9 **Section 2.** A new §63103.1 is hereby *added* to Article 1, Chapter 63,
10 Division 6 of Title 5 of the Guam Code Annotated to read:

11 "§63103.1 Civilian Volunteer Conservation Officer Reserve

12 (1) Creation.

13 (2) Functions and Duties

14 (3) Recruitment

15 (4) Training, Equipment, and Maintenance of Records

16 (5) Volunteer: Authority

17 (6) Same: Allowance

18 (7) Same: Eligibility and Oath

1 (8) **Rules and Regulations: Recommendations**

2 (1) **Creation.** There is hereby created within the Department of
3 Agriculture of the territory of Guam the Civilian Volunteer
4 Conservation Officer Reserve, which shall be headed by the Director of
5 Agriculture, hereafter referred to as the Director. The Director, subject
6 to the advice and control of the Governor, shall be responsible for
7 carrying out the purpose of this Chapter and shall have such
8 additional duties and responsibilities as are authorized herein, or as
9 may be prescribed by the Governor.

10 (2) **Functions and Duties.** The general function and duties of the
11 Civilian Volunteer Conservation Officer Reserve shall be to provide
12 backup manpower for the suppression of fish and wildlife crime,
13 preservation of law and order and to assist in civil emergencies. The
14 Director shall formulate a program whereby the Civilian Volunteer
15 Conservation Officer Reserve shall adhere to the functions and duties
16 herein prescribed. From time to time the Director shall review and
17 revise the functions and duties of the Civilian Volunteer Conservation
18 Officer Reserve to insure an amicable discharge of responsibilities and
19 duties knowing the fact that their roles are the extension of duties of
20 the regular personnel.

21 (3) **Recruitment.** The Director shall recruit on an entirely volunteer
22 basis, local residents who desire to make available their services to
23 assist the Department of Agriculture in carrying out its law
24 enforcement duties and emergency functions. The Director shall
25 further promulgate rules and regulations consistent with requirements
26 of hiring regular Conservation Officers.

27 (4) **Training, Equipment and Maintenance of Records.** The
28 Director shall devise a program whereby the Law Enforcement Section
29 in the Division of Aquatic and Wildlife Resources of the Department of

1 Agriculture and the Civil Defense Office provide the members of the
2 Civilian Volunteer Conservation Officer Reserve training in crime
3 prevention and operational techniques and procedures for natural and
4 man made emergencies. The Civilian Volunteer Conservation Officer
5 Reserve shall maintain a roster of volunteers who have received the
6 training prescribed herein. In order to maintain membership in the
7 Reserve, each member must keep up with his or her scheduled
8 training and no volunteer may remain in the Reserve if he or she is
9 unable to keep up with or otherwise absorb the training. Additionally,
10 basic supplies and equipment shall be provided to assure a constant
11 and operability of the Civilian Volunteer Conservation Officer
12 Reserve, including a continuing program for replacement.

13 (5) **Volunteer: Authority.** Whenever the Civilian Volunteer
14 Conservation Reserve and the members thereof are rendering
15 assistance to the Conservation Officers, such volunteers shall have the
16 same powers, duties, rights (including coverage under the Worker's
17 Compensation Act), privileges and immunities, as if they were paid,
18 full-time members of the Department of Agriculture, except that they
19 shall earn recruitment credit for services performed as volunteers.

20 (6) **Same: Allowance.** Each member of the Civilian Volunteer
21 Conservation Officer Reserve who successfully completes
22 probationary requirements as established by the Director and who
23 contributes a minimum of forty-two hours or more per month, shall
24 receive an allowance of Two Hundred Fifty Dollars (\$250) per month,
25 to defray the cost of maintenance of their equipment and uniforms.
26 The Department of Agriculture shall identify funds within department
27 appropriations or other appropriate funding sources to satisfy the
28 intent of this Section.

1 (7) **Same: Eligibility and Oath.** No person shall be a volunteer
2 member of the Civilian Volunteer Conservation Officer Reserve
3 established under this Chapter who advocates a change by force or
4 violence in the constitutional form of the Government of the United
5 States or in this Territory or the overthrow of any government in the
6 United States by force, or who has been convicted of or is under
7 indictment or information charging any subversive act against the
8 United States. Every volunteer shall, entering upon his or her duties,
9 take an oath, in writing, before a person authorized to administer
10 oaths in this Territory, which oath shall be substantially as follows:

11 "I _____, do solemnly swear (or affirm) that I
12 will support and defend the Constitution of the United States and the
13 laws of the territory of Guam, against all enemies, foreign or domestic;
14 that I will bear true faith and allegiance to the same; that I take this
15 obligation freely, without any mental reservation or purpose of
16 evasion; and that I will well and faithfully discharge the duties upon
17 which I am about to enter and I do further swear (or affirm) that I do
18 not advocate, nor am I a member of any political party or organization
19 that advocates the overthrow of the Government of the United States
20 or of this Territory by force or violence; and that during such time as I
21 am a member of the Civilian Volunteer Conservation Reserve I will not
22 advocate nor become a member of any political party or organization
23 that advocate the overthrow of the Government of the United States or
24 of this Territory by force or violence."

