

# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

## 2023 (FIRST) Regular Session

### VOTING RECORD

<b>Bill No. 54-37 (COR)</b> As amended by the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 31, 2023					
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

**TOTAL**

**15**

**0**

**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

**0**

**Absent**

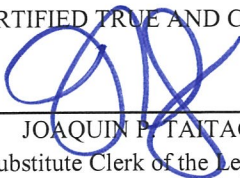
**0**

**Excused**

**Aye**

**Nay**

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE

Substitute Clerk of the Legislature

I = Pass

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 54-37 (COR)**

As amended by the Committee on Fire,  
Agriculture, Power and Energy Utilities,  
Public Transit, Unemployment Insurance,  
and Universal Health Insurance; and further  
amended on the Floor.

\*

Introduced by:

William A. Parkinson  
Joanne Brown  
Dwayne T.D. San Nicolas

**AN ACT TO *AMEND* §§ 63102, 63103, 63104, 63105, 63106,  
63107, 63108, 63109, 63110, 63113, 63116.2, 63119, 63125,  
63129, 63130, 63131, 63132, AND 63133 OF ARTICLE 1,  
CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO GAME AND FISH REGULATIONS,  
PROTECTING OUR MARINE PRESERVES,  
STANDARDIZING PENALTIES FOR VIOLATIONS OF  
GAME AND FISH STATUTES, AND THE  
ADJUDICATION PROCESS THEREOF.**

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

2       **Section 1.**   § 63102 of Article 1, Chapter 63, Title 5, Guam Code Annotated,  
3 is hereby *amended* to read as follows:

4               “§ 63102.   **Authority of Department.** The control and regulation of  
5 fish and game in and about Guam and the administration of this Article shall  
6 be vested in the Department [of Agriculture]. Violations of this Chapter which  
7 are not identified as a misdemeanor or felony shall be adjudicated by the  
8 Traffic Court Division of the Superior Court of Guam.”

1           **Section 2.** § 63103 of Article 1, Chapter 63, Title 5, Guam Code Annotated,  
2 is hereby *amended* to read as follows:

3           **“§ 63103. Authority of Department. Chief Conservation Officer:  
4 Deputies.**

5           The provisions of this Article shall be enforced by the Director, who  
6 shall be an ex officio Chief Conservation Officer, and suitable employees of  
7 the Department, who the Director may appoint as Deputy Conservation  
8 Officers, as well as by peace officers, as defined in 8 GCA § 5.55. The Chief  
9 Conservation Officer and Deputy Conservation Officers acting hereunder  
10 shall have the powers of peace officers to carry arms, to make arrests, and to  
11 issue citations for violations; as well as to investigate, detain, or arrest in  
12 regard to the theft of agricultural products as that term is used in 9 GCA §  
13 43.10(d).”

14           **Section 3.** §§ 63104, 63105, 63106, 63107, 63108, 63109, and 63110 of  
15 Article 1, Chapter 63, Title 5, Guam Code Annotated, are hereby *amended* to read  
16 as follows:

17           **“§ 63104. Taking Fish with Explosives.**

18           It shall be a felony to take any fish using dynamite or any other  
19 explosives.”

20           **“§ 63105. Use of Explosives Unlawful.**

21           It shall be a felony for any person to throw, drop or explode any  
22 dynamite or other explosive, or cause to be thrown, dropped or exploded any  
23 dynamite or other explosive in any waters of Guam whether done for the  
24 purpose of taking fish or not.”

25           **“§ 63106. Taking Fish by Means of Poisonous or Intoxicating  
26 Substances Unlawful.**

1           It shall be a felony for any person to take any fish by means of any  
2 substance which has a poisonous or intoxicating effect upon fish.”

3           **“§ 63107. Use of Poison or Intoxicating Substance Unlawful.**

4           It shall be a felony for any person to deposit, throw, drop or discharge,  
5 or cause to be deposited, thrown, dropped or discharged in any manner in the  
6 waters of Guam any substance which has a poisonous or intoxicating effect  
7 upon fish whether done for the purpose of taking fish or not.”

8           **“§ 63108. Use of Electrical Devices.**

9           It shall be felony for any person to take fish by means of any device  
10 which operates by shocking with an electric current (either AC or DC).”

11           **“§ 63109. Possession of Dynamite, Explosives, Poisonous or**  
12 **Intoxicating Substance.** It shall be a third degree felony for any person who  
13 is in the water or close by the shore where fish can be taken, to possess, in the  
14 absence of satisfactory cause for possession of the same, any dynamite or  
15 other explosive, or any substance which has a poisonous or intoxicating effect  
16 upon fish.”

