



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

DEC 14 2010

2010 DEC 17 PM 4:05

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 467-30 (COR): "AN ACT TO AMEND SUBSECTION (a) OF §3107 OF ARTICLE 1, CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS" which was signed into law on December 13, 2010 as Public Law 30-215.

Sins eru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Handwritten signature and date: 12/17/10 3:45

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that Bill No. 467-30 (COR), "AN ACT TO AMEND SUBSECTION (a) OF §3107 OF ARTICLE 1, CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS", was on the 30th day of November 2010, duly and regularly passed.



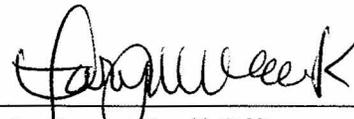
Judith T. Won Pat, Ed. D.
Speaker

Attested:



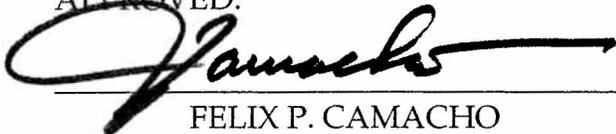
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec, 2010, at 1100 o'clock A.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 13 Dec. 2010

Public Law No. P.L. 30-215

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 467-30 (COR)

As amended.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (a) OF §3107 OF
ARTICLE 1, CHAPTER 3 OF TITLE 22, GUAM CODE
ANNOTATED, RELATIVE TO COMPENSATION FOR
PUBLIC SAFETY PERSONNEL WHO PERFORM
WORK IN SHIFTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the maximum hours in a workweek of forty (40) hours, established in §3107 of
4 Article 1, Chapter 3, Title 22, Guam Code Annotated, may *not* be an appropriate
5 standard for certain employees in government where such employees work in shifts
6 of eight (8) hours in a twenty-four (24) hour work day. Executive Order 96-08

1 established the maximum workweek at forty-three (43) hours per week for public
2 safety personnel. The recent Guam Supreme Court decision that §3107 of Article
3 1, Chapter 3 of Title 22, Guam Code Annotated, applies to public safety personnel,
4 notwithstanding the provisions of the Fair Labor Standards Act, resulted in an
5 immediate and abrupt curtailment of some police services. The Court ruled that
6 §3107, Chapter 3, Title 22, GCA, is applicable to most public safety personnel,
7 although the Federal Fair Labor Standards Act provides that the local government
8 may exempt public safety personnel. However, the Fair Labor Standards Act
9 provision has to be adopted by local legislation. §3107 creates a more restrictive
10 standard compensation, and it has never been amended to be consistent with the
11 Fair Labor Standards Act provision. Executive Order 96-08 cannot supersede the
12 provisions of §3107.

13 *I Liheslaturan Guåhan* further finds that as a result of the Guam Supreme
14 Court ruling, the Guam Police Department immediately reverted to the forty (40)
15 hour workweek, which resulted in an abrupt reduction of police service hours that
16 may be available to the community. The reduction in the weekly service hours is
17 calculated at nine hundred (900) hours. This is based on three (3) hours a week for
18 three hundred (300) uniformed officers who are affected by the ruling. This is
19 equivalent to putting out of service twenty-two (22) full time officers a week. The
20 reduction of hours means that fewer officers are protecting the people of Guam at
21 any given time. Even before the court ruling, the Guam Police Department was
22 already understaffed of uniformed officers.

23 *I Liheslaturan Guåhan*, therefore, finds that the Guam Supreme Court
24 decision has an immediate adverse impact on the public safety of the people of
25 Guam, and the quality of life for sworn officers of the Guam Police Department
26 and their families. The Fair Labor Standards Act permits for a different workweek
27 standard for public safety personnel that is more suited for public safety services.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §3107 of
2 Article 1, Chapter 3, Title 22, Guam Code Annotated, relative to exempting public
3 safety personnel, as defined in Section 207(k) of the Fair Labor Standards Act,
4 Chapter 8 of Title 29 of the United States Code, from the application of the
5 provisions of §3107 of Article 1, Chapter 3, Title 22 GCA. This will allow the
6 Guam Police Department and other appropriate public safety agencies and
7 personnel that may be covered under the Fair Labor Standards Act to continue to
8 deploy these personnel as they have been doing for many years, preceding the
9 Guam Supreme Court ruling.

10 **Section 2. Maximum Hours; Split Shifts.** Subsection (a) of §3107 of
11 Article 1, Chapter 3, Title 22, Guam Code Annotated, is hereby *amended* to read as
12 follows:

13 “(a) *No employer shall employ any employee in excess of forty (40)*
14 *hours a week, unless such employee receives compensation for employment*
15 *in excess of such weekly hours, at a rate not less than one and one-half (1-*
16 *1/2) times the regular rate at which he is employed, except that the*
17 *provisions of this Subsection shall not apply to employees covered under*
18 *Section 207(k) of the Fair Labor Standards Act, Chapter 8 of Title 29 of the*
19 *United States Code.”*

20 **Section 3. Effective Date.** The provisions of this Act *shall* be effective
21 upon enactment.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 11/30/10

VOTING SHEET

Bill No. 467-30(LS)

Resolution No. _____

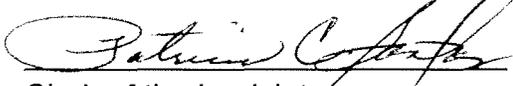
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

Thirtieth
Guam Legislature

November 22, 2010

Committee on Labor, the Public
Structure, Public Libraries
& Technology
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Frank B. Agon, Jr.
Vice Chairman

Senator Judith P. Guthertz, DPA
Member

Senator Tina R. Muña-Barnes
Member

Senator vicente c. pangolinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitavge
Member

Speaker Judith T. Won Pat,
Ed.D., *Ex-Officio* Member

The Honorable Judith T. Won Pat, Ed.D.
Speaker

I Mina'Trenta na Liheslaturan Guahan
155 Hessler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 467-30 (COR)

Dear Speaker Won Pat:

The Committee on Labor, the Public Structure, Public Libraries and Technology, to which was referred **Bill No. 467-30 (COR)** – "AN ACT TO AMEND SUBSECTION (a) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS," hereby reports out with the recommendation **TO PASS**.

