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CH. 8 SENIOR CITIZENS**

**CHAPTER 8
SENIOR CITIZENS**

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§ 8101. Citation.

This Chapter may be cited as the *Senior Citizens Act of 1978*.

SOURCE: GC § 9980, as added by P.L. 14-139.

§ 8102. Definitions.

(a) *Division* means the Division of Senior Citizens.

(b) *Administrator* means the head of the division to be known as the Senior Citizens Administrator.

(c) *Council* means the Guam Council on Senior Citizens.

(d) *Senior Citizen* means any person fifty-five (55) years of age or older.

(e) *Director* means the Director of the Department of Public Health and Social Services.

SOURCE: GC § 9981, as added by P.L. 14-139.

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§ 8103. Establishment.

There is hereby established within the Department of Public Health and Social Services the Division of Senior Citizens which shall plan, coordinate or implement programs geared toward assisting senior citizens in their needs and problems and in their attainment or maintenance of a satisfying life-style.

SOURCE: GC § 9982, as added by P.L. 14-139.

§ 8104. Duties and Responsibilities.

The Division shall:

(a) formulate plans and policies, develop a comprehensive approach, coordinate or implement programs and services to enable senior citizens to develop or maintain their full potential, skills, abilities, community participation and citizenship;

(b) extend senior citizens' services and programs to all areas of Guam;

(c) encourage, through direct or indirect means, all senior citizens, especially those in need of assistance, guidance and motivation, to make use of existing senior citizens' facilities, services and programs;

(d) establish a comprehensive approach to providing or making available services and programs to senior citizens taking into consideration the coordination or consolidation of existing programs and services and planning and implementing new programs and services where deemed necessary;

(e) cooperate with civic, business, fraternal and community organizations or groups which provide or sponsor programs and services beneficial to senior citizens;

(f) conduct research and disseminate information relative to senior citizens' needs and problems;

(g) keep the Governor, the Guam Legislature, the District Commissioners and the general public informed on all major developments and achievements in senior citizens' programs and services;

(h) be the principal agency which has general and immediate purview of senior citizens' activities, programs,

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functions and services under the Older Americans Act and any other federal acts with the territory of Guam;

(i) initiate a program to provide for proper and appropriate housing facilities for senior citizens; and

(j) administer the senior citizens community employment program.

SOURCE: GC § 9983, as amended by P.L. 15-142 and 16-109.

§ 8104.1. Same.

(a) The Senior Citizens Community Employment Program shall provide employment opportunities to the Territory's senior citizens who are able to be gainfully employed.

(b) Preference for employment in the Senior Citizens Community Employment Program shall be given to senior citizens

(1) first preference shall be given to those senior citizens without any source of steady income, exclusive of public assistance grant;

(2) second preference shall be given to senior citizens with sources of steady income but the total of which does not exceed Five Thousand Dollars (\$5,000) per annum; and

(3) third preference shall be given to senior citizens who have demonstrated a need to supplement their income even though their steady income does exceed Five Thousand Dollars (\$5,000) annually.

(c) The program may provide for cooperative employment arrangements between the Government and private employers. The Government may supplement wages paid to senior citizens by private employers. Employment of senior citizens may be within the three (3) branches of the government of Guam. The employment of an eligible senior citizen shall be in the area that makes best use of the senior citizen's expertise and experience.

(d) The Department of Public Health and Social Services shall establish such procedures, rules and regulations to implement the provisions of this program not inconsistent with provisions of Guam law and applicable federal law. The

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Administrative Adjudication Act shall not apply to the adoption of rules and regulations with respect to the Senior Citizens Community Employment Program.

SOURCE: GC § 9983.1, as added by P.L. 16-109.

§ 8104.2. Use of Federal Funds Authorized.

The Department of Public Health and Social Services may receive and expend funds from the United States government for senior citizens employment programs. The expenditure of the funds shall be in accordance with federal requirements but shall be as compatible as possible with the Guam Senior Citizens Community Employment Program.

SOURCE: GC § 9983.2, as added by P.L. 16-109.

§ 8105. Guam Council on Senior Citizens.