17           **“§ 63110. Possession of Electric Shocking Devices.**

18           It shall be a misdemeanor for any person who is in the water or close  
19 by the shore where fish can be taken, to possess, in the absence of satisfactory  
20 cause, any device capable of emitting an electric discharge into the water.”

21           **Section 4.** § 63113 of Article 1, Chapter 63, Title 5, Guam Code Annotated  
22 is hereby *amended* to read as follows:

23           **“§ 63113. Destruction of Coral.** It shall be a felony to willfully  
24 destroy coral as defined in § 63101(d).”

25           **Section 5.** § 63116.2 of Article 1, Chapter 63, Title 5, Guam Code  
26 Annotated, is hereby *amended* to read as follows:

1           **“§ 63116.2. Activities Within Marine Preserves.** All forms of  
2 fishing, and the taking or altering of aquatic life, living or dead coral and any  
3 resources to include, but not limited to, mangroves, seagrass, sand, and rocks  
4 within a marine preserve, shall be a felony, except as specifically permitted  
5 by the Director of Agriculture through regulations. Possession of fishing  
6 equipment or fish in a marine preserve shall be unlawful, except as permitted  
7 by the Director of Agriculture through regulations as promulgated pursuant to  
8 the Administrative Adjudication Law (AAL) found in Chapter 9, Title 5 GCA  
9 or otherwise permitted by law. Any person empowered by law to enforce this  
10 Chapter and any rule or regulation adopted by the Department of Agriculture  
11 pursuant thereto shall have the authority to stop and board any vessel or any  
12 motor vehicle or inspect any cooler or container found within a marine  
13 preserve subject to this Section for the purpose of inspection or to determine  
14 compliance with this Section or any such rule or regulation.”

15       **Section 6.** § 63119 of Article 1, Chapter 63, Title 5, Guam Code Annotated,  
16 is hereby *amended* to read as follows:

17           **“§ 63119. Unprotected Wild Birds.**

18           The following wild birds may be taken in the daytime:

- 19           (a) Black drongos;
- 20           (b) Rock doves (domestic pigeons);
- 21           (c) Black-headed mannikin;
- 22           (d) European tree sparrow;
- 23           (e) feral chickens.”

24       **Section 7.** § 63125 of Article 1, Chapter 63, Title 5, Guam Code Annotated,  
25 is hereby *amended* to read as follows:

26           **“§ 63125. Use of Artificial Light Prohibited.**

1           It shall be a misdemeanor for any person to take any game with a  
2           spotlight or any other artificial light of any kind. To be found with any spotlight  
3           with any rifle, shotgun or other firearm, and with ammunition, after sunset, in  
4           any wooded section or other place where any game may reasonably be  
5           expected, shall be prima facie evidence of a violation of this Section; provided,  
6           however, that this Section shall not apply to the taking of game pursuant to a  
7           permit issued in accordance with regulations issued under § 63127 of this  
8           Article.”

9           **Section 8.** §§ 63129, 63130, 63131, 63132, and 63133 of Article 1, Chapter  
10          63, Title 5, Guam Code Annotated, are hereby *amended* to read as follows:

11           **“§ 63129.   Penalty.**

12                   (a)   Any person violating § 63104, § 63105, § 63106, § 63107,  
13                   § 63108, § 63109, § 63113, § 63114.1, § 63114.2, or § 63116.3 of this  
14                   Article is guilty of a felony punishable by imprisonment of not more  
15                   than five (5) years, or by a fine of not less than One Thousand Dollars  
16                   (\$1,000) per violation.

17                   (b)   Any person violating § 63114.3 of this Chapter or any rule  
18                   adopted thereunder shall be subject to:

19                           (1)   seizure and forfeiture of a commercial marine  
20                           license, vessel, or shark feeding equipment; and

21                           (2)   an administrative fine of at least Twenty-five  
22                           Thousand Dollars (\$25,000) per violation; provided, that the  
23                           violator may be assessed administrative fees and costs and  
24                           attorneys’ fees and costs.

25                   (c)   Any person violating § 63606.1 or § 63606.2 of this  
26                   Chapter shall be guilty of a felony, and upon conviction thereof may be

1 imprisoned for not more than five (5) years, or fined not more than One  
2 Hundred Thousand Dollars (\$100,000), or both.

