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**CHAPTER 65
CIVIL DEFENSE**

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§ 65100. Title.

This Chapter may be cited as the "Guam Civil Defense Act of 1951."

SOURCE: GC § 8500.

§ 65101. Purpose.

Because of the existing possibility of the occurrence of disasters or emergencies resulting from enemy attack, sabotage or other hostile action, as well as from the vicissitudes of nature, and in order to insure that preparations of Guam will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the people of Guam, it is hereby found and declared to be necessary:

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(1) to create within the Office of *I Maga'lahaen Guåhan* an Office of Civil Defense for Guam;

(2) to confer upon *I Maga'lahaen Guåhan* and at his discretion to delegate to other officials of Guam the emergency powers provided herein;

(3) to provide for the rendering of mutual aid with other territories and the states, and to cooperate with the Federal government with respect to the carrying out of civil defense functions; and

(4) to authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this Chapter.

It is further declared to be the purpose of this Chapter and the policy of Guam that all civil defense functions of Guam be coordinated to the maximum extent with the comparable functions of the Federal government, including its various departments and agencies and of private agencies of every type, to the end that the most effective preparation and use may be made of the manpower, resources and facilities of Guam and of the Nation for dealing with any disaster that may occur.

SOURCE: GC § 8500. Amended by P.L. 24-298:7. Subsection (1) amended by P.L. 28-046:12 (June 10, 2005).

§ 65102. Definition and Scope of Activity.

As used in this Chapter the term Civil Defense shall mean the preparation for the carrying out of all emergency functions, other than functions for which United States military forces or other Federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood, typhoon or other causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing functions.

SOURCE: GC § 8502.

§ 65103. Office of Civil Defense: Creation; Administrator; Personnel.

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(a) There is hereby created, within the Office of *I Maga'lahaen Guåhan*, an Office of Civil Defense with an Administrator of Civil Defense, hereinafter called the 'Administrator,' who shall be a member of the classified service and is the administrative head of the Office of Civil Defense, subject to the direction and control of *I Maga'lahaen Guåhan*.

(b) The Administrator, with the approval of *I Maga'lahaen Guåhan*, may employ such technical, clerical, stenographic and other personnel and may make such expenditures within the appropriation therefore, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this Chapter.

(c) The Administrator and other personnel of the Office of Civil Defense shall be provided by *I Maga'lahaen Guåhan* with appropriate office space, furniture, equipment, motor vehicles, supplies, stationery and printing in the same manner as are provided for personnel of other government of Guam agencies.

(d) The Administrator, subject to the direction and control of *I Maga'lahaen Guåhan*, shall be the administrative head of the Office of Civil Defense and shall be responsible to *I Maga'lahaen Guåhan* for carrying out the program for the civil defense of Guam. He shall coordinate the activities of all organizations for civil defense within Guam, and shall maintain liaison with and cooperate with civil defense agencies and organizations and the Armed Forces of the Federal government, and shall have such additional authority, duties and responsibilities as are authorized by this Chapter, or as may be prescribed by *I Maga'lahaen Guåhan*.

SOURCE: GC § 8503. Amended by P.L. 24-298:8; P.L. 28-046:13 (June 10, 2007).

§ 65104. Civil Defense Advisory Council.

There is hereby created a Civil Defense Advisory Council, hereinafter called the 'Council', consisting of fourteen (14) members, in addition to the chairman, appointed by *I Maga'lahaen Guahan* as follows: one (1) member from the Guam Police Department; one (1) member from the Guam National Guard; one (1) member from the Department of Public Health and Social Services; one (1) member shall be the President of the Mayors' Council of Guam or his representative; one (1) member from the Guam Public School System; one (1) member from the Department of Agriculture and eight (8) public minded citizens from private business, welfare organizations or civic associations on Guam. In addition to the foregoing fourteen (14) members, *I Maga'lahaen Guahan* is hereby authorized to

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request from appropriate military authorities the designation of two (2) members from the Armed Forces of the United States to provide liaison between the Armed Forces and the government of Guam in Civil Defense activities. The Council shall advise *I Maga'lahren Guahan* and the Administrator on matters pertaining to civil defense. *I Maga'lahren Guahan* shall serve as Chairman of the Council, and the members thereof shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as certified by the Treasurer of Guam.

SOURCE: GC § 8504. Amended by P.L. 24-298:9.

COMMENT: Reference to Department of Education changed to Guam Public School System pursuant to P.L. 28-045:10 (June 6, 2005).

§ 65105. The Adjutant General to Direct and Control.

[Repealed].

SOURCE: GC § 8505. Amended by P.L. 24-298:10. Repealed by P.L. 28-046:14 (June 10, 2005).

§ 65106. Same: Authority and Powers.

[Repealed].

SOURCE: GC § 8506. Amended by P.L. 24-298:11. Repealed by P.L. 28-046:15 (June 10, 2005).

§ 65107. Same: Same: If Actual Enemy Attack Occurs.