(a) There is established within the Division the Guam Council on Senior Citizens (Council). The Council *shall* function in consonance with § 8106 of this Chapter and pursuant to the federal guidelines contained under Section 10a(3) of Title III of the Older Americans Act of 1965, as amended. The Council *shall* consist of nine (9) members, the majority of whom *shall* be at least fifty-five (55) years of age or older, to be appointed by *I Maga'håga* (the Governor), seven (7) of whom *shall* be appointed from the following:

- (1) Mayors Council of Guam - one (1) member;
- (2) Guam Association of Retired Persons - one (1) member;
- (3) Southern Region Community - one (1) member;
- (4) Central Region Community - one (1) member;
- (5) Northern Region Community - one (1) member;
- (6) Guam Chapter of the National Association of Retired Federal Employees - one (1) member; and
- (7) Guam Chapter of the American Association of Retired Persons - one (1) member.

(b) The remaining two (2) members *shall* be appointed by *I Maga'håga* (the Governor) from representatives of the

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community at large, such as from the government, retiree organizations, the ministry, and from civic, professional, and non-profit organizations.

(c) At its initial meeting, the Council members *shall* elect from among its ranks a chairperson and vice chairperson. Five (5) members of the Council *shall* constitute a quorum. The affirmative vote of a majority of members present at a duly constituted meeting at which a quorum is present *shall* be necessary for Council action.

(d) All Council members *shall* be appointed to serve for three (3) year periods. Members of the Council *shall* be paid at the rate of Fifty Dollars (\$50.00) for each day's attendance at a meeting of the Council; provided, however, that such compensation *shall not* exceed One Hundred Dollars (\$100.00) per month, and Council members may be reimbursed for reasonable expenses incurred in carrying out their duties.

SOURCE: GC § 9984, as amended by P.L. 15-148:30 (Jan. 8, 1981). Codified by the Compiler as 10 GCA 8105. Repealed and reenacted by P.L. 21-004:1 (Apr. 19, 1991); amended by P.L. 22-105:2 (Apr. 1, 1994) and P.L. 35-031:2 (Sept 4, 2019).

2019 NOTE: Subsection designations added/altered pursuant to authority granted by 1 GCA § 1606.

§ 8106. Council Powers.

Although the Director maintains general supervision and control, the Council shall provide initial review of the senior citizens' programs under this Chapter and for that purpose it shall:

(a) Furnish leadership needed for long- range planning;

(b) Accept, with the approval of the Director, on behalf of and in the name of the government of Guam, from any government or agency thereof or any person, natural or legal advisory services, donations and gifts, provided, however, that any grants-in-aid or other form of assistance involving a financial obligation on the part of the government of Guam shall require the prior approval of the Governor and a determination by the division's certifying officer of the availability of funds;

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(c) Adopt such rules and regulations as may be necessary to implement the provisions of this Chapter;

(d) Work along with the Director for the coordination or implementation of programs, activities and services for the elderly;

(e) Serve as a Senior Citizens Housing Board and in this capacity shall undertake the following:

(1) To make or cause to be made feasibility studies regarding the size, cost, site, financing and planning for the proposed construction of senior citizens' homes;

(2) To select an appropriate site for the senior citizens' homes;

(3) To prepare or cause to be prepared preliminary plans for the construction of the senior citizens' homes; and

(4) To engage architects, engineers, contractors, subcontractors, clerical and any other technical assistance necessary to carry out these purposes and enter into any and all agreements necessary to carry out these purposes.

SOURCE: GC § 9985, as added by P.L. 14-139.

§ 8107. Council Meetings.

The Council shall meet at such times and places as it shall prescribe by rule or resolution, at least once per month. All its meetings shall be public and notice of such meetings shall be given three (3) days prior to the date scheduled.

SOURCE: GC § 9986, as added by P.L. 14-139.

§ 8108. Chief Administrative Officer.

The Senior Citizens Administrator shall be the Chief Administrative Officer of the division and the Executive Secretary of the Council.

SOURCE: GC § 9987, as added by P.L. 14-139.

§ 8109. Functions.