3 (d) A violation of any other provision of this Article or its  
4 supporting regulations shall be punishable by a fine of Five Hundred  
5 Dollars (\$500) for each individual offense. In addition, all pelagic drift  
6 nets or their components, equipment for their manufacture, containers  
7 for such nets, fish or fish products gathered through the use of a pelagic  
8 drift net, and all conveyances including aircraft, vehicles, and vessels  
9 used for their transport shall be subject to forfeiture, and may be seized  
10 by an authorized government of Guam official under process issued by  
11 the Superior Court, except that such seizure without such process may  
12 be made when the seizure is incidental to an arrest or a search pursuant  
13 to a search warrant, or as provided by § 63128 of this Article.”

14 **“§ 63130. Wildlife Conservation Fund.**

15 (a) There is hereby established a fund to be known as the  
16 “Wildlife Conservation Fund” (Fund) which shall be maintained  
17 separate and apart from any other funds of the government of Guam,  
18 and independent records and accounts shall be maintained in  
19 connection therewith. All license fees and fines collected under this  
20 Article shall be deposited into said Fund. Deposits into said Fund shall  
21 include, but are not limited to:

- 22 (1) fine payments;
- 23 (2) donations; and
- 24 (3) permit fees.

25 All funds collected under this Article or activities associated with the  
26 Division of Aquatic and Wildlife Resources shall be deposited into the Fund.

1 The Chief of the Division of Aquatic and Wildlife Resources shall account for  
2 the license fees, permit fees, payment of fines, and donations separately.

3 (b) The Wildlife Conservation Fund shall be used exclusively  
4 for the purposes of this Article, or other activities under the  
5 management of the Division of Aquatic and Wildlife Resources,  
6 including, but not limited to, equipment, training costs, and public  
7 educational programs. Said Fund shall be examined and reported upon  
8 by the Director of the Department of Administration as required by law,  
9 who shall submit a quarterly report to *I Liheslaturan Guåhan*. The  
10 certifying officer for said Fund shall be the Director. The Chief of the  
11 Division of Aquatic and Wildlife Resources shall have programmatic  
12 oversight of said Fund, and no expenditure shall be made therefrom  
13 without both the Chief of the Division of Aquatic and Wildlife  
14 Resources and the Director of the Department of Agriculture's prior  
15 written consent."

16 "**§ 63131. Nonpayment of Child Support.**

17 The Director of Agriculture shall not issue or re-issue any annual  
18 hunting or fishing license provided under this Article or regulations adopted  
19 under this Article to any person upon receipt of a certification from the  
20 Attorney General of Guam that the person is in non-compliance with a court  
21 order of support, and shall suspend any such license in effect at the time of  
22 receipt of such certification, with such suspension to remain in effect until a  
23 confirmation of compliance is received from the Attorney General of Guam."

24 "**§ 63132. CHamoru Terms Required.**

25 All references in Guam statutes and regulations to terms defined by  
26 Title 5 GCA § 63101 are hereby modified to reflect the updated *CHamoru*  
27 spelling therein."



1                   **“§ 63133. Indigenous Fishing Rights.**

2                   The policy of the government of Guam is that the *CHamoru* people  
3 shall have special rights to off-shore fishing and harvesting of resources in  
4 order to redress historical discriminatory policies. The *CHamoru* people, the  
5 Native Inhabitants of Guam, are defined in Title 1 GCA, Chapter 21, § 2102  
6 as “those persons who became U.S. Citizens by virtue of the authority and  
7 enactment of the 1950 Organic Act of Guam and descendants of those  
8 persons.” The Department of Agriculture is hereby tasked to develop rules  
9 and regulations to put this policy into effect and submit the draft rules and  
10 regulations, in accordance with the Administrative Adjudication Law (AAL)  
11 found in Chapter 9 of Title 5, Guam Code Annotated, to *I Liheslatura* for  
12 review and approval. Such rules and regulations may be revisited annually for  
13 revision through the AAL process. At all stages of development of the rules,  
14 the Department shall seek the input of and consult with an Indigenous Native  
15 Resources Task Force, which shall be comprised of ten (10) voting members:  
16 four (4) men, four (4) women, and two (2) youths of adult age, all of *CHamoru*  
17 ancestry. The Task Force shall be comprised of one (1) representative each  
18 elected from no more than ten (10) *CHamoru* grassroots organizations. Each  
19 Task Force member shall be a resident of Guam for at least five (5) years. The  
20 Task Force shall participate together with the Department of Agriculture in  
21 the formulation of the rules and regulations required by this Section.”

22                   **Section 9. Severability.** If any provision of this Act or its application to any  
23 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
24 affect other provisions or applications of this Act that can be given effect without  
25 the invalid provision or application, and to this end the provisions of this Act are  
26 severable.

27                   **Section 10. Effective Date.** This Act shall be effective upon enactment.