Committee votes are as follows:

Other Committee
Chairmanship/Membership:

• Chairman, Committee on
Public Safety, Law
Enforcement & Senior
Citizens

5 TO PASS

• Vice Chairman, Committee
on Economic Development,
Health and Human Services,
& Judiciary

0 NOT TO PASS

• Vice Chairman, Committee
on Utilities, Transportation,
Public Works, & Veterans
Affairs

1 TO REPORT OUT ONLY

• Member, Committee on
Rules

0 ABSTAIN

• Member, Committee on
Education

0 INACTIVE FILE

Sincerely,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairperson

2010 NOV 22 PM 1:12



**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

**COMMITTEE
REPORT
ON**

BILL NO. 467-30 (COR)
by Senator Adolpho B. Palacios, Sr.

**AN ACT TO AMEND SUBSECTION (a) OF §3107 OF
CHAPTER 3 OF TITLE 22, GUAM CODE
ANNOTATED, RELATIVE TO COMPENSATION
FOR PUBLIC SAFETY PERSONNEL WHO PERFORM
WORK IN SHIFTS.**

Office/Mailing Address: 155 Hester Pl., Hagatña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Thirtieth
Guam Legislature

Committee on Labor, the Public
Structure, Public Libraries
& Technology
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Frank B. Agon, Jr.
Vice Chairman

Senator Judith P. Guthertz, DPA
Member

Senator Tina R. Muña-Barnes
Member

Senator vicente c. pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitaugo
Member

Speaker Judith T. Won Pat,
Ed.D., *Ex-Officio* Member

Other Committee
Chairmanship/Membership:

- Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens
- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Member, Committee on Rules
- Member, Committee on Education

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

November 16, 2010

MEMORANDUM

TO: All Members
Committee on Labor, the Public Structure, Public Libraries & Technology

FROM: Senator Adolpho B. Palacios, Sr. 
Committee Chairperson

SUBJECT: Committee Report on Bill No. 467-30 (COR).

Transmitted herewith for your consideration is the Committee Report on **Bill No. 467-30 (COR)** – “AN ACT TO AMEND SUBSECTION (a) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS,” sponsored by Senator Adolpho B. Palacios, Sr..

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 467-30 (COR) as introduced
- Public Hearing Sign-in Sheet(s)
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 467-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

VOTING SHEET ON:

Bill No. 467-30 (COR): AN ACT TO AMEND SUBSECTION (a) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		11/16/10 ✓				
Frank B. Aguon, Jr. Vice Chairman		11/26/10 ✓				
Judith P. Guthertz, DPA Member		11/18/10 ✓		✓		
Tina Muña-Barnes Member		11/22/10 ✓				
vicente c. pangelinan Member		11/21/10 ✓				
Rory J. Respicio Member		11/21/10 ✓				
Telo Taitague Member						
Judith T. Won Pat, Ed.D. Ex-Officio Member						



COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT DIGEST

Bill No. 467-30 (COR) "An act to amend subsection (a) of §3107 of Chapter 3 of Title 22, Guam Code Annotated, relative to compensation for public safety personnel who perform work in shifts." – by Senator Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Labor, Public Structure, Libraries and Technology convened the public hearing on October 22, 2010 at 9:03 a.m. in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 467-30 (COR) - "An act to amend subsection (a) of §3107 of Chapter 3 of Title 22, Guam Code Annotated, relative to compensation for public safety personnel who perform work in shifts" sponsored by Senator Adolpho B. Palacios, Sr.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on October 15, 2010 (5-day Notice) and on October 19, 2010 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present

Senator Adolpho B. Palacios, Sr., Chairman
Senator Telo T. Taitague, member
Senator V. Anthony "Tony" Ada

Individual(s) Registered for oral or written testimony:

Daniel Sommerfleck, Attorney
Acting Chief of Police Major Ricardo M. Leon Guerrero, Guam Police Department
Captain Mark Charfauros, Guam Police Department
Police Officer III Raymon Charfauros, Guam Police Department
Captain Fred Bordallo, Guam Police Department
Captain Cris Castro

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Labor, Public Structure, Libraries and Technology at 9:03 pm, summarized the contents of Bill No. 467-30 (COR). Chairman Palacios stated that the intent of the bill is to adopt the exemption allowed by the Fair Labor Standards Act, regarding public safety personnel. He mentioned that Major (David) Flores from Customs and Quarantine submitted written testimony against the bill.

Attorney Daniel Sommerfleck testified that Executive Order 96-08 was illegal and police officers were owed overtime for hours worked in excess of forty (40) hours. He stated that he believes a provision should be added to recognize the overtime compensation which public safety personnel are owed. He believes that the law should not mirror a federal standard, but state explicitly a local standard. He stated that before this change is considered, he wants the overtime paid.

Chairman Palacios stated that the only reference to the Fair Labor Standards Act is to the definition of public safety personnel. He stated that it does not say anything else about compensation. The passage of this bill is completely independent of public safety personnel's right to overtime.

Acting Chief of Police Major Ricardo M. Leon Guerrero stated that the Guam Police Department supports Bill 467. He said that the Department has limited resources for overtime and the Supreme Court ruling on overtime will negatively impact the Department. He believes that there is guidance in the FLSA regarding exempt and non-exempt employees.

Captain Mark Charfauros supports Bill 467. He stated that if the Federal law changes, local law will as well, but if the local law is more conservative than Federal law, then the Federal statute will supersede Guam law. Precincts average one (1) supervisor, one (1) dispatcher and four (4) officers to patrol the precinct. Sometimes it is less. He stated that without resources, management requires greater flexibility in deploying resources. GPD is currently on a four (4), ten (10) schedule and other schedules would be available under the bill.

Chairman Palacios stated that he may consider amending the language to adopt the language of the FLSA rather than cite the language or to adopt the schedule of the FLSA.

Captain Cris Castro supports Bill 467. He believes that ranks need to be stated because prior to the Supreme Court ruling, it was Sergeant II and below that had a forty-three (43) hour workweek. He stated that if the Department is given discretion to assigning the forty-three (43) hour workweek to job duties, disparities could be created.

Police Officer III Raymon Charfauros is the Administrative Officer of the Dededo Precinct. He stated that Police Officer IIIs act as first-line managers at GPD. He stated that the forty (40) hour schedule has meant fewer officers in the community. He supports the bill and wants it passed quickly.