In the event of actual enemy attack against the United States, the Governor may declare that a state of emergency exists, and thereafter the Governor shall have and may exercise for such period as such state of emergency exists or continues, the following additional emergency powers:

(1) To enforce all laws, rules and regulations relating to civil defense and assume direct operational control of all defense forces in this Territory.

(2) To seize, take or condemn property for the protection of the public or at the request of the President, the Armed Forces or the Civil Defense Agency of the United States including:

- (a) All means of transportation and communication;
- (b) All stocks of fuel of whatever nature;

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(c) Food, clothing, equipment, materials, medicines and all supplies; and

(d) Facilities including buildings and plans;

(3) To sell, lend, give or distribute all or any such property among the inhabitants of the Territory and to account to the territorial treasurer for any funds received for such property.

(4) To make compensation for the property so seized, taken, condemned on the following basis:

(a) In case property is taken for temporary use, the Governor, within ten (10) days of the taking, shall fix the amount of compensation to be paid therefor; and in case such property shall be returned to the owner in a damaged condition or shall not be returned to the owner, the Governor shall fix within ten (10) days the amount of compensation to be paid for such damage or failure to return. Whenever the Governor shall deem it advisable for the Territory to take title to property taken under this Section, he shall forthwith cause the owner of such property to be notified thereof in writing, by registered mail, postage prepaid or by personal delivery of such notice, and forthwith cause to be filed a copy of said notice, together with a certificate of delivery, with the Secretary of Guam, and acceptance by the owner of the sum so fixed by the Governor shall operate to release and discharge the Government of any and all liability in connection therewith;

(b) In the event that the owner declines to accept the compensation allowed by the Governor or is unable due to any legal disability to give his consent, the said owner may, within thirty (30) days after the date the Governor has declared that the state of emergency contemplated in § 65106 has ceased to exist or within thirty (30) days after the removal otherwise of all legal disability, whichever is the earlier, file with the court having general jurisdiction of condemnation actions in Guam in which the government of Guam is a party, a claim in writing and under oath stating that the property was taken by the Government, a description of the property so taken and that the compensation allowed was not accepted; in which case the court of Guam having general jurisdiction over condemnation proceedings in which the government of Guam is a party shall have the jurisdiction over the amount in issue.

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(5) To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population.

SOURCE: GC § 8507.

§ 65108. Director of Civil Defense: Authority.

The Director of Civil Defense may develop or cause to be developed mutual-aid arrangements with other public and private agencies within this Territory for civil defense, aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the territorial civil defense plan and program and in time of emergency it shall be the duty of each unit of the territorial organization for civil defense to render assistance in accordance with the provisions of such mutual aid agreements.

The Director of Civil Defense may assist in negotiation or reciprocal mutual-aid agreements between the Governor and the adjoining territories or states (including territories and the Trust Territory of the Pacific Islands), and shall carry out arrangements or any such agreement made relative to the territory of Guam.

SOURCE: GC § 8508.

§ 65109. Authority of Employees and Voluntary Workers.

Whenever the employees or volunteer workers of any Civil Defense organization are rendering aid pursuant to the authority contained in §§ 65106(10) and 65107, hereof, such employees and workers shall have the same powers, duties, rights, privileges and immunities, as if they were performing their duties in the territorial assignment in which they are normally employed.

The term employee as used in this Section shall mean, and the provisions of this Section shall apply with equal effect to, paid, volunteer, auxiliary employees and civil-defense workers.

In the event such aid is rendered outside the Territory, reimbursement for equipment, supplies and personal services in such case shall or may be made by the territory, state or political subdivision thereof receiving such aid pursuant to a reciprocal mutual-aid agreement or compact with such territory, state or by the Federal government; provided, that the laws of such other territory, state or the Trust Territory of the Pacific Islands contain provisions to the foregoing effect are embodied in a reciprocal mutual-aid

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agreement or compact or that the Federal government has authorized or agreed to make reimbursement for such mutual aid as above provided.

No personnel of this Territory shall be ordered by the Governor to operate in any other territory, state or political subdivision thereof, unless the laws of such other territory, state or political subdivision thereof contain provisions substantially similar to this Section or unless the reciprocal mutual-aid agreements or compacts include provisions providing for such reimbursement or unless such reimbursement will be made by the Federal government by law or agreement.

SOURCE: GC § 8509.

COMMENT: Original version refers to §8905(10) GC, however, no such subsection exists. In this context it is clear that Subsection (10) refers to Subsection (10) of §8506 GC.

§ 65110. Obtaining Information: Power to Subpoena.

For the purpose of making surveys and investigations and obtaining information, the Governor may compel by subpoena the attendance of witnesses and the production of books, papers, records and documents of individuals, firms, associations and corporations; and all officers, boards, commissions and departments of the Territory having information with respect thereto, shall cooperate with and assist him in making such investigations and surveys.

SOURCE: GC § 8510.