25 (8) **Rules and Regulations: Recommendations.** The Director is
26 authorized and empowered to recommend to the Governor for
27 issuance as executive orders the making, amendment and recession of
28 such orders, rules and regulations as may be necessary to carry out the
29 provisions of this Chapter. The Director also shall have the authority to

1 amend and create rules and regulations to implement and maintain the
2 Civilian Volunteer Conservation Officer Reserve through the
3 Administrative Adjudication Process.

4 **Section 3. Severability.** If any of the provisions of this Law or its
5 application thereof to any person or circumstance is found to be invalid or
6 contrary to Law, such invalidity shall not affect other provisions or applications
7 of this Law, which can be given effect without the invalid provisions or
8 application, and to this end the provisions of this Law are severable.

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 "Public Hearing Notice" (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 8101 thru 8116.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on March 10, 2005 (5 working days prior to hearing) in accordance with 5 GCA § 8108.
- 5.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on March 16, 2005 (48 hours prior to hearing) in accordance with 5 GCA § 8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, *etc.* (Appendix C: Committee Member E-mails) on February 28, 2005 and March 09, 2005.
- 7.) I e-mailed notice to Speaker Mark Forbes (speakerforbes@yahoo.com) on March 11, 2005 (5 working days prior to hearing) for posting on www.guamlegislature.com, the official website of the Guam Legislature, in accordance with 5 GCA § 10306.
- 10.) I e-mailed a "Revised Public Hearing Notice" on March 14, 2005 to all senators, the Clerk of the Legislature, the Legislative Counsel, each newspaper of general circulation, and all broadcasting stations which air a regular news program within Guam. The revised notice indicated that Bill 14 was removed from the March 18th public hearing agenda.
- 8.) On March 11, 16, and 17, I confirmed which e-mails had been successfully delivered to recipients and those that were unsuccessful. I contacted the proper establishments to retrieve current updated e-mail addresses for those e-mails which indicated a bounce back of the "Notice of Public Hearing." I re-sent the "Notice of Public Hearing" to the corrected e-mail addresses. Bounce backs e-mail addresses of Sorenson Pacific Broadcasting that could not be corrected due to problems with email servers were as follows: Ray Gibson (rgibson@k57.com), Patty Arroyo (parroyo@k57.com), and ajuan@105therock.com. A fax was sent in place to these individuals at 477-3982.
- 9.) I caused notice on www.bobsoffice.org, website for the Committee on Judiciary, *etc.*, on March 09, 2005 (5 working days prior to hearing) in accordance with 5 GCA § 10306.

Declaration Under Penalty of Perjury

6 GCA Section 306

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

Executed on March 24, 2005 on Guam by

 (signature)

Audreya J. Punzalan

APPENDIX A: NOTICE OF PUBLIC HEARING



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

www.bobsoffice.org/judiciary

PUBLIC HEARING NOTICE

A public hearing will be held on Friday, March 18, 2005 at 9:00am in the Guam Legislature's public hearing 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:

BILL 5 (LS) AN ACT TO ADD A NEW §4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

BILL 14 (LS) AN ACT TO ADD A NEW CHAPTER 2A TO 5 GCA; TO REPEAL 1 GCA §1800, CHAPTER 11 OF 5 GCA; TO ESTABLISH EDUCATION, HEALTH AND PUBLIC SAFETY AS THE TOP PRIORITIES OF THE GOVERNMENT, TO RECOGNIZE THE GOVERNOR'S AUTHORITY TO REORGANIZE THE EXECUTIVE BRANCH OF THE GOVERNMENT, TO REMOVE IMPEDIMENTS TO REORGANIZATION, TO PROVIDE THE GOVERNOR THE TOOLS NECESSARY FOR SUCH REORGANIZATION AND PRIORITIZATION AND TO ENACT THE GOVERNMENT PRIORITIES ACT OF 2005. POSTPONED

BILL 39 (EC) AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

BILL 42 (EC) AN ACT TO AMEND THE COMPOSITION, RESPONSIBILITIES AND DUTIES OF THE ACCREDITATION BOARD IN THE REVIEW AND CERTIFICATION OF PRIVATE POST SECONDARY INSTITUTIONS BY REPEALING AND REENACTING §44104 OF CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED AND TO APPEND §44105, §44106 AND §44107 TO CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED.