Captain Fred Bordallo, Jr., greeted the senators and stated that he supports Bill 467. The recent Supreme Court ruling affects the budget negatively. It has meant that officers are paid less because their schedules have been cut back and that there is a large debt to public safety personnel. He believes this should be addressed soon. He discussed the impact of briefings. He supports Mr. Sommerfleck's suggestion about supporting officers' claims to overtime.

Chairman Palacios said that the bill includes public safety personnel and not only police officers, so he believes the idea of indicating rank to be infeasible. He asked about a provision that would require the appointing authority to establish a policy for the implementation of the administration of the workweek, categorized by rank or assignment. He stated that this does not prevent an agency from maintaining a forty (40) hour workweek. If this were adopted, it would be a tool to the manager that they may work personnel up to forty-three (43) hours without paying overtime. He stated that a policy must be developed by the agency how to apply this. He asked how many officers there are at GPD and Major Leon Guerrero answered about three hundred (300). Chairman Palacios stated that he believes the budget for GPD is for a forty-three (43) hour workweek and asked what the practice was prior to the Supreme Court ruling. Major Leon Guerrero stated that Sergeants and below were getting paid for forty-three (43) hours per week, but non-exempt employees, Lieutenants and above, were getting paid for forty (40) hours per week. Chairman Palacios asked whether the budget was for forty-three (43) hours per authorized employee and Major Leon Guerrero said yes. Chairman Palacios stated that perhaps there should be a provision that an agency shall adopt a policy.

Captain Cris Castro stated that it should be fair and consistent and probably would mirror what was in place prior to the recent Supreme Court ruling. Chairman Palacios said that this is an assignment issue and that the FLSA is very general and does not set these standards.

Senator Telo Taitague asked about how much is owed to officers. Captain Bordallo stated that there have not been any calculations yet. Captain Charfauros said that there are also officers who have retired or resigned who also are entitled to overtime pay. Chairman Palacios stated that he sent a letter to his oversight agencies requesting for estimates of an impact because it will be tremendous. Captain Charfauros stated that the lower court shall make a determination about how far back the overtime pay must be repaid. There is no final ruling yet. Senator Taitague stated that she believes it should go back to the beginning. Captain Charfauros stated that it may be three (3) years, and officers that have retired or resigned must also be included. Chairman Palacios stated that that is an agreement, not the judgment of the court. Senator Taitague asked about the budget request and Captain Charfauros stated that the Guam Police Department submitted a request for about Twenty-Nine Million Dollars (\$29,000,000) and was approved for Twenty-Two Million Dollars (\$22,000,000).

Chairman Palacios declared that Bill No. 467-30(COR) is duly heard. Chairman Palacios concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 12:03 p.m.

III. WRITTEN TESTIMONIES

Major David C. Flores at the Customs and Quarantine Agency wrote that he opposes Bill 467. He feels that the bill is reactive to the recent Supreme Court decision and that it does not address the most important issue for public safety personnel, which is a personnel shortage. (See attached written testimony)

Major Ricardo M. Leon Guerrero wrote that he believes that Bill 467 will allow the Guam Police Department to extend the threshold of overtime to after forty-three (43) hours for police officers. He further stated that the FLSA provides guidance regarding exempt and non-exempt employees. The Department supports the legislation. (See attached written testimony)

No written testimony was received within the ten (10) day period after the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Labor, Public Structure, Libraries and Technology hereby reports out **Bill No. 467-30 (COR) as introduced**, with the recommendation **TO PASS**.

MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

2010 SEP 28 AM 9:01

Bill No. 467-30(COR)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT TO AMEND SUBSECTION (a) OF §3107 OF
CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED,
RELATIVE TO COMPENSATION FOR PUBLIC SAFETY
PERSONNEL WHO PERFORM WORK IN SHIFTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 maximum hours in a workweek of forty (40) hours, established in §3107, Chapter 3, Title
4 22, Guam Code Annotated, may not be an appropriate standard for certain employees in
5 government where such employees work in shifts of eight (8) hours in a twenty-four (24)
6 hour work day. Executive Order 96-08 established the maximum workweek at forty-three
7 (43) hours per week for public safety personnel. The recent Guam Supreme Court decision
8 that Section 3107, Chapter 3, Title 22 applies to public safety personnel, notwithstanding
9 the provisions of the Fair Labor Standards Act resulted in an immediate and abrupt
10 curtailment of some police services. The Court ruled that Section 3107, Chapter 3, Title 22
11 GCA, is applicable to most public safety personnel, although the Federal Fair Labor
12 Standards Act provides that the local government may exempt public safety personnel.
13 However, the Fair Labor Standards Act provision has to be adopted by local legislation.
14 Section 3107 creates a more restrictive standard compensation, and it has never been
15 amended to be consistent with the Fair Labor Standards Act provision. Executive Order
16 96-08 cannot supersede the provisions of Section 3107.

1 *I Liheslaturan Guåhan* further finds that as a result of the Guam Supreme Court
2 ruling, the Guam Police Department immediately reverted to the forty (40) hour
3 workweek, which resulted in an abrupt reduction of police service hours that may be
4 available to the community. The reduction in the weekly service hours is calculated at nine
5 hundred (900) hours. This is based on three (3) hours a week for three hundred (300)
6 uniformed officers who are affected by the ruling. This is equivalent to putting out of
7 service twenty-two (22) full time officers a week. The reduction of hours means that fewer
8 officers are protecting the people of Guam at any given time. Even before the court ruling,
9 the Guam Police Department was already understaffed of uniformed officers.

10 *I Liheslaturan Guåhan* therefore finds that the Guam Supreme Court decision has an
11 immediate adverse impact on the public safety of the people of Guam and the quality of
12 life for sworn officers of the Guam Police Department and their families. The Fair Labor
13 Standards Act permits for a different workweek standard for public safety personnel that is
14 more suited for public safety services.

15 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §3107 of Chapter 3, Title
16 22, Guam Code Annotated relative to exempting public safety personnel, as defined in
17 Section 207(k) of the Fair Labor Standards Act, Chapter 8 of Title 29 of the United States
18 Code from the application of the provisions of Section 3107, Chapter 3, Title 22 GCA. This
19 will allow the Guam Police Department and other appropriate public safety agencies and
20 personnel that may be covered under the Fair Labor Standards Act to continue to deploy
21 these personnel as they have been doing for many years, preceding the Guam Supreme
22 Court ruling.