The division shall carry out such functions geared towards responding to the needs and problems of the elderly including but not limited to the following:

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(a) Make contact with all senior citizens in various districts and provide at the district level such services as outreach, intake processing, referrals and other such services as are necessary;

(b) Plan, coordinate, oversee or implement recreational and leisure activities and other cultural programs;

(c) Plan, oversee, coordinate or implement programs and activities to enhance or promote self-development, including but not limited to arts and crafts, counseling, continuing education, music appreciation, job development and skill training;

(d) Plan, oversee, coordinate or implement programs relative to the nutritional home service and transportation needs of senior citizens; and

(e) Plan, oversee, coordinate or implement programs and activities for health care, including but not limited to the medical, health and social services and special homes for the aged.

SOURCE: GC § 9988, as added by P.L. 14-139.

§ 8110. Criteria for Senior Citizens' Home.

(a) The senior citizens' home may consist of apartments, condominiums, cooperatives or other similar congregate types of structures.

(b) The home may be located in an area that will provide easy access for the elderly to the centers of shopping and government.

(c) Such home shall be designed so as to include facilities for the physical and medical care of its senior citizens residents.

(d) Such home shall be operated in such a manner so as to provide, as much as practical, for the continuing independence of the senior citizens residing therein, may be institutional or non-institutional and shall have the features of a "home."

SOURCE: GC § 9989, as added by P.L. 14-139.

§ 8111. Appropriations and Expenditures.

All requests or proposals for appropriations from the public funds of Guam and from the Federal government for the general operation and programs of the division shall be prepared by the

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Administrator subject to the review of the Council and approval of the Director prior to submission to the Governor.

SOURCE: GC § 9990, as added by P.L. 14-139.

§ 8112. Federal Grants.

The division shall comply with all Federal requirements and adopt such rules and regulations as needed relative to Federal grants and grants-in-aid for the aging programs.

SOURCE: GC § 9991, as added by P.L. 14-139.

§ 8113. Division of Senior Citizens Auxiliary Service and Development Fund.

(a) For the purpose of securing, insofar as possible, self-supporting activities of some programs of the division, there is hereby established a fund to be known as the "Division of Senior Citizens Auxiliary Service and Development Fund" which shall be maintained in connection therewith.

(b) All monies received by the division from its auxiliary services, donations and gifts shall be deposited in said Division of Senior Citizens Auxiliary Service and Development Fund. All debts, liabilities and obligations of any such services shall be paid from said fund. The Administrator of the division shall render monthly to the Council a statement reflecting the correct and up-to-date financial condition of said fund.

SOURCE: GC § 9992, as added by P.L. 14-139.

§ 8114. Annual Report.

The Council shall make an annual report to the Director, who in turn shall provide a copy of said report to the Governor and the Legislature at the termination of each fiscal year setting forth a summation of its activities and general recommendations.

SOURCE: GC § 9993, as added by P.L. 14-139.

§ 8115. Voluntary Services.

The division is authorized to accept services of individuals and organizations, on a voluntary basis, in its programs under a carefully planned and supervised manner.

SOURCE: GC § 9994, as added by P.L. 14-139.

§ 8116. Manamko Yan Manhoben Program.

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(a) There is established within the Division of Senior Citizens of the Department of Public Health and Social Services, the **Manamko Yan Manhoben** program (the "Program") which shall consist of a two (2) hour cultural and educational exchange designed for youths, wherein the elderly participants from Guam's senior citizens teach arts and crafts.

(b) The Guam Council on Senior Citizens shall with the Territorial Board of Education, the Department of Youth Affairs, the Mayors' Council, the University of Guam, and the Guam Association of Retired Persons/**Servicio Para I Manamko**, establish a coordinating committee which shall have the following responsibilities:

(1) Establish a curriculum or program guideline taking into consideration the available cultural, traditional, and educational skills within each Senior Citizen Center, and the general elderly populace;

(2) Determine the readiness of each school and the Division of Senior Citizens of the Department of Public Health and Social Services for the implementation of the Program;

(3) Provide transportation of participating senior citizens to and from the school sites;

(4) Determine if any additional programs could be enhanced by the inclusion of senior citizens as teachers.

(c) Senior citizens employed under the Program shall be paid a wage not less than Guam's minimum wage.

SOURCE: Added by P.L. 20-171:1; further amended by P.L. 22-103.
