I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **Bill No. 380-31 (COR), "AN ACT TO *ADD* A NEW §22705 TO ARTICLE 7, CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RELEASE OF WORKING ANIMALS FROM GOVERNMENT SERVICE",** was on the 4th day of June, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this _____ day of _____, 2012, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: 6/5/12

Public Law No. 6:35 pm

Castro, Jesse N.

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

Bill No. 380-31 (COR)
As amended by the Committee on Youth, Cultural Affairs,
Procurement, General Government Operations, and Public Broadcasting.

Introduced by: Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
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Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §22705 TO ARTICLE 7, CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RELEASE OF WORKING ANIMALS FROM GOVERNMENT SERVICE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that there has recently been a request for guidance from the General Services Agency on the disposition of working animals at the Department of Corrections. There is nothing in local statute which addresses the disposition of such animals

that have served the government of Guam after their service is no longer able to be utilized by the government.

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

Therefore, it is the intent of *I Liheslaturan Guåhan* to provide for the release of a working animal from government service at the end of an animal's useful life, and to further provide for the adoption of these animals by individuals or organizations, by adding a new §22705 to Article 7, Chapter 22 of Title 5, Guam Code Annotated.

Section 2. A new §22705 is hereby *added* to Article 7, Chapter 22 of Title 5, Guam Code Annotated, to read:

"**§ 22705. Release of Working Animals from Government Service.**

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

(1) at the end of the animal's useful life;

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

(3) when the animal is otherwise excess to the needs of such Agency.

(b) **Suitability for Adoption.** The decision whether a particular animal is suitable or unsuitable for adoption under this Section *shall* be made by the Leader of the last Unit to which the animal is assigned before being declared excess. The Unit Leader *shall* consider the recommendations of the Unit's veterinarian, a certified behaviorist, or other competent authority in making the decision regarding the adoptability of the animal.

(c) **Authorized Recipients.** The working animals may be adopted under this Section by law enforcement agencies, former handlers of these animals, or other persons capable of humanely caring for these animals.

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

(e) **Limitations on Liability for Transferred Animals.**

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

(2) Notwithstanding any other provision of law, the government of Guam *shall not* be liable for any veterinary expense associated with a working animal transferred under this Section for a condition of the working animal before transfer under this Section, whether or not such condition is known at the time of transfer under this Section.

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

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

(1) *Agency* means the Guam Police Department, the Department of Corrections, the A.B. Won Pat International Airport Authority, or the Customs and Quarantine Agency;

(2) *Director* means the Chief of the Guam Police Department, Director of the Department of Corrections, the General Manager of the A.B. Won Pat International Airport Authority, or the Director of the Customs and Quarantine Agency;

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

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

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

Section 3. Rules and Regulations. The Chief Procurement Officer of the General Services Agency *shall*, in coordination with the Guam Police Department, the Department of Corrections, the A.B. Won Pat International Airport Authority, and the Customs and Quarantine Agency, promulgate rules and regulations for the release of working animals from service in their respective agencies.

Section 4. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such

invalidity *shall not* affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.