23 **Section 2. Maximum Hours; Split Shifts.** Subsection (a) of §3107 of Chapter 3, Title
24 22, Guam Code Annotated is amended as follows:

25 “(a) No employer shall employ any employee in excess of forty (40) hours a week,
26 unless such employee receives compensation for employment in excess of such weekly

1 hours, at a rate not less than one and one-half (1-1/2) times the regular rate at which he is
2 employed, except that the provisions of this subsection shall not apply to employees
3 covered under Section 207(k) of the Fair Labor Standards Act, Chapter 8 of Title 29 of the
4 United States Code."

5 **Section 3. Effective Date.** The provisions of this act shall be effective upon enactment.



COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES & TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR., CHAIRMAN

FRIDAY, OCTOBER 22, 2010

Bill No. 467-30 (COR)

An act to amend Subsection (a) of §3107 of Chapter 3 of Title 22, Guam Code Annotated, relative to compensation for **Public Safety Personnel who perform work shifts.**

by Senator A. B. Palacios, Sr.

NAME	AGENCY/DEPT./SELF	Support? ✓	Oppose? ✓	Written Testimony ✓	Oral Testimony ✓	Contact Number
✓ MARK CHARFAUROS	GPD	✓			✓	473-8003
✓ JOHN AGUION	GPD	✓			✓	777-4572
✓ RICARDO M. LEON GUERRERO	GPD				✓	475-8508
✓ RAYMON A. CHARFAUROS	GPD	✓			✓	777-3227
✓ FRED BONDIE	GPD	✓			✓	477-8000
✓ Daniel Somers-Roch	Self		✓		✓	477-8020



COMMITTEE ON RULES

I Mina'Trenta na Libeslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
SPEAKER**

**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

**Certification of
Waiver of
Fiscal Note Requirement**

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 467-30 (COR) – “AN ACT TO AMEND SUBSECTION (A) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS”** – on October 6, 2010. COR hereby certifies that BBMR confirmed receipt of this request on October 6, 2010.

COR further certifies that a response to this request was not received by 5:00 P.M. on October 26, 2010, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 467 to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

Date

MESSAGE CONFIRMATION

OCT-06-2010 09:24 AM WED

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 7
START TIME : OCT-06-2010 09:23AM WED
ELAPSED TIME : 00' 46"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

SENATOR
RORY J.
RESPICIO
CHAIRPERSON

October 6, 2010

SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON

VIA FACSIMILE
(671) 472-2825

MAJORITY
MEMBERS:

Judith T. Won Pat
SPEAKER

Ms. Bertha Duenas
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

Benjamin J. F. Cruz
VICE SPEAKER

RE: Request for Fiscal Notes - Bills No. 464-30 (COR) & 469-30 (COR)

Tina Rose Mufia Barnes
LEGISLATIVE SECRETARY

Hafa Adai Ms. Duenas:

Thomas C. Ada
SENATOR

Transmitted herewith is a listing of *I Mina' Trenta na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal note for the referenced bill.

Frank B. Aguon, Jr.
SENATOR

Si Yu'os ma'dse' for your attention to this matter.

Adolpho B. Palacios, Sr.
SENATOR

Very Truly Yours,

Vicente C. Pangelinan
SENATOR

Rory J. Respicio

MINORITY
MEMBERS:

Frank P. Blas, Jr.
SENATOR

James V. Espaldon
SENATOR

Attachments

*Rec'd 10/6/10
by Florence*

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

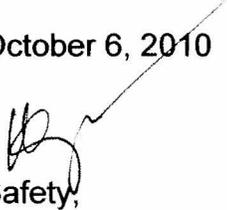
September 28, 2010

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B467-30 (COR)	A. B. Palacios, Sr.	AN ACT TO AMEND SUBSECTION (a) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS.	9/28/10 9:01 a.m.						

David C. Flores
P.O. Box 5613
Hagatna, Guam 96932-5613

October 6, 2010

Senator Adolpho B. Palacios, Sr. 
Chairman, Committee on Public Safety,
Law Enforcement and Senior Citizens
30th Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Subject: Bill 467
RE: Testimony of David C. Flores

Against the Passage of Bill 467 – An Act to amend subsection (a) of §3107 of Chapter 3 of Title 22, Guam Code Annotated (GCA), relative to compensation for Public Safety Personnel who Perform Work in Shifts.

Buenas Senator Palacios,

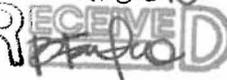
Hafa Adai! I am David C. Flores, a law enforcement professional employed with the Customs and Quarantine Agency (CQA). I have been with the CQA for about twenty (22) years. I have received assignments in all Divisions of the CQA. I have had the opportunity to review Bill 467, where today I am in opposition to its passage. In my general observation, and with all due respect, in my opinion this bill appears to be a reactive response to the Supreme Court of Guam decision in Case No. 2010 Guam 11, Derek M. Guerrero, etal. vs. Dennis J. Santo Tomas, Director of the Customs and Quarantine Agency (CQA), etal. Furthermore, I am of the opinion that Bill 467 does not address the real issue which is personnel shortages.

Should you have any questions, comments or would wish to see me regarding my testimony, please do not hesitate to contact me.

Sincerely,


David C. Flores

Attachment: Testimony of David C. Flores, dated October 6, 2010

Oct. 06, 2010
RECEIVED


**Testimony of David C. Flores
Before the Committee on Public Safety,
Law Enforcement and Senior Citizen
30th Guam Legislature
October 6, 2010**

Against the Passage of Bill 467 – An Act to amend subsection (a) of §3107 of Chapter 3 of Title 22, Guam Code Annotated (GCA), relative to compensation for Public Safety Personnel who Perform Work in Shifts.

Background:

As background, a group of fifteen (15) professionals filed a civil action to take on the issue of when one receives overtime, notwithstanding local law that protects employees of the Government of Guam where the established standard workweek is forty (40) hours. This action stem from the resulting implementation of E.O. 96-08 causing shift work employees to receive compensation at regular time up to forty-three (43) hours and time-and-half the hourly rate thereafter. E.O. 96-08 violated existing local law in the compensation of Government of Guam law enforcement employees. Now Bill 467 effectively seeks to return to the essence of E.O. 96-08 notwithstanding the recent Supreme Court of Guam decision in Guerrero.