§ 65111. Traffic Control.

The Governor may formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement or evacuation over public highways and streets of people, troops or vehicles and materials for national defense, territorial defense or for use in any defense industry or activity, and may coordinate the activities of the departments or agencies of the Territory concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

SOURCE: GC § 8511.

§ 65112. Governor's Authority:

To Loan or Lease. Notwithstanding any inconsistent provision of law, whenever the Governor deems it to be in the public interest, he may:

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(1) Authorize any department or agency of the Territory to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interest of the territory of Guam any real or personal property of the government of Guam, to the President, the heads of the Armed Forces or to the Civil Defense Agency of the United States.

(2) Do all things and perform any and all acts which he may deem necessary to effectuate the purpose for which such contract was entered into.

SOURCE: GC § 8512.

§ 65113. Same: To Request and Receive Aid.

(1) Whenever the Federal government or any agency or officer thereof shall offer to the Territory or the Territory shall request services, equipment, supplies, materials or funds by way of gifts, grant or loan, for purposes of civil defense, the Territory, acting through the Governor, may accept such offer and upon such acceptance or upon approval of any such territorial request, the Governor may authorize any officer of the Territory to receive such services, equipment, supplies, materials or funds on behalf of the Territory and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(2) Whenever any person, firm or corporation shall offer to the Territory services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, the Territory, acting through the Governor, may accept such offer and upon such acceptance the Governor may authorize any officer of the Territory to receive such services, equipment, supplies, materials or funds on behalf of the Territory and subject to the terms of the offer.

SOURCE: GC § 8513.

§ 65114. Rules and Regulations: Recommendations by Agencies.

The agencies designated or appointed by the Governor are authorized and empowered to recommend to the Governor for issuance as executive orders the making, amendment and rescission of such orders, rules and regulations as may be necessary for civil defense purposes and to supplement the carrying out of the provisions of this Chapter, but not inconsistent with any orders, rules or regulations, promulgated by the Governor or by any territorial agency exercising a power delegated to it by him.

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All orders, rules and regulations promulgated by the Governor or by other agency authorized by this Chapter to make orders, rules and regulations, shall have the full force and effect of law, when, in the event of issuance by the Governor or any territorial agency, a copy thereof is filed in the office of the Secretary of Guam. All existing laws, ordinances, rules and regulations inconsistent with the provisions of this Chapter or of any order, rule or regulation issued under the authority of this Chapter shall be suspended during the period of time and to the extent that such conflict exists.

In order to attain uniformity so far as practicable throughout the Territory in measures taken to aid civil defense, all action taken under this Chapter and all orders, rules and regulations, actions, recommendations and requests of Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations and requests.

SOURCE: GC § 8514.

§ 65115. Same: Enforcement.

The law enforcement authorities of the Territory shall enforce the orders, rules and regulations issued pursuant to this Chapter.

SOURCE: GC § 8515.

§ 65116. Territorial Liability.

Neither the Territory nor the agents or representatives of the Territory shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under any workmen's compensation law or § 65109 hereof or any pension law or any Act of Congress.

Neither the territory nor, except in cases of wilful misconduct, gross negligence or bad faith, shall the employees, agents or representatives of the Territory, nor any volunteer or auxiliary civilian defense worker or member of any agency engaged in any civilian defense activity, complying with or reasonably attempting to comply with this Chapter or any order, rule or regulation promulgated pursuant to the provisions of this Chapter or pursuant to any ordinance relating to black-out or other precautionary measures enacted by any authorized agency of the Territory, be liable for the

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death of or injury to persons, or for damage to property as a result of any such activity.

SOURCE: GC § 8516.

COMMENT: Original version refers to §8508 GC. There is no reference in that particular section, however, to "employee." Section 8509 GC, does define "employee" as paid, volunteer, auxiliary employees or civil defense workers.

§ 65117. No Private Liability.

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack or natural disaster, shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of or injury to, any person on or about such real estate or premises, or loss of, or damage to, the property of such person, arising out of such use.

SOURCE: GC § 8516.1.

§ 65118. Prohibition: Political Activity.

No organization for civil defense established under the authority of this Chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

SOURCE: GC § 8517.

§ 65119. Personnel: Eligibility and Oath.

No person shall be employed or associated in any capacity in any civil defense organization established under this Chapter who advocates a change by force or violence in the constitutional form of the Government of the United States or in this Territory or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in any organization for civil defense, shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this Territory, which oath shall be substantially as follows:

"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the laws of the Territory of Guam, against all enemies, foreign and

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domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this Territory by force or violence; and that during such time as I am a member of the ('insert name of the Guam Civil Defense Agency') I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this Territory by force or violence."

SOURCE: GC § 8518.

§ 65120. Penalty.

Any person violating any provision of this Chapter or any rule, order or regulation made pursuant to this Chapter shall be guilty of a petty misdemeanor.

SOURCE: GC § 8519, as amended by P.L. 13-187.