BILL 43 (EC) AN TO REPEAL AND RE-ENACT ITEM (o) OF §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE PERSONNEL TRANSFER AUTHORITY OF THE SUPERINTENDENT OF EDUCATION.

BILL 53 (EC) AN ACT TO AMEND SECTION 12 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO PERSONAL SERVICES CONTRACTS.

BILL 62 (EC) AN ACT TO RECRUIT AND RETAIN PHARMACISTS IN THE GUAM MEMORIAL HOSPITAL, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, BY ADDING A NEW SECTION 6230 TO ARTICLE 2 OF CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED.

BILL 72 (EC) AN ACT TO AMEND §10 OF CHAPTER VI OF PUBLIC LAW 27-106 FOR THE PURPOSE OF ALLOWING LIMITED TERM APPOINTMENTS TO CERTAIN POSITIONS WITHIN THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, THE CUSTOMS AND QUARANTINE AGENCY, AND THE DEPARTMENT OF CORRECTIONS.

BILL 78 (LS) AN ACT TO ESTABLISH A COMPENSATION PLAN REVIEW FOR CERTIFICATED PERSONNEL AND HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF EDUCATION.

BILL 83 (EC) RELATIVE TO ADOPTING THE FEDERAL UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT FOR LOCAL APPLICATION AND ENFORCEMENT.

BILL 84 (EC) AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

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

APPENDIX B: MEDIA E-MAIL LISTING

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

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TESTIMONY IN FAVOR OF BILL 39

March 18, 2005

Committee Chair Senator Klitzkie and committee members, good morning, I am Sergeant Michael A. Reyes, a Conservation Officer with the Department of Agriculture, Division of Aquatics and Wildlife Resources, Law Enforcement Section. I've been employed with the Government of Guam for 20 years; my entire 20 years have been with Conservation Enforcement, this is my chosen profession, my passion.

The Conservation Enforcement Section Has seen better days, in years past, we seen our manning strength as high as Sixteen (16) officers, unfortunately, for the last 10 years we've experienced a reduction in manpower due to officers leaving for better job opportunities and to include several retirement; as a result of budget constraint, these vacancies were never filled, forcing the remaining officers to carry the additional workload. Our current manning strength today, as it stands is at Nine (9) officers, out of these Nine (9) officers, one is assigned to administrative duties and the other was placed on limited duties and must be cleared medically to return to his normal field duties, that leaves Seven (7) officers to actively enforce the territories natural resources laws. Even with our manning strength at it's all time low, this apparently has not stopped the front office from adding additional duties such as the implementation of 5 Marine Preserves, the implementation of the Marine Preserve Eco Permitting Regulation, Homeland Security assignment, and assignment to the Office of Civil Defense to augment the Guam Police Department during times of natural disasters.

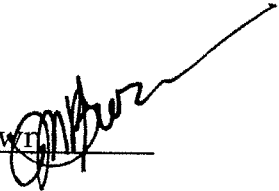
As the acting section supervisor, my main concern is the enforcement of all my mandates without physically and mentally burning my officers out, this task has been difficult, Seven (7) officers cannot provide the coverage that is demanded from us, but we do the best that we can with what we have been given. The passage of Bill 39 will help ease the heavy burden that is entrusted to the Conservation Enforcement Section; and for that I come before you to support the passage of Bill 39.

MA Reyes
MICHAEL A. REYES

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 39 (EC)

Introduced by:

J.M.S. Brown 

AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE
1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM
CODE ANNOTATED TO ENHANCE ENFORCEMENT OF
NATURAL RESOURCES LAWS THROUGH THE
CREATION OF A VOLUNTEER CONSERVATION
OFFICER RESERVE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative findings and intent.** The Department of
3 Agriculture is responsible for the protection of Guam's natural resources, but
4 limited funds have reduced the active law enforcement staff by more than fifty
5 (50) percent in recent years. In an effort to maintain critical environmental
6 programs and protect the island's precious resources, a volunteer conservation
7 officer reserve is needed to extend the manpower need to effectively meet the
8 Department's mission.

9 **Section 2.** A new §63103.1 is hereby *added* to Article 1, Chapter 63,
10 Division 6 of Title 5 of the Guam Code Annotated to read:

11 "§63103.1 Civilian Volunteer Conservation Officer Reserve

- 12 (1) Creation.
- 13 (2) Functions and Duties
- 14 (3) Recruitment
- 15 (4) Training, Equipment, and Maintenance of Records
- 16 (5) Volunteer: Authority
- 17 (6) Same: Allowance
- 18 (7) Same: Eligibility and Oath
- 19 (8) Rules and Regulations: Recommendations

1 (1) **Creation.** There is hereby created within the Department of
2 Agriculture of the territory of Guam the Civilian Volunteer
3 Conservation Officer Reserve, which shall be headed by the Director of
4 Agriculture, hereafter referred to as the Director. The Director, subject
5 to the advice and control of the Governor, shall be responsible for
6 carrying out the purpose of this Chapter and shall have such
7 additional duties and responsibilities as are authorized herein, or as
8 may be prescribed by the Governor.