Applicability of the Federal Fair Labor Standards Act and Other Factors:

One root cause in following the Federal Fair Labor Standards Act (FLSA) is that Bill 467 is not all-inclusive to the background of this federal law or other laws with other similar jurisdictions. For example federal law enforcement receive other forms of compensation in addition to base salary i.e. Cost of Living Allowance (COLA), Pre-Authorized Paid Hours Set for Overtime, Locality Pay, etc. that law enforcement officers of the Government of Guam do not receive. By the nature of the work performed in the federal government, an employee can expect to work overtime, whether if there is a need for overtime or not. This federal policy referred to is Administratively Uncontrollable Overtime (AUO). These federal employees receive these payments at the end of each pay period without disruption or delay.

To expand this point, in the mainland U.S.A., state and local law enforcement similarly receive compensation as with federal employees but on a different scale. U.S.A. mainland state and local law enforcement employees receive much more than Government of Guam equivalents based on the recent study by the Hay Group. I defer to this study and findings. As proof in addition to the substandard compensation, the Hay Group also pointed out that law enforcement

employees fall under its own category compared to teachers, nurses and other critical skill positions. Therefore, Bill 467 does not address these other benefits as with the equivalent federal, state and local law enforcement professionals but only seeks to make Guam law enforcement overtime the focus of this policy.

Disruption of Government of Guam Services:

If indeed, the additional three (3) hours performed collectively equate to a number of full-time-equivalent (FTEs), then why are these respective agencies not hiring to fill the shortages in services? Funding does not seem to be the issue as it appears that employees are receiving compensation for the additional three (3) hours of work. Bill 467 recognizes the collective loss of these hours but stops short of filling FTEs! Moreover, when the need of overtime becomes a factor, proper staffing usually is the cause and thus falls outside of whether there is truly a need for Bill 467.

Lack of Competitive Pay System:

The recent Hay Group and study conducted in conjunction with the Department of Administration (DOA) show that generally employees of the Government of Guam fall below the average salary in the respective grades and positions. The last pay study was in 1991. After 1991, the freezing of pay increments occurred thus affecting all Government of Guam employees. In response, the passage of P.L. 29-105 became apparent, as it relates to law enforcement professionals employed in the Government of Guam confirming this fact that law enforcement have gone under paid.

Today P.L. 29-105 is in jeopardy as DOA who is a party in the Supreme Court of Guam decision is set on deferring the next increment that should have gone into effect on October 1, 2010. The reason DOA plans to do this is in its recent DOA Circular No. 2010-026, which is to phase in the Hay Study and not follow current statute under P.L. 29-105. Thus, law enforcement compensation continues to be at risk by different entities.

Conclusion:

Rather than pass Bill 467, deferring its process to allow the gathering of additional information on overtime is a suggestion. The oversight chairpersons of the respective committees under the 30th Guam Legislature should conduct additional hearings or meetings with the agencies each have oversight over in order to determine the real issue which is shortage in staffing levels. From the Supreme Court of Guam decision in Guerrero, both the legislature and the executive office should form a task force to look into issues affecting personnel

not just overtime but all other issues affecting operations. Adopting the FLSA by passing Bill 467 sets aside the real issue which is in personnel shortages.

In Guerrero, E.O. 96-08 was perhaps a temporary solution for that time back in March 21, 1996. However, E.O. 96-08 need to sunset and phase out rather to continue to be the standard. Bill 467 tends to bring back a 1996 policy, when all stakeholders need to find real solutions that support the needs in operations.

References:

1. http://findarticles.com/p/articles/mi_m2194/is_6_73/ai_n7068953/
2. E.O. 96-08 Relative to Compensatory Time Off for Law Enforcement
3. 2010 Guam 11 Derek M. Guerrero, etal. vs. Dennis J. Santo Tomas, etal.
4. Hay Group Study, Government of Guam, Classification, Job Evaluation and Compensation Project The Path to Adoption and Implementation, August 2010
5. <http://www.hr.doa.guam.gov/Portals/113/CLASSIFICATION%20&%20PAY/Study/Hay%20Report%20Path%20to%20Implementation-Aug%202010.pdf>
6. <http://www.opm.gov/oca/compmemo/html/Cpm97-5A.htm>
7. <http://www.hr.doa.guam.gov/Portals/113/CLASSIFICATION%20&%20PAY/Study/DOA%20CIR%202010-026%20091610.PDF>



COMMITTEE ON RULES

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SENATOR**

**James V. Espaldon
SENATOR**

September 28, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill No. 467-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 467-30(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2010 SEP 28 PM 2:15
MWA

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet
September 28, 2010
Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B467-30 (COR)	Adolpho B. Palacios, Sr.	AN ACT TO AMEND SUBSECTION (a) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS.	9/28/10 9:01 a.m.	9/28/10		Committee on Labor, the Public Structure, Public Libraries and Technology			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

October 15, 2010

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

JOINT PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens and the Committee on Labor, the Public Structure, Public Libraries & Technology have scheduled a joint public hearing starting at **9:00 am, Friday, October 22, 2010**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 463-30 (COR) – AN ACT TO REPEAL AND REENACT §34152 CHAPTER 34 OF TITLE 5 GUAM CODE ANNOTATED RELATIVE TO DISBURSING CHILD SUPPORT PAYMENTS BY ELECTRONIC MEANS.** – by Senator A. B. Palacios.
- **Bill No. 464-30 (COR) – AN ACT TO AMEND §6205.2 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO RECRUIT AND COMPESATE ABOVE STEP 10 PROFESSIONAL PERSONNEL FOR THE POSITION OF CHIEF ENGINEER.** – by Senator T. C. Ada.
- **Bill No. 465-30 (COR) – AN ACT TO FACILITATE EARLY VOTING FOR GUAM'S ELECTORATE BY ESTABLISHING REGIONAL VOTING SITES OR EXPANDING EXISTING EARLY VOTING ACCOMMODATIONS, BY REQUIRING THE GOVERNOR TO IMMEDIATELY AUTHORIZE AND RELEASE UP TO NINETY DAYS OF THE FY-2011 BUDGET APPROPRIATION FOR THE GUAM ELECTION COMMISSION SPECIFICALLY FOR THIS PURPOSE; AND TO PROVIDE FOR REGIONAL EARLY VOTING SITES IN FUTURE ELECTIONS.** – by Senator F. B. Aguon, Jr.
- **Bill No. 445-30 (LS) – AN ACT TO ADD A NEW §4120 TO CHAPTER 4 OF 5GCA RELATIVE TO REQUIRING GOVERNMENT AGENCIES TO POST THEIR BUDGETS ON THEIR WEBSITES.**
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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for Oct. 22nd

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Oct 15, 2010 at 8:35 AM

To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <senecalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, senatortonyada@guamlegislature.org, Senator Ray Tenorio <ray@raytenorio.com>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, nsantos@senatorada.org, jamespcastro@gmail.com, louise_atalig@yahoo.com, cipo@guamlegislature.org, mark@judiwonpat.com, mona.duenas@gmail.com, jessica@raytenorio.com, teddytaz_222@yahoo.com, mike.lidia9@gmail.com, Stephanie Mendiola <sem@guamlegislature.org>, sgtarms@guamlegislature.org, yong@guamlegislature.org

October 15, 2010

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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- **Bill No. 466-30 (COR) – AN ACT TO AMEND §77109, CHAPTER 77, TITLE 10, GUAM**

CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS FOR THE APPOINTMENT OF THE CHIEF OF POLICE.

■ **Bill No. 467-30 (COR) – AN ACT TO AMEND SUBSECTION (a) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS.**

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BROADCAST REPORT

TIME : 10/15/2010 09:10
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

02

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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10/15	08:49	4770793	41	02	OK	ECM
10/15	08:50	4772240	01:54	02	OK	ECM
10/15	08:53	4773982	46	02	OK	ECM
10/15	08:54	4727663	41	02	OK	ECM
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10/15	08:58	4774678	02:20	02	OK	ECM
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 NG : POOR LINE CONDITION
 CV : COVERPAGE
 PC : PC-FAX



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: October 15, 2010

TO:

Pacific Daily News	477-3079 (Attention: Government Meetings)
Marianas Variety	648-2007 (Attention: Community Page)
Guam News Watch	478-6402
KUAM/Isla 630	637-9865/9870
Pacific News Center	477-0793
Marianas Media	477-2240
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883
Joy 92 FM	477-4678
Adventist Radio	565-2983
KPRG	734-2958

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *First Notice of Public Hearing scheduled for Oct. 22, 2010*

PAGES: 2 (including this sheet)

PLEASE SEE ATTACHMENT. THANK YOU.



Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for Oct. 22nd

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Oct 15, 2010 at 8:31 AM

To: mindy@kuam.com, jason@kuam.com, sabrina@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, kstone@ite.net, news@spbgum.com, tina@marianasmedia.com, clynt@spbgum.com

October 15, 2010

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Thirtieth
Guam Legislature

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

Other Committee
Chairmanship/Membership:

- Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Member, Committee on Rules
- Member, Committee on Education

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

October 22, 2010
15

MEMORANDUM

TO: All Senators

FROM: Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens and Committee on Labor, the Public Structure, Public Libraries & Technology

SUBJECT: *First Notice of Public Hearing scheduled for Friday, October 22, 2010.*

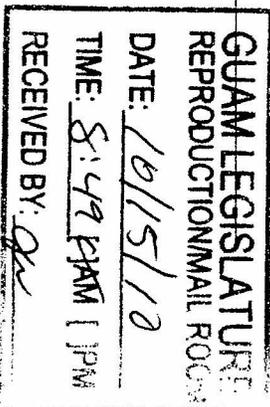
JOINT PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens and the Committee on Labor, the Public Structure, Public Libraries & Technology have scheduled a joint public hearing starting at 9:00 am, Friday, October 22, 2010, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 463-30 (COR) – AN ACT TO REPEAL AND REENACT §34152 CHAPTER 34 OF TITLE 5 GUAM CODE ANNOTATED RELATIVE TO DISBURSING CHILD SUPPORT PAYMENTS BY ELECTRONIC MEANS. – by Senator A. B. Palacios.**
- **Bill No. 464-30 (COR) – AN ACT TO AMEND §6205.2 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO RECRUIT AND COMPESATE ABOVE STEP 10 PROFESSIONAL PERSONNEL FOR THE POSITION OF CHIEF ENGINEER. – by Senator T. C. Ada.**
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Office/Mailing Address: 155 Hesler Pl., Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com





Adolpho Palacios <senabpalacios@gmail.com>

2nd Notice of Public Hearing

1 message

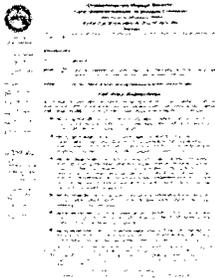
Adolpho Palacios <senabpalacios@gmail.com>

Tue, Oct 19, 2010 at 10:34 AM

To: speaker@judiwonpat.com, office@senatorada.org, senatortonyada@guamlegislature.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <senalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, sgtarms@guamlegislature.org, yong@guamlegislature.org, darryl@guamlegislature.org

Second Notice of Public Hearing scheduled for Friday, October 22, 2010, starting at 9:00 am. Please see attachment.

Thank You.



MemoAllSenators10192010.jpg
1254K



Adolpho Palacios <senabpalacios@gmail.com>

2nd Notice of Public Hearing scheduled for Oct. 22nd

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Oct 19, 2010 at 10:38 AM

To: mindy@kuam.com, sabrina@kuam.com, jason@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, kstonews@ite.net, news@spbguam.com, tina@marianasmedia.com, clynt@spbguam.com, jeff@marianasmedia.com

October 19, 2010

(Pursuant to §8107, Title 5 GCA – 24 hours prior to hearing date)

JOINT PUBLIC HEARING NOTICE

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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan*'s website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

BROADCAST REPORT

TIME : 10/19/2010 10:19
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

02

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
10/19	09:57	4773079	43	02	OK	ECM
10/19	09:58	6482007	42	02	OK	ECM
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10/19	10:00	6379865	42	02	OK	ECM
10/19	10:02	4770793	42	02	OK	ECM
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BUSY : BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
 CV : COVERPAGE
 PC : PC-FAX



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: October 19, 2010

TO:

Pacific Daily News	477-3079 (Attention: Government Meetings)
Marianas Variety	648-2007 (Attention: Community Page)
Guam News Watch	478-6402
KUAM/Isla 630	637-9865/9870
Pacific News Center	477-0793
Marianas Media	477-2240
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883
Joy 92 FM	477-4678
Adventist Radio	565-2983
KPRG	734-2958

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *SECOND Notice of Public Hearing scheduled for Oct. 22, 2010*

PAGES: 2 (including this sheet)

PLEASE SEE ATTACHMENT. THANK YOU.



Thirtieth
Guam Legislature

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Edward J.B. Caivo
Member

Senator James V. Espaldon
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**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

GUAM LEGISLATURE

REPRODUCTION/MAIL ROOM

DATE: 10/20/10

TIME: 8:55 [4AM] []PM

RECEIVED BY: [Signature]

October 19, 2010

MEMORANDUM

TO: *[Signature]* All Senators

FROM: *[Signature]* Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens and Committee on Labor, the Public Structure, Public Libraries & Technology

SUBJECT: **SECOND Notice of Public Hearing scheduled for Friday, October 22, 2010.**

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Office/Mailing Address: 155 Hesler Pl., Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

TRANSMISSION VERIFICATION REPORT

TIME : 10/19/2010 12:14
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER. # : G9N282826

DATE, TIME 10/19 12:13
FAX NO./NAME 4786402
DURATION 00:00:30
PAGE(S) 01
RESULT OK
MODE STANDARD
ECM



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS**

**SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN**

I Mina'Trenta na Liheslaturan Guåhan

October 19, 2010

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COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

Thirtieth
Guam Legislature

October 7, 2010

Committee on Labor, the Public
Structure, Public Libraries
& Technology
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Frank B. Aguon, Jr.
Vice Chairman

Senator Judith P. Guthertz, DPA
Member

Senator Tina R. Muña-Barnes
Member

Senator vicente c. pangolinan
Member

Senator Rory J. Respicio
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Senator Telo Taitaugo
Member

Speaker Judith T. Won Pat,
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Public Works, & Veterans
Affairs

Member, Committee on
Rules

Member, Committee on
Education

Senator Frank B. Aguon, Jr.
I Mina'Trenta na Liheslaturan Guåhan
Ste. 701A, DNA Bldg.
238 Archbishop Flores St.
Hagåtña, Guam 96910

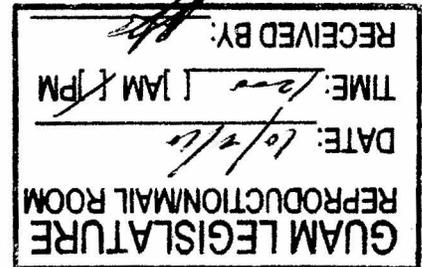
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This letter is to invite your constituents to provide written and/or oral testimony on Bill No. 465-30 (COR). Thank you for your kind attention.

Sincerely,


ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
30th Guam Legislature





**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

**Thirtieth
Guam Legislature**

October 7, 2010

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& Technology
Members:**

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Chairman**

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Member**

**Senator Telo Taitaue
Member**

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**Member, Committee on
Rules**

**Member, Committee on
Education**

Senator Thomas C. Ada
I Mina'Trenta na Liheslaturan Guåhan
Suite 207, Ada Plaza Ctr.
173 Aspinall Ave.
Hagåtña, Guam 96910

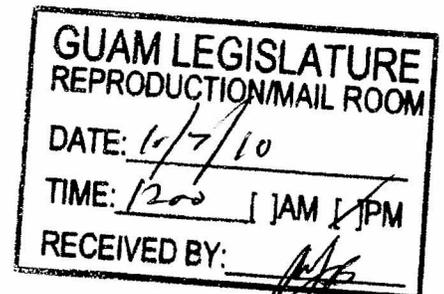
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ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
30th Guam Legislature



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**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
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I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

**Thirtieth
Guam Legislature**

October 7, 2010

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Structure, Public Libraries
& Technology
Members:**

Senator Telo Taitague
I Mina'Trenta na Liheslaturan Guåhan
Ste. 501, DNA Bldg.
238 Archbishop Flores St.
Hagåtña, Guam 96910

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Chairmanship/Membership:**

- Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens
- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Member, Committee on Rules
- Member, Committee on Education

GUAM LEGISLATURE REPRODUCTION/MAIL ROOM
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Office/Mailing Address: 155 Hesler Pl., Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

TRANSMISSION VERIFICATION REPORT

TIME : 10/07/2010 11:33
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER.# : G9N282826

DATE, TIME : 10/07 11:33
FAX NO./NAME : 9691497
DURATION : 00:00:27
PAGE(S) : 01
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Thirtieth
Guam Legislature

Committee on Labor, the Public
Structure, Public Libraries
& Technology
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Frank B. Aguon, Jr.
Vice Chairman

Senator Judith P. Guthertz, DPA
Member

Senator Tina R. Muelo-Sernas
Member

Senator Vicente C. Pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitauga
Member

Speaker Judith T. Won Pat,
Ed.D., *Ex-Officio* Member

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

October 7, 2010

Senator Frank B. Aguon, Jr.
I Mina'Trenta na Liheslaturan Guåhan
Ste. 701A, DNA Bldg.
238 Archbishop Flores St.
Hagåtña, Guam 96910

Dear Senator Aguon:

Bill No. 465-30 (COR) "AN ACT TO FACILITATE EARLY VOTING FOR GUAM'S ELECTORATE BY ESTABLISHING REGIONAL VOTING SITES OR EXPANDING EXISTING EARLY VOTING ACCOMMODATIONS, BY REQUIRING THE GOVERNOR TO IMMEDIATELY AUTHORIZE AND RELEASE UP TO NINETY DAYS OF THE FY 2011 BUDGET APPROPRIATION FOR THE GUAM ELECTION COMMISSION SPECIFICALLY FOR THIS PURPOSE; AND TO PROVIDE FOR REGIONAL EARLY VOTING SITES IN FUTURE ELECTIONS," was referred to the Committee on Labor, the Public Structure, Public Libraries and Technology on September 27, 2010. This Committee has scheduled a public hearing on **Friday, October 22, 2010 starting at 9:00 am**, and among the items on the agenda is Bill No. 465-30 (COR).

This letter is to invite your constituents to provide written and/or oral testimony

Other Committee

Chairmanship/Membership:

- Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens
- Vice Chairman, Committee on Economic Development

TRANSMISSION VERIFICATION REPORT

TIME : 10/07/2010 11:32
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER.# : G9N282826

DATE, TIME 10/07 11:31
FAX NO./NAME 4733303
DURATION 00:00:25
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Thirtieth
Guam Legislature

**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

Committee on Labor, the Public
Structures, Public Libraries
& Technology
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Frank B. Agon, Jr.
Vice Chairman

Senator Judith P. Guthertz, DPA
Member

Senator Tina R. Mello-Barnes
Member

Senator vicente c. pangalanan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitouga
Member

Speaker Judith T. Woa Pat,
Ed.D., *Ex-Officio* Member

Other Committee
Chairmanship/Membership:

- Chairman, Committee on
Public Safety, Law
Enforcement & Senior
Citizens
- Vice Chairman, Committee
on Economic Development,

October 7, 2010

Senator Thomas C. Ada
I Mina'Trenta na Liheslaturan Guåhan
Suite 207, Ada Plaza Ctr.
173 Aspinall Ave.
Hagåtña, Guam 96910

Dear Senator Ada:

Bill No. 464-30 (COR) "AN ACT TO AMEND §6205.2 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO RECRUIT AND COMPENSATE ABOVE STEP 10 PROFESSIONAL PERSONNEL FOR THE POSITION OF CHIEF ENGINEER," was referred to the Committee on Labor, the Public Structure, Public Libraries and Technology on September 27, 2010. This Committee has scheduled a public hearing on **Friday, October 22, 2010 starting at 9:00 am**, and among the items on the agenda is Bill No. 464-30 (COR).

This letter is to invite your constituents to provide written and/or oral testimony on Bill No. 464-30 (COR). Thank you for your kind attention.

Sincerely,

TRANSMISSION VERIFICATION REPORT

TIME : 10/07/2010 11:30
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER.# : G9N282826

DATE, TIME 10/07 11:29
FAX NO./NAME 9698357
DURATION 00:00:37
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**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman



**Thirtieth
Guam Legislature**

**Committee on Labor, the Public
Structure, Public Libraries
& Technology
Members:**

**Senator Adolpho B. Palacios, Sr.
Chairman**

**Senator Frank B. Aguan, Jr.
Vice Chairman**

**Senator Judith P. Gutbartz, DPA
Member**

**Senator Tina R. Medina-Burnes
Member**

**Senator Vicente C. Pangolin
Member**

**Senator Rory J. Respicio
Member**

**Senator Telo Taitague
Member**

**Speaker Judith T. Won Pat,
Ed.D., Ex-Officio Member**

**Other Committees
Chairmanship/Membership:**

• **Chairman, Committee on
Public Safety, Law
Enforcement & Senior
Citizens**

• **Vice Chairman, Committee**

October 7, 2010

Senator Telo Taitague
I Mina'Trenta na Liheslaturan Guåhan
Ste. 501, DNA Bldg.
238 Archbishop Flores St.
Hagåtña, Guam 96910

Dear Senator Taitague:

Bill No. 445-30 (LS) "AN ACT TO ADD A NEW §4120 TO CHAPTER 4 OF 5GCA RELATIVE TO REQUIRING GOVERNMENT AGENCIES TO POST THEIR BUDGETS ON THEIR WEBSITES," was referred to the Committee on Labor, the Public Structure, Public Libraries and Technology on August 10, 2010. This Committee has scheduled a public hearing on **Friday, October 22, 2010 starting at 9:00 am**, and among the items on the agenda is Bill No. 445-30 (LS).

This letter is to invite your constituents to provide written and/or oral testimony on Bill No. 445-30 (LS). Thank you for your kind attention.

Sincerely,



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

JOINT PUBLIC HEARING

Friday, October 22, 2010 – 9:00 am
Public Hearing Room, *I Liheslaturan Guåhan*

AGENDA

- **Bill No. 463-30 (COR)** – AN ACT TO REPEAL AND REENACT §34152 CHAPTER 34 OF TITLE 5 GUAM CODE ANNOTATED RELATIVE TO DISBURSING CHILD SUPPORT PAYMENTS BY ELECTRONIC MEANS. – by **Senator A. B. Palacios**.
- **Bill No. 464-30 (COR)** – AN ACT TO AMEND §6205.2 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO RECRUIT AND COMPENSATE ABOVE STEP 10 PROFESSIONAL PERSONNEL FOR THE POSITION OF CHIEF ENGINEER. – by **Senator T. C. Ada**.
- **Bill No. 465-30 (COR)** – AN ACT TO FACILITATE EARLY VOTING FOR GUAM'S ELECTORATE BY ESTABLISHING REGIONAL VOTING SITES OR EXPANDING EXISTING EARLY VOTING ACCOMMODATIONS, BY REQUIRING THE GOVERNOR TO IMMEDIATELY AUTHORIZE AND RELEASE UP TO NINETY DAYS OF THE FY-2011 BUDGET APPROPRIATION FOR THE GUAM ELECTION COMMISSION SPECIFICALLY FOR THIS PURPOSE; AND TO PROVIDE FOR REGIONAL EARLY VOTING SITES IN FUTURE ELECTIONS. – by **Senator F. B. Aguon, Jr.**
- **Bill No. 445-30 (LS)** – AN ACT TO ADD A NEW §4120 TO CHAPTER 4 OF 5GCA RELATIVE TO REQUIRING GOVERNMENT AGENCIES TO POST THEIR BUDGETS ON THEIR WEBSITES. – by **Senator Telo Taitague**.
- **Bill No. 466-30 (COR)** – AN ACT TO AMEND §77109, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS FOR THE APPOINTMENT OF THE CHIEF OF POLICE. – by **Senator A. B. Palacios, Sr.**
- **Bill No. 467-30 (COR)** – AN ACT TO AMEND SUBSECTION (a) OF §3107 OF CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO COMPENSATION FOR PUBLIC SAFETY PERSONNEL WHO PERFORM WORK IN SHIFTS. – by **Senator A. B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com