9 (2) **Functions and Duties.** The general function and duties of the
10 Civilian Volunteer Conservation Officer Reserve shall be to provide
11 backup manpower for the suppression of fish and wildlife crime,
12 preservation of law and order and to assist in civil emergencies. The
13 Director shall formulate a program whereby the Civilian Volunteer
14 Conservation Officer Reserve shall adhere to the functions and duties
15 herein prescribed. From time to time the Director shall review and
16 revise the functions and duties of the Civilian Volunteer Conservation
17 Officer Reserve to insure an amicable discharge of responsibilities and
18 duties knowing the fact that their roles are the extension of duties of
19 the regular personnel.

20 (3) **Recruitment.** The Director shall recruit on an entirely volunteer
21 basis, local residents who desire to make available their services to
22 assist the Department of Agriculture in carrying out its law
23 enforcement duties and emergency functions. The Director shall
24 further promulgate rules and regulations consistent with requirements
25 of hiring regular Conservation Officers.

26 (4) **Training, Equipment and Maintenance of Records.** The
27 Director shall devise a program whereby the Law Enforcement Section
28 in the Division of Aquatic and Wildlife Resources of the Department of
29 Agriculture and the Civil Defense Office provide the members of the

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

12 (5) **Volunteer: Authority.** Whenever the Civilian Volunteer
13 Conservation Reserve and the members thereof are rendering
14 assistance to the Conservation Officers, such volunteers shall have the
15 same powers, duties, rights (including coverage under the Worker's
16 Compensation Act), privileges and immunities, as if they were paid,
17 full-time members of the Department of Agriculture, except that they
18 shall earn recruitment credit for services performed as volunteers.

19 (6) **Same: Allowance.** Each member of the Civilian Volunteer
20 Conservation Officer Reserve who successfully completes
21 probationary requirements as established by the Director and who
22 contributes a minimum of forty-two hours or more per month, shall
23 receive an allowance of Two Hundred Fifty Dollars (\$250) per month,
24 to defray the cost of maintenance of their equipment and uniforms.
25 The Department of Agriculture shall identify funds within department
26 appropriations to satisfy the intent of this Section.

27 (7) **Same: Eligibility and Oath.** No person shall be a volunteer
28 member of the Civilian Volunteer Conservation Officer Reserve
29 established under this Chapter who advocates a change by force or

1 violence in the constitutional form of the Government of the United
2 States or in this Territory or the overthrow of any government in the
3 United States by force, or who has been convicted of or is under
4 indictment or information charging any subversive act against the
5 United States. Every volunteer shall, entering upon his or her duties,
6 take an oath, in writing, before a person authorized to administer
7 oaths in this Territory, which oath shall be substantially as follows:

8 "I _____, do solemnly swear (or affirm) that I
9 will support and defend the Constitution of the United States and the
10 laws of the territory of Guam, against all enemies, foreign or domestic;
11 that I will bear true faith and allegiance to the same; that I take this
12 obligation freely, without any mental reservation or purpose of
13 evasion; and that I will well and faithfully discharge the duties upon
14 which I am about to enter and I do further swear (or affirm) that I do
15 not advocate, nor am I a member of any political party or organization
16 that advocates the overthrow of the Government of the United States
17 or of this Territory by force or violence; and that during such time as I
18 am a member of the Civilian Volunteer Conservation Reserve I will not
19 advocate nor become a member of any political party or organization
20 that advocate the overthrow of the Government of the United States or
21 of this Territory by force or violence."

22 **(8) Rules and Regulations: Recommendations.** The Director is
23 authorized and empowered to recommend to the Governor for
24 issuance as executive orders the making, amendment and recession of
25 such orders, rules and regulations as may be necessary to carry out the
26 provisions of this Chapter. The Director also shall have the authority to
27 amend and create rules and regulations to implement and maintain the
28 Civilian Volunteer Conservation Officer Reserve through the
29 Administrative Adjudication Process.

1 **Section 3. Severability.** If any of the provisions of this Law or its
2 application thereof to any person or circumstance is found to be invalid or
3 contrary to Law, such invalidity shall not affect other provisions or applications
4 of this Law, which can be given effect without the invalid provisions or
5 application, and to this end the provisions of this Law are